

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 23-565, Nonprofit Fair Compensation Act of 2020
- D.C. Council enacts Act 23-569, Uniform Fiduciary Access to Digital Assets Act of 2020
- D.C. Council enacts Act 23-590, Fiscal Year 2021 Budget Support Clarification Amendment Act of 2020
- D.C. Commission on the Arts and Humanities announces availability of the FY 2022 General Operating Support Grants
- Department of Behavioral Health announces availability of the District of Columbia Opioid Response (DCOR) Grant Opportunities
- Department of Energy and Environment announces funding availability for the 2021 DOEE Urban Agriculture Infrastructure Grant, Energy Efficiency Enterprises Program, and the RiverSmart Schools Small-Scale Schoolyard Conservation and Teacher Training Program
- D.C. Public Schools amends its regulations to allow the Chancellor to appoint school principals to two-year terms
- D.C. Public Schools implements guidelines for student curricular-related travel and extra-curricular achievement expenditures

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-564

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend the District of Columbia Procurement Practices Act of 1985 to expand false claim liability to certain false claims made pursuant to those portions of Title 47 of the District of Columbia Code that refer or relate to taxation, and to amend Title 47 of the District of Columbia Official Code to increase the reward for informants who report tax fraud.

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

Sec. 2. Part C of Title VIII of the District of Columbia Procurement Practices Act of 1985, effective May 8, 1998 (D.C. Law 12-104, D.C. Official Code § 2-381.01 *et seq.*), is amended as follows:

(a) Section 814(d) (D.C. Official Code § 2-381.02(d)) is amended by striking the phrase “taxation” and inserting the phrase “taxation, unless the District taxable income, District sales, or District revenue of the person against whom the action is being brought equals or exceeds \$1 million for any taxable year subject to any action brought pursuant to this part, and the damages pleaded in the action totals \$350,000 or more” in its place.

(b) Section 815 (D.C. Official Code § 2-381.03) is amended as follows:

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

“(a-1) When a qui tam plaintiff brings an action pursuant to subsection (b) of this section and the matter relates to taxation, the Attorney General for the District of Columbia shall consult with the Chief Financial Officer of the District of Columbia about the complaint.”.

(2) Subsection (c) is amended by adding a new paragraph (3) to read as follows:

“(3) No person may bring an action pursuant to subsection (b) of this section that is based upon allegations or transactions that relate to taxation and are the subject of an existing investigation, audit, examination, ruling, agreement, or administrative or enforcement activity by the Chief Financial Officer of the District of Columbia.”.

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

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“(h) In any proceeding under this part, the District’s Chief Financial Officer shall not be required to produce tax information, or other information from which tax information can be inferred, if the production thereof would be a violation of federal law.”.

Sec. 3. Subsection 47-4111(b) of the District of Columbia Official Code is amended by striking the figure “10%” and inserting the figure “30%” in its place.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This act shall take effect following approval of 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 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-565

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To require that grants and contracts between the District and nonprofit organizations compensate the nonprofit organizations for indirect costs at the same rate each organization has negotiated to receive for a current federal contract or grant, if applicable, and to create a mechanism to determine an indirect cost rate for a nonprofit organization that does not have a negotiated federal rate.

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

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) “Certified Public Accountant” means a person licensed in the District as a Certified Public Accountant in the District pursuant to 17 DCMR § 2500, *et seq.*, or any successor regulations.
- (2) “Indirect costs” shall have the same meaning as provided in 2 C.F.R. § 200.56, or any successor regulations.
- (3) “NICRA” means a Negotiated Indirect Cost Rate Agreement that reflects an indirect cost rate negotiated between the federal government and a grant or contract awardee, which is used to calculate an awardee’s compensation by federal agencies for indirect costs.
- (4) “Nonprofit organization” means an organization that is tax exempt under 26 U.S. Code § 501(c)(3), (4), or (6).
- (5) “OMB Uniform Guidance” means the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards and any related guidance published by the Office of Management and Budget, located at 2 C.F.R. § 200 *et seq.*, or any successor regulations.

Sec. 3. Indirect cost compensation.

(a) Unless otherwise provided for by law, nonprofit organizations shall be compensated for indirect costs incurred in provision of goods or performance of services within the terms of any grant or contract with the District pursuant to the nonprofit organization’s unexpired

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NICRA. If a nonprofit organization does not have an unexpired NICRA, the nonprofit organization may elect to be compensated for indirect costs:

- (1) As calculated using a de minimis rate of 10% of all direct costs under the grant or contract;
- (2) By negotiating a new percentage indirect cost rate with the awarding agency;
- (3) As calculated with the same percentage indirect cost rate as the nonprofit organization negotiated with any District agency within the past 2 years; however nonprofit organizations may request to renegotiate indirect cost rates pursuant to subsection (c) of this section; or
- (4) As calculated with a percentage rate and base amount, determined by a certified public accountant using the nonprofit organization's audited financial statements from the immediately preceding fiscal year, pursuant to the OMB Uniform Guidance, and certified in writing by the certified public accountant.

(b) If the funding for a grant or contract comes from a federal agency, indirect costs shall be compensated consistent with the requirements for pass-through entities in 2 C.F.R. § 200.331, or any successor regulations.

(c) Each contract and grant awarded by the District shall include an indirect cost compensation clause that obligates the contractor or grantee to pay indirect costs to any nonprofit organization subcontractor or subgrantee at the same rate as the nonprofit organization would receive as a contractor or grantee with the District.

(d) This section shall not apply to foundations, hospitals, colleges, or universities.

(e) 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.*) may issue rules to implement the provisions of this section.

Sec. 4. Applicability.

(a) Section (3)(a) of this act shall apply:

- (1) For grants and contracts valued at or below \$1 million beginning on the first day of the new fiscal year following the effective date of this legislation.
- (2) For grants and contracts valued at or below \$5 million, but greater than \$1 million, beginning on the first day of the new fiscal year following the applicability of paragraph (1) of this subsection.
- (3) For grants and contracts valued at or below \$ 10 million, but greater than \$5 million, beginning on the first day of the new fiscal year following the applicability of paragraph (2) of this subsection.
- (4) For grants and contracts valued at or below \$25 million, but greater than \$10 million beginning on the first day of the new fiscal year following the applicability of paragraph (3) of this subsection.
- (5) For grants and contract valued above \$25 million beginning on the first day of the new fiscal year following the applicability of paragraph (4) of this subsection.

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Sec. 5. Fiscal impact statement.

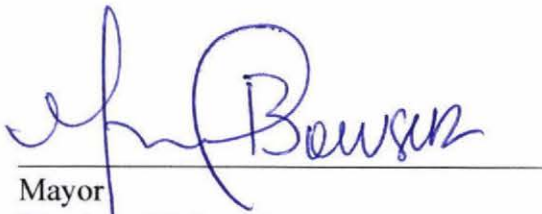
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council to override the veto), 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 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-566

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend the Underground Facilities Protection Act of 1980 to provide that violations of the act may be enforced as civil infractions, to establish the time period by which utility operators shall make certain notifications, to require exploration of information sharing for planning and design purposes, to establish certain zones for acceptable marking, excavation, and demolition, to amend a provision related to hand digging, to strengthen provisions related to the requirements of persons responsible for excavation when the person has reason to know that an underground facility is unmarked, to clarify emergency notification requirements, to authorize an advisory committee to advise the Mayor on the implementation of this act, and to authorize the Mayor to issue rules to implement the act.

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

Sec. 2. The Underground Facilities Protection Act of 1980, effective March 4, 1981 (D.C. Law 3-129; D.C. Official Code § 34-2701 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 34-2701) is amended to read as follows:

For the purposes of this act, the term:

“(1) “Demolition” or “demolish” means any operation by which a structure or mass of material is wrecked, razed, moved, or removed by means of any tool, equipment, or explosive.

“(2) “Excavate” or “excavation” means any operation in which earth, rock, or other material in or on the ground is moved, removed, or otherwise displaced by means of any tool, equipment, or explosive, including grading, trenching, digging, ditching, drilling, boring, augering, tunneling, scraping, cable or pipe plowing and driving, wrecking, razing, moving, using equipment, trenchless technology, or removing any structure or mass of material.

“(3) “One-call center” means the organization among the purposes of which it has is to notify one or more utility operators of planned excavation activities or demolition in a specified area.

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“(4) “Owner” in cases of water, sewage, or drainage, means the District of Columbia, including the District of Columbia Water and Sewer Authority.

“(5) “Person” means any individual, firm, joint venture, partnership, corporation, association, or any other legal entity, including any governmental body or authority or subdivision of a governmental body or authority, including any trustee, receiver, assignee, or personal representative thereof.

“(6) “Underground facility” means any item of personal property, including utility lines, pipes, sewers, conduits, cables, valves, lines, wires, manholes, switches, equipment, traffic signal and street light equipment, attachments, and those portions of poles located below the ground, which are buried, placed below ground, or submerged for use in connection with the storage or conveyance of any material or service listed in paragraph (8) of this section.

“(7) “Utility line” means any cable, pipeline, or other conduit installed underground by which a utility operator furnishes materials or services.

“(8) “Utility operator” means a person, including the District of Columbia Water and Sewer Authority, that supplies or transports any of the following materials or services by means of a utility line:

“(A) Gas of any kind, including flammable, toxic, or corrosive gas;

“(B) Liquids of any kind, including coal slurry, petroleum, and petroleum products;

“(C) Electric energy;

“(D) Communication services, including cable television, telephone, video, data, and internet services;

“(E) Sewage disposal and drainage;

“(F) Water; or

“(G) Steam.”.

(b) Section 3 (D.C. Official Code § 34-2702) is amended as follows:

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

(A) Strike the phrase “All public utility operators” and insert the phrase “All utility operators” in its place.

(B) Strike the phrase “District of Columbia Department of Transportation” and insert the phrase “Mayor” in its place.

(C) Strike the phrase “public utility operator” and insert the phrase “utility operator” in its place.

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

(A) Strike the phrase “, including the Water and Sewer Authority,”.

(B) Strike the phrase “District of Columbia Department of Public Works” and insert the word “Mayor” in its place.

(3) Subsection (c) is amended to read as follows:

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“(c) The one-call center shall provide call records to the Department of Consumer and Regulatory Affairs for enforcement purposes pursuant to section 8(d).”

(c) Section 4 (D.C. Official Code § 34-2703) is amended by striking the phrase “The District of Columbia Department of Transportation shall make available to each public utility operator” and inserting the phrase “The Mayor shall make available to each utility operator” in its place.

(d) A new section 4a is added to read as follows:

“Sec. 4a. Information sharing for planning and design purposes.

“To increase safety, and minimize hazard, repair costs, and work to complete a project requiring excavation, DDOT, the Mayor, and all affected utility companies may enter into a Memorandum of Understanding for the use of sharing appropriate information on underground utility locations at the design stage.”

(e) Section 5 (D.C. Official Code § 34-2704) is amended as follows:

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

“(a) Except as provided in section 10, no person shall excavate or engage in demolition in a street, highway, or public space, or on private property, without first notifying at least 96 hours, but no more than 10 days (excluding Saturdays, Sundays, and legal holidays) (“time limit”), before the commencement of the proposed excavation or demolition, each utility operator that may have underground facilities in the area of the proposed excavation or demolition. The notification shall be accomplished by the person notifying the one-call center, in any manner approved by the one-call center, within the time limit, and the one-call center shall, in turn, notify the appropriate utility operators.”

(2) Subsection (b) is amended by striking the phrase “telephonic or teletype”.

(3) Subsection (c) is amended to read as follows:

“(c)(1) If it is determined by a utility operator that a proposed excavation or demolition is planned in such proximity to an underground facility that the underground facility may be damaged, dislocated, or disturbed, the utility operator shall identify the approximate horizontal location of the underground facility on the ground to within 2 feet from the outermost part of the underground facility within 72 hours (excluding Saturdays, Sundays, and legal holidays) by marking, staking, locating, or otherwise providing the location of the utility operator’s underground facility. The method of identifying the location shall conform to standards and requirements, including the use of the color-coding system, established in regulations issued by the Mayor.

“(2) If it is determined by a District of Columbia agency or instrumentality that a proposed excavation or demolition is planned in such proximity to an underground facility that the facility may be damaged, dislocated, or disturbed, the District of Columbia agency or instrumentality shall identify the approximate horizontal location of the underground facility on the ground to within 2 feet from the outermost part of the underground facility within 72 hours

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(excluding Saturdays, Sundays, and legal holidays) by marking, staking, locating, or otherwise providing the location of the District of Columbia agency or instrumentality underground facility. The method of identifying the location shall conform to standards or requirements, including the use of the color-coding system, established in regulations issued by the Mayor.

“(3) After receiving notice from the one-call center as described in subsection (a) of this section, a utility operator shall, within 72 hours, notify the one-call center whether it has marked its underground facilities as required by this section, determined that it has no underground facilities that are required to be marked, or provide another valid response to the status of the ticket. No person may begin excavation or demolition until receiving notification from the one-call center that the notices from the utility operators have been provided.”.

(4) Subsection (d) is amended to read as follows:

“(d)(1) When the actual excavation or demolition operation enters the immediate vicinity of an underground facility, the person responsible for excavation or demolition shall provide adequate protection to the underground facility, including the provision of support as needed, and expose the underground facility by hand digging.

“(2) For the purposes of this subsection, the term “immediate vicinity of an underground facility” means the space within 18 inches from the outermost part of the underground facility to the proposed excavation marked in the field.”.

(5) Subsection (e) is repealed.

(6) Subsection (f) is repealed.

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

(A) Strike the phrase “excavating” and insert the phrase “excavating or demolishing” in its place.

(B) Strike the phrase “public utility operator” and insert the phrase “utility operator” in its place.

(8) A new subsection (h) is added to read as follows:

“(h) For the purposes of this section, a District of Columbia agency or instrumentality shall mark buried infrastructure for traffic operations, including streetlights and traffic signals.”.

(f) Section 6 (D.C. Official Code § 34-2705) is amended as follows:

(1) New subsections (e) and (f) are added to read as follows:

“(e) If a person engaged in or preparing to engage in excavation or demolition observes evidence of the presence of an unmarked underground facility in the area of a planned or ongoing excavation or demolition or observes a discrepancy between the marked or unmarked underground facilities, the person may not begin or continue the excavation or demolition unless the person:

“(1) Has repeated the notification to the one-call center required by section 5; and

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“(2) Has received notification from the one-call center that the notices from the utility operators required by section 5(c)(3) have been provided.”.

(g) Section 7(b) (D.C. Official Code § 34-2706(b)) is amended by striking the phrase “notify the public utility operator, the Metropolitan Police Department, and the District of Columbia Fire Department, and shall” and inserting the phrase “notify the utility operator, 911, and any other agency identified by the Mayor and” in its place.

(h) Section 8 (D.C. Official Code § 34-2707) is amended as follows:

(1) Subsection (a) is amended by striking the word “If” and inserting the phrase “Except as provided in subsection (b) of this section, if” in its place.

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

“(c) Any person who violates any provision of this act shall be subject to a civil penalty of \$2,500 for the first violation, \$5,000 for the second violation, and \$10,000 for the third or subsequent violation. Action to recover the civil penalties provided for in this section shall be brought by the Attorney General for the District of Columbia in the Superior Court of the District of Columbia. All penalties recovered from such action, including reasonable attorney’s fees, shall be paid into the General Fund of the District of Columbia.”.

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

“(d) Civil fines and penalties may be imposed by the Mayor pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*), (“Civil Infractions Act”) as alternative sanctions for any violations of the provisions of this act or rules issued pursuant to this act. The adjudication of any such infraction, fine, or penalty shall be pursuant to the Civil Infractions Act.”.

(i) Section 9 (D.C. Official Code § 34-2708) is amended by striking the phrase “Corporation Counsel” and inserting the phrase “Attorney General for the District of Columbia” in its place.

(j) Section 10 (D.C. Official Code § 34-2709) is amended as follows:

(1) Strike the phrase “public utility operators” and insert the phrase “utility operators” in its place.

(2) Strike the phrase “possible. An imminent” and insert the phrase “possible. The appropriate utility operator shall respond by marking the approximate horizontal location of the underground facility within 2 hours of notification of the emergency excavation or demolition, where practicable. An imminent” in its place.

(k) New sections 10a and 10b are added to read as follows:

“Sec. 10a. Public education; advisory committee.

“(a) The Mayor may provide education programs, collect and report data, require reporting by entities who are subject to this act, and take other action to develop an effective

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damage prevention program as described in 49 U.S.C. § 60134 and regulations issued to implement 49 U.S.C. § 60134.

“(b)(1) The Mayor may establish an advisory committee to advise on the implementation of this act and shall nominate and appoint persons to serve on the advisory committee pursuant to section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code 1-523.01(f)).

“(2)(A) The Mayor may appoint persons to fulfill the provisions of this act; provided, that the membership of the advisory committee includes representation from each utility operator, the Public Service Commission, the one-call center, the excavation industry, and utility locator services.

“(B) The advisory committee shall be solely advisory in nature and shall not have authority to act for or on behalf of the Mayor.

“(3) A member appointed pursuant to this section shall serve a term of 2 years. A member may be reappointed but shall not serve more than 2 consecutive terms.

“Sec. 10b. Rulemaking.

“The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement this act.”.

Sec. 3. Section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), is amended by adding a new subsection (b-26) to read as follows:

“(b-26) This act shall apply to all adjudicated cases involving a violation of the Underground Facilities Protection Act of 1980, effective March 4, 1981 (D.C. Law 3-129; D.C. Official Code § 34-2701 *et seq.*)”.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

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

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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 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-567

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend Title 28 of the District of Columbia Official Code to prohibit retail establishments from discriminating against cash as a form of payment, and to provide for enforcement of this requirement.

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

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

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

“54. Cashless Retail Prohibition.”.

(b) Section 28-3904 is amended as follows:

(1) Subsection (ll) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(2) Subsection (mm) is amended by striking the period and inserting the phrase “; or” in its place.

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

“(nn) violate any provision of Chapter 54 of this title.”.

(c) A new Chapter 54 is added to read as follows:

“CHAPTER 54. CASHLESS RETAIL PROHIBITION

“28-5401. Definitions.

“28-5402. Prohibited practices.

“28-5403. Civil penalties.

“28-5404. Exceptions.

“§ 28-5401. Definitions.

“For purposes of this chapter:

(1) “Retailer” means a person holding a basic business license who is engaged in retail sales.

(2) “Retail sales” means the sale of any tangible personal property or service to an ultimate consumer.

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“§ 28-5402. Prohibited practices.

“A retailer shall not discriminate against cash as a form of payment for goods or services, including by:

“(1) Refusing to accept cash as a form of payment;

“(2) Posting signs on the premises that cash payment is not accepted; or

“(3) Charging a higher price to consumers who pay cash.

“§ 28-5403. Civil penalties.

“Failure to comply with the requirements of this chapter shall be an unlawful trade practice under § 28-3904.

“§ 28-5404. Exceptions.

“The provisions of this chapter shall not apply:

“(1) To retail sales made via mail, phone, or internet;

“(2) To parking facilities that do not already accept cash as a form of payment as of December 1, 2020;

“(3) To a food store or retail establishment that provides a device on premises that converts cash, without charging a fee or requiring a minimum deposit amount greater than 5 dollars, into a prepaid card (“cash-to-card device”) that allows a consumer to complete a transaction at the food store or retail establishment; provided, that:

“(A) Upon request, the cash-to-card device shall provide each consumer with a receipt indicating the amount of cash deposited onto the prepaid card;

“(B) The prepaid card shall not be subject to an expiration date and there shall be no limit on the number of transactions that may be completed on the card; and

“(C) In the event that the cash-to-card device malfunctions, the food store or retail establishment where the cash-to-card device is located shall accept, in accordance with this chapter, payment in cash from consumers during the time period in which the cash-to-card device does not function; or

“(4) During 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).”.

Sec. 3. Applicability.

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

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(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. 4. Fiscal impact statement.

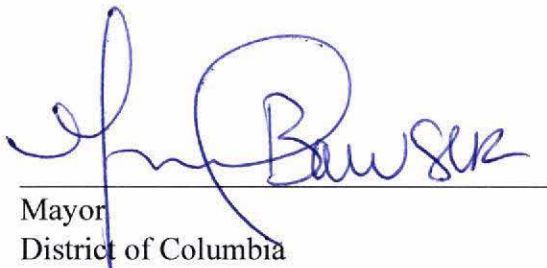
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-568

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend the District of Columbia Mental Health Information Act of 1978 to authorize mental health professionals to disclose mental health information when necessary to request an extreme risk protection order and to require the disclosure of mental health information to the Office of Attorney General in response to a court order; to amend the Firearms Control Regulations Act of 1975 to prohibit the issuance of a firearm registration certificate to the subject of an extreme risk protection order, to require the Superior Court of the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for relief from disqualifications from firearm registration, to authorize the Mayor to issue rules, subject to Council review, to implement the provisions of the Firearms Control Regulations Act of 1975, to clarify that the Office of Attorney General may intervene and represent the interests of the District of Columbia with respect to petitions for extreme risk protection orders or provide individual legal representation, upon request, to a petitioner, to broaden the court's ability to place records related to extreme risk protection orders under seal, to establish procedures for computing periods of time relating to an extreme risk protection order, to provide for the use of calendar days instead of business days for timelines related to extreme risk protection orders, to require that the court consider the unlawful or reckless use, display, or brandishing of any weapon by the respondent in determining whether to issue an extreme risk protection order, to require that the initial hearing for a petition for a final extreme risk protection order be held within 14 days after the petition was filed, to require the Superior Court of the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for an extreme risk protection order, to modify the duration of ex parte extreme risk protection orders, to establish procedures for the issuance and execution of search warrants accompanying extreme risk protection orders, to add the Office of Attorney General and the Superior Court of the District of Columbia to the list of entities that shall receive information from the Metropolitan Police Department related to extreme risk protection orders, to require the Mayor or the Mayor's designee to submit information about extreme risk protection orders to the National Instant Criminal Background Check System for the purposes of firearm purchaser background checks, to establish the

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Extreme Risk Protection Order Implementation Working Group, provide for its membership, and specify its duties, to prohibit the issuance of a registration certificate for ghost guns, and to prohibit the sale or transfer of ghost guns; to amend An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to prohibit the possession of ghost guns; to amend section 14-307(b)(4) of the District of Columbia Official Code to create an exception from client confidentiality requirements for evidence in a grand jury, criminal, delinquency, or civil proceeding where a person is alleged to have committed the offense of financial exploitation of a vulnerable adult or elderly person; to amend the Criminal Abuse and Neglect of Vulnerable Adults Act of 2000 to expand the Attorney General's civil enforcement authority in cases of financial exploitation of a vulnerable adult or elderly person; to amend section 14-307 of the District of Columbia Official Code to prohibit sexual assault counselors from disclosing confidential information acquired from a client in a professional capacity without consent of the client or their legal representative; to amend the Sexual Assault Victims' Rights Amendment Act of 2019 to extend the applicability date for certain provisions; to amend the Department of Forensic Sciences Establishment Act of 2011 to permit the Department of Forensic Sciences to provide public health laboratory services to District residents, District and other government agencies, hospitals, academic institutions, non-profit organizations, and other health-related entities; to amend An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes to allow individuals who have served at least 15 years in prison, and have committed District of Columbia Code offenses on or after their 18th birthday, but before their 25th birthday, to apply to the Superior Court of the District of Columbia for sentence modification, to waive District residency requirements for District government workforce development programs for resentenced individuals, and to provide a grant for survivors of violent crime; to amend the Establishment of the Office of the Chief Medical Examiner Act of 2000 to require the Office of the Chief Medical Examiner to investigate all maternal mortalities occurring in the District; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to authorize the Mayor to promote Assistant Fire Chiefs from the ranks of Deputy Fire Chief and Battalion Fire Chief in the Fire and Emergency Medical Services Department, to promote Deputy Fire Chiefs from the ranks of Battalion Fire Chief, and to promote Battalion Fire Chiefs from the ranks of Captain, and to return persons in those ranks to the immediate previous civil service rank or to the rank of Captain; to amend An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes to make a conforming change; to amend the Data-Sharing and Information Coordination Amendment Act of 2010 to allow the disclosure of health and human services information to aid in the development of a report on the root causes of youth crime and the prevalence of adverse

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childhood experiences among justice-involved youth; to amend the District of Columbia Mental Health Information Act of 1978 to allow the disclosure of mental health information when necessary for the report; to amend the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001 to extend the deadline for submission of the report, and to require that certain District agencies provide the Criminal Justice Coordinating Council with information necessary to complete the report; to amend the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006 to create a quorum requirement for the Comprehensive Homicide Elimination Strategy Task Force and extend its report submission deadline; to amend the Department of Health Functions Clarification Act of 2001 to require the Department of Health to conduct a minimum of 3 inspections of the environmental conditions at the Correctional Treatment Facility annually; to amend An Act To create a Department of Corrections in the District of Columbia to require the Department of Corrections to work with the Office of the Attorney General, the Office of the United States Attorney for the District of Columbia, and the Office of Victim Services and Justice Grants to engage representatives of advocacy and legal services organizations for crime survivors' rights in the District to explore potential enhancements to the process for inmate release notifications to crime survivors; to amend the District of Columbia Good Time Credits Act of 1986 to provide the Department of Corrections with discretion to award good time credits, consistent with public safety; to amend An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes to provide for the retroactive accrual of good time credits for District of Columbia Code felony offenses committed before August 5, 2000, and to allow for motions for compassionate release for individuals convicted of District of Columbia Code felony offenses; to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia to provide for alternative service of process on District residents who were the owners or operators of motor vehicles at the time such vehicles were involved in a collision on any public highway of the District; to amend the Office of Administrative Hearings Establishment Act of 2001 to make a conforming change; and to amend the Act to Regulate Public Conduct on Public Passenger Vehicles to provide that certain violations of the act shall be punishable by civil fines and adjudicated by the Office of Administrative Hearings, and to authorize Metro Transit Police Department officers to issue notices of infractions for alleged civil violations.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Public Safety and Justice Amendment Act of 2020".

TITLE I. FIREARMS SAFETY OMNIBUS CLARIFICATION

Sec. 101. Title IV of the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1204.01 *et seq.*), is amended as follows:

(a) Section 402 (D.C. Official Code § 7-1204.02) is amended to read as follows:

“Sec. 402. Civil commitment proceedings; extreme risk protection orders.

“Mental health information may be disclosed by a mental health professional when and to the extent necessary to:

“(1) Initiate or seek civil commitment proceedings under D.C. Official Code § 21-541; or

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“(2) Request an extreme risk protection order under Title X of the Firearms Control Regulations Act of 1975, effective May 10, 2019 (D.C. Law 22-314; D.C. Official Code § 7-2510.01 *et seq.*)”.

(b) Section 403 (D.C. Official Code § 7-1204.03) is amended by adding a new subsection (c) to read as follows:

“(c) Mental health information shall be disclosed to the Office of the Attorney General for the District of Columbia in response to a court order issued pursuant to section 203(f)(3)(A)(i) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2502.03(f)(3)(A)(i)) (“Firearms Act”) or section 1003(d)(2) of the Firearms Act.”.

Sec. 102. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

(a) Section 203 (D.C. Official Code § 7-2502.03) is amended as follows:

(1) Subsection (a)(15) is amended to read as follows:

“(15) Is not the subject of an *ex parte* extreme risk protection order issued pursuant to section 1004 or a final extreme risk protection order issued pursuant to section 1003 or renewed pursuant to section 1006.”.

(2) Subsection (f)(3) is amended as follows:

(A) Subparagraph (A) is amended to read as follows:

“(A)(i) Upon receipt of a petition filed under paragraph (1) of this subsection, and for good cause shown, the court shall issue such orders as may be necessary to obtain any mental health records and other information relevant for the purposes of the petition. The order shall require the disclosure of records to the Office of the Attorney General so that the Office of the Attorney General can conduct a search of the petitioner’s mental health records and report its findings to the court as required by subparagraph (B) of this paragraph.

“(ii) The court shall order the Office of the Attorney General to file a response to the petition. Within 60 days after the court’s order for a response, the Office of the Attorney General shall file a response indicating whether the Office of the Attorney General supports or opposes the petition.

“(iii) The court may, for good cause shown, extend in 30-day increments the date by which the Office of Attorney General must file its response under subparagraph (ii) of this subparagraph.”.

(B) Subparagraph (B) is amended by striking the phrase “criminal history” and inserting the phrase “criminal history and firearms eligibility” in its place.

(b) Section 705(b) (D.C. Official Code § 7-2507.05(b)) is amended by striking the phrase “the United States Attorney and the Corporation Counsel for the District whether” and inserting the phrase “the United States Attorney’s Office and the Office of Attorney General whether” in its place.

(c) Section 712 (D.C. Official Code § 7-2507.11) is amended to read as follows:

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“Sec. 712. 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.*), may issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 45-day review period, the proposed rules shall be deemed approved.”

(d) Section 1001(2)(A) (D.C. Official Code § 7-2510.01(2)(A)) is amended by striking the phrase “relationship rendering the application of this title appropriate” and inserting the word “relationship” in its place.

(e) Section 1002 (D.C. Official Code § 7-2510.02) is amended as follows:

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

(A) Paragraph (3) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(B) Paragraph (4) is repealed.

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

“(c)(1) The Office of the Attorney General may:

“(A) Intervene in the case and represent the interests of the District of Columbia; or

“(B) At the request of the petitioner, provide individual legal representation to the petitioner in proceedings under this title.

“(2) If the Office of the Attorney General intervenes in a case under paragraph (1)(A) of this subsection, the intervention shall continue until:

“(A) The court denies the petition for a final extreme risk protection order pursuant to section 1003;

“(B) The court terminates a final extreme risk protection order pursuant to section 1008; or

“(C) The Office of the Attorney General withdraws from the intervention.”

(3) Subsection (d) is amended to read as follows:

“(d) The court may place any record or part of a proceeding related to the issuance, renewal, or termination of an extreme risk protection order under seal for good cause shown.”

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

“(e) When computing a time period specified in this title, or in an order issued under this title:

“(1) Stated in days or a longer unit of time:

“(A) Exclude the day of the event that triggers the time period;

“(B) Count every day, including intermediate Saturdays, Sundays and legal holidays; and

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“(C) Include the last day of the time period, but if the last day of the time period specified falls on a Saturday, Sunday, a legal holiday, or a day on which weather or other conditions cause the court to be closed, the time period specified shall continue to run until the end of the next day that is not a Saturday, Sunday, legal holiday, or a day on which weather or other conditions cause the court to be closed.

“(2) Stated in hours:

“(A) Begin counting immediately on the occurrence of the event that triggers the time period;

“(B) Count every hour, including hours during intermediate Saturdays, Sundays, and legal holidays; and

“(C) If the time period would end on a Saturday, Sunday, legal holiday, or a day on which weather or other conditions cause the court to be closed, the time period shall continue to run until the same time on the next day that is not a Saturday, Sunday, legal holiday, or a day on which weather or other conditions cause the court to be closed.”.

(f) Section 1003 (D.C. Official Code § 7-2510.03) is amended as follows:

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

“(2) The initial hearing shall be held within 14 days after the date the petition was filed.”.

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

(A) Paragraph (1) is amended by striking the phrase “5 business days” and inserting the phrase “7 days” in its place.

(B) A new paragraph (3) is added to read as follows:

“(3) If the respondent is unable to be personally served after the court has set a new hearing date and required new attempts at service pursuant to paragraph (2) of this subsection, the court may dismiss the petition without prejudice.”.

(3) Subsection (d) is amended to read as follows:

“(d) Upon receipt of a petition filed under section 1002, and for good cause shown, the court shall issue such orders as may be necessary to obtain any mental health records and other information relevant for the purposes of the petition. The order shall require the disclosure of records to the Office of the Attorney General so that it can conduct a search of the respondent’s mental health records and report its findings to the court as required by this subsection. Before the hearing for a final extreme risk protection order, the court shall order that the Office of the Attorney General:

“(1) Conduct a reasonable search of all available records to determine whether the respondent owns any firearms or ammunition;

“(2) Conduct a reasonable search of all available records of the respondent’s mental health;

“(3) Perform a national criminal history and firearms eligibility background check on the respondent; and

“(4) Submit its findings under this subsection to the court.”.

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(4) The lead-in language for subsection (e) is amended by striking the phrase “consider all relevant evidence,” and inserting the phrase “consider any exhibits, affidavits, supporting documents, and all other relevant evidence,” in its place.

(5) Subsection (h)(6) is amended by striking the phrase “connected with a petition filed under this title” and inserting the phrase “connected with this title” in its place.

(g) Section 1004 (D.C. Official Code § 7-2510.04) is amended as follows:

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

(A) The lead-in language for subsection (c) is amended by striking the phrase “consider all relevant evidence,” and inserting the phrase “consider any exhibits, affidavits, supporting documents, and all other relevant evidence,” in its place.

(B) Paragraph (4) is amended by striking the phrase “firearm by” and inserting the phrase “firearm or other weapon by” in its place.

(2) Subsection (f) is amended by striking the phrase “to section” and inserting the phrase “to this section” in its place.

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

(A) Paragraph (3) is amended to read as follows:

“(3) The date and time the order will expire;”.

(B) Paragraph (7) is amended to read as follows:

“(7) The procedures for the surrender of firearms, ammunition, registration certificates, licenses to carry a concealed pistol, or dealer’s licenses in the respondent’s possession, control, or ownership pursuant to section 1007; and”.

(4) Subsection (h) is amended to read as follows:

“(h) An ex parte extreme risk protection order issued pursuant to this section shall remain in effect for an initial period not to exceed 14 days. The court may extend an ex parte extreme risk protection order in additional 14-day increments for good cause shown.”.

(h) Section 1005 (D.C. Official Code § 7-2510.05) is amended as follows:

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

(A) Paragraph (2) is amended by striking the phrase “next business day” and inserting the phrase “next day” in its place.

(B) Paragraph (3) is amended by striking the phrase “5 business days” and inserting the phrase “7 days” in its place.

(C) Paragraph (4) is amended by striking the phrase “one business day” and inserting the phrase “24 hours” in its place.

(2) Subsection (b) is amended by striking the phrase “order was added” and inserting the phrase “order was issued” in its place.

(i) Section 1006 (D.C. Official Code § 7-2510.06) is amended as follows:

(1) Subsection (c) is amended by striking the phrase “15 business days” and inserting the phrase “21 days” in its place.

(2) Subsection (d)(4) is amended by striking the phrase “firearm by” and inserting the phrase “firearm or other weapon by” in its place.

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(j) Section 1007(a) (D.C. Official Code § 7-2510.07(a)) is repealed.

(k) New sections 1007a, 1007b, 1007c, and 1007d are added to read as follows:

“Sec. 1007a. Nature and issuance of search warrants.

“(a) If the court issues a final extreme risk protection order pursuant to section 1003, issues an ex parte extreme risk protection order pursuant to section 1004, or renews a final extreme risk protection order pursuant to section 1006, the court may issue an accompanying search warrant. The search warrant may authorize a search to be conducted anywhere in the District of Columbia and shall be executed pursuant to its terms.

“(b) A search warrant issued under this section may direct a search of any or all of the following:

“(1) One or more designated or described places or premises;

“(2) One or more designated or described vehicles;

“(3) One or more designated or described physical objects; or

“(4) The respondent.

“(c) The search warrant shall authorize the search for, and seizure of, any firearms, ammunition, registration certificates, licenses to carry a concealed pistol, or dealer’s licenses that the respondent is prohibited from having possession or control of, purchasing, or receiving pursuant to the terms of an extreme risk protection order issued or renewed under this title.

“(d) A search warrant issued under section 1007a may be addressed to a specific law enforcement officer or to any classification of officers of the Metropolitan Police Department of the District of Columbia or other agency authorized to make arrests or execute process in the District of Columbia.

“(e) A search warrant issued under section 1007a shall contain:

“(1) The name of the issuing court, the name and signature of the issuing judge, and the date of issuance;

“(2) If the search warrant is addressed to a specific officer, the name of that officer, otherwise, the classifications of officers to whom the warrant is addressed;

“(3) A designation of the premises, vehicles, objects, or persons to be searched, sufficient for certainty of identification;

“(4) A description of the property whose seizure is the object of the search warrant;

“(5) A direction that the search warrant be executed between 6 a.m. and 9:00 p.m. or, where the court has found cause therefor, including one of the grounds set forth in section 1007b(c), an authorization for execution at any time of day or night; and

“(6) A direction that the search warrant and an inventory of any property seized pursuant thereto be returned to the court within 72 hours after its execution.

“Sec. 1007b. Time of execution of search warrants.

“(a) A search warrant issued under section 1007a shall not be executed after the expiration of the extreme risk protection order it accompanies, or after 10 days from the date the warrant was issued, whichever is earlier.

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“(b) The search warrant shall be returned to the court after its execution or expiration in accordance with section 1007a(e)(6).

“(c) A search warrant issued under section 1007a may be executed on any day of the week and, in the absence of express authorization in the warrant pursuant to subsection (c) of this section, shall be executed only between 6 a.m. and 9:00 p.m.

“(d) If the court finds that there is probable cause to believe that the search warrant cannot be executed between 6 a.m. and 9:00 p.m., the property sought is likely to be removed or destroyed if not seized forthwith, or the property sought is not likely to be found except at certain times or in certain circumstances, the court may include in the search warrant an authorization for execution at any time of day or night.

“Sec. 1007c. Execution of search warrants.

“(a) An officer executing a search warrant issued under section 1007a directing a search of a dwelling house or other building or a vehicle shall execute that search warrant in accordance with 18 U.S.C. § 3109.

“(b) An officer executing a search warrant issued under section 1007a directing a search of a person shall give, or make reasonable effort to give, notice of his identity and purpose to the person, and, if such person thereafter resists or refuses to permit the search, such person shall be subject to arrest by such officer pursuant to D.C. Official Code § 23-581(a) for violation of section 432a of the Revised Statutes of the District of Columbia, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 22-405.01), or other applicable provision of law.

“(c)(1) An officer or agent executing a search warrant issued under section 1007a shall write and subscribe an inventory setting forth the time of the execution of the search warrant and the property seized under it.

“(2) If the search is of a person, a copy of the search warrant and of the return shall be given to that person.

“(3) If the search is of a place, vehicle, or object, a copy of the search warrant and of the return shall be given to the owner thereof or, if the owner is not present, to an occupant, custodian, or other person present. If no person is present, the officer shall post a copy of the warrant and of the return upon the premises, vehicle, or object searched.

“(d) A copy of the search warrant shall be filed with the court on the next court day after its execution, together with a copy of the return.

“(e) An officer executing a search warrant issued under section 1007a directing a search of premises or a vehicle may search any person therein to the extent reasonably necessary to:

“(1) Protect himself or others from the use of any weapon which may be concealed upon the person; or

“(2) Find property enumerated in the warrant which may be concealed upon the person.

“Sec. 1007d. Disposition of property.

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“(a) A law enforcement officer or a designated civilian employee of the Metropolitan Police Department who seizes property in the execution of a search warrant issued under section 1007a shall cause it to be safely kept until the property is returned to:

“(1) The respondent, upon the expiration of the extreme risk protection order that the search warrant accompanied; or

“(2) A lawful owner, other than the respondent, claiming title to the property pursuant to section 1007(d).

“(b) Nothing in subsection (a) of this section shall be construed to require the Metropolitan Police Department to release property seized pursuant to a warrant to a person who did not legally possess the property at the time it was taken.

“(c) No property seized shall be released or destroyed except in accordance with law and upon order of a court or of the United States Attorney for the District of Columbia or the Office of the Attorney General.”.

(l) Section 1008 (D.C. Official Code § 7-2510.08) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “order in in effect” and inserting the phrase “order is in effect” in its place.

(2) Subsection (c)(4) is amended by striking the phrase “firearm by” and inserting “firearm or other weapon by” in its place.

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

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

(i) Strike the phrase “upon the petitioner” and insert the phrase “upon the petitioner and respondent” in its place.

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

“(1A) If the petitioner or respondent was personally served in court when the motion to terminate an extreme risk protection order was granted, the personal service requirement of paragraph (1) of this subsection shall be waived with respect to the party served in court.”.

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

(i) Strike the phrase “next business day” and insert the phrase “next day” in its place.

(ii) Strike the phrase “the respondent” and insert the phrase “the petitioner” in its place.

(C) Paragraph (3) is amended by striking the phrase “5 business days” and inserting the phrase “7 days” in its place.

(D) Paragraph (4) is amended by striking the phrase “one business day” and inserting the phrase “24 hours” in its place.

(m) Section 1010 (D.C. Official Code § 7-2510.10) is amended as follows:

(1) Subsection (a)(2) is amended by striking the phrase “available to any” and inserting the phrase “available to the Superior Court of the District of Columbia, the Office of the Attorney General, and any” in its place.

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(2) Subsection (b) is amended by striking the phrase "Superior Court of the District of Columbia" and inserting the phrase "Mayor, or the Mayor's designee," in its place.

(n) A new section 1013 is added to read as follows:

"Sec. 1013. Extreme Risk Protection Order Implementation Working Group.

"(a) There is established an Extreme Risk Protection Order Implementation Working Group ("Working Group"), which shall be composed of the following individuals:

"(1) District government members, or their designees:

Public Safety; "(A) The Chairperson of the Council's Committee on the Judiciary and

"(B) The Deputy Mayor for Public Safety and Justice;

"(C) The Deputy Mayor for Health and Human Services;

"(D) The Attorney General for the District of Columbia;

"(E) The Chief of the Metropolitan Police Department;

Administrator; "(F) The Gun Violence Prevention Director in the Office of the City

Engagement; "(G) The Executive Director of the Office of Neighborhood Safety and

"(H) The Director of the Department of Youth Rehabilitation Services;

"(I) The Chief Medical Examiner;

"(J) The Director of the Department of Forensic Sciences;

"(K) The Director of the Office of Victim Services and Justice Grants;

and "(L) The Executive Director of the Criminal Justice Coordinating Council;

"(M) The Director of the Department of Behavioral Health; and

"(2) Community members and organizations, or their designees:

"(A) Everytown for Gun Safety;

"(B) Moms Demand Action for Gun Sense in America, D.C. Chapter;

"(C) The Giffords Law Center to Prevent Gun Violence;

"(D) The Coalition to Stop Gun Violence;

"(E) Brady: United Against Gun Violence;

"(F) The D.C. Appleseed Center for Law & Justice;

"(G) The D.C. Coalition Against Domestic Violence;

"(H) The D.C. Behavioral Health Association;

"(I) The Council for Court Excellence;

Area Chapter; and "(J) The American Foundation for Suicide Prevention, National Capital

"(K) One representative from each of the District's violence interruption contractors with the Office of Neighborhood Safety and Engagement and the Office of the Attorney General's Cure the Streets program.

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“(b) The Working Group may also request the participation of other subject matter experts, as well as designees of the following:

“(1) The Chief Judge of the Superior Court of the District of Columbia; and

“(2) The United States Attorney for the District of Columbia.

“(c) The Chairperson of the Council’s Committee on the Judiciary and Public Safety and the Deputy Mayor for Public Safety and Justice shall serve as the co-chairs of the Working Group.

“(d) The duties of the Working Group shall include:

“(1) Improving public awareness of extreme risk protection orders;

“(2) Improving the coordination of District and federal agencies regarding the filing, adjudication, and execution of extreme risk protection orders;

“(3) Facilitating the education of behavioral and mental health professionals about extreme risk protection orders;

“(4) Advancing the development of District government policies and procedures to govern extreme risk protection orders, such as written directives of the Metropolitan Police Department; and

“(5) Reviewing and incorporating best practices from other jurisdictions concerning extreme risk protection order laws, policies, and procedures.

“(e) This section shall expire on January 1, 2023.”.

TITLE II. GHOST GUNS PROHIBITION

Sec. 201. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 7-2501.01) is amended as follows:

(1) Paragraph (9B) is designated as paragraph (9C).

(2) A new paragraph (9B) is added to read as follows:

“(9B) “Ghost gun”:

“(A) Means:

“(i) A firearm that, after the removal of all parts other than a receiver, is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar; or

“(ii) Any major component of a firearm which, when subjected to inspection by the types of detection devices commonly used at secure public buildings and transit stations, does not generate an image that accurately depicts the shape of the component; and

“(B) Includes an unfinished frame or receiver.”.

(3) A new paragraph (12B) is added to read as follows:

“(12B) “Receiver” means the part of a firearm that provides the action or housing for the hammer, bolt, or breechblock and firing mechanism.”.

(4) A new paragraph (15A) is added to read as follows:

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“(15A) “Security Exemplar” means an object, to be fabricated at the direction of the Mayor, that is:

“(A) Constructed of 3.7 ounces of material type 17-4 PH stainless steel in a shape resembling a handgun; and

“(B) Suitable for testing and calibrating metal detectors.”.

(5) A new paragraph (17B) is added to read as follows:

“(17B)(A) “Unfinished frame or receiver”:

“(i) Means a frame or receiver of a firearm that is not yet a component part of a firearm, but which may without the expenditure of substantial time and effort be readily made into an operable frame or receiver through milling, drilling, or other means; and

“(ii) Includes any manufactured object, any incompletely manufactured component part of a firearm, or any combination thereof that is not a functional frame or receiver but is designed, manufactured, assembled, marketed, or intended to be used for that purpose, and can be readily made into a functional frame or receiver.

“(B) For the purposes of this paragraph, the term:

“(i) “Manufacture” means to fabricate, make, form, produce or construct, by manual labor or by machinery; and

“(ii) “Assemble” means to fit together component parts.”.

(b) Section 202(a) (D.C. Official Code § 7-2502.02(a)) is amended as follows:

(1) Paragraph (6) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(2) Paragraph (7) is amended by striking the period and inserting the phrase “; or” in its place.

(3) A new paragraph (8) is added to read as follows:

“(8) Ghost gun.”.

(c) Section 501 (D.C. Official Code § 7-2505.01) is amended by striking the phrase “destructive device” and inserting the phrase “destructive device, ghost gun, unfinished frame or receiver,” in its place.

Sec. 202. An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-4501) is amended by adding a new paragraph (2B) to read as follows:

“(2B) “Ghost gun” shall have the same meaning as provided in section 101(9B) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(9B)).”.

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(b) Section 14(a) (D.C. Official Code § 22-4514(a)) is amended by striking the phrase “bump stock, knuckles” both times it appears and inserting the phrase “bump stock, ghost gun, knuckles” in its place.

TITLE III. FINANCIAL EXPLOITATION OF VULNERABLE ADULTS AND THE ELDERLY

Sec. 301. Section 14-307(b)(4) of the District of Columbia Official Code is amended by striking the phrase “or where a person is alleged to have defrauded a health care benefit program” and inserting the phrase “where a person is alleged to have defrauded a health care benefit program, or where a person is alleged to have violated section 203a of the Criminal Abuse and Neglect of Vulnerable Adults Act of 2000, effective November 23, 2016 (D.C. Law 21-166; D.C. Official Code § 22-933.01)” in its place.

Sec. 302. The Criminal Abuse and Neglect of Vulnerable Adults Act of 2000, effective June 8, 2001 (D.C. Law 13-301; D.C. Official Code § 22-931 *et seq.*), is amended as follows:

(a) Section 201 (D.C. Official Code § 22-931) is amended by striking the phrase “Criminal Abuse, Neglect” and inserting the phrase “Abuse, Neglect” in its place.

(b) Section 202 (D.C. Official Code § 22-932) is amended by adding a new paragraph (3A) to read as follows:

“(3A) “Undue influence” means mental, emotional, or physical coercion that overcomes the free will or judgment of a vulnerable adult or elderly person and causes the vulnerable adult or elderly person to act in a manner that is inconsistent with the vulnerable adult or elderly person’s financial, emotional, mental, or physical well-being.”

(c) Section 203a(c) (D.C. Official Code § 22-933.01(c)) is repealed.

(d) Section 207 (D.C. Official Code § 22-937) is amended to read as follows:

“Sec. 207. Civil penalties for financial exploitation of a vulnerable adult or elderly person.

“(a) Notwithstanding any other provision of law, if the Attorney General has reason to believe that any person has violated, or intends to violate, section 203a(a), the Attorney General may bring a civil action in the Court, in the name of the District, to seek any of the following:

“(1) A temporary or permanent injunction;

“(2) Restitution of money or property;

“(3) The cost of the action, including reasonable attorney’s fees;

“(4)(A) Revocation of all permits, licenses, registrations, or certifications issued by the District authorizing the person to provide services to vulnerable adults or elderly persons.

“(B) Such a revocation shall be effective upon the issuance of the Court’s judgment, and the person shall not be entitled to a hearing with the relevant licensing board or agency;

“(5) Civil penalties of not more than \$10,000 per violation; and

“(6) Any other relief the Court considers just.

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“(b) In an action under this section:

“(1) A related criminal proceeding need not have been initiated, nor judgment secured, prior to bringing the action;

“(2) The Attorney General shall not be required to prove damages; and

“(3) The burden of proof shall be by a preponderance of the evidence.”.

TITLE IV. SEXUAL ASSAULT VICTIMS’ RIGHTS

Sec. 401. Section 14-307 of the District of Columbia Official Code is amended as follows:

(a) The section heading is amended to read as follows:

“§ 14-307. Confidential information.”.

(b) Subsection (a) is amended by striking the phrase “sexual assault victim advocate as defined in § 14-312(a)(7)” and inserting the phrase “sexual assault counselor as defined in § 23-1907(10)” in its place.

Sec. 402. Section 9(a) of the Sexual Assault Victims’ Rights Amendment Act of 2019, effective March 3, 2020 (D.C. Law 23-57; 67 DCR 3072), is amended by striking the date “October 1, 2020” and inserting the date “January 1, 2021” in its place.

**TITLE V. DEPARTMENT OF FORENSIC SCIENCES SERVICES AND FEES
CLARIFICATION**

Sec. 501. The Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 5-1501.01) is amended by adding a new paragraph (6) to read as follows:

“(6) “Public health laboratory services” means monitoring and detecting health threats, including:

“(A) Testing samples in a wide variety of materials for toxins, infectious organisms, and other threats to public health;

“(B) Clinical diagnostic testing;

“(C) Disease surveillance;

“(D) Emergency response support;

“(E) Applied research; and

“(F) Laboratory training.”.

(b) Section 3(b) (D.C. Official Code § 5-1501.02(b)) is amended as follows:

(1) The lead-in language is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services and public health laboratory services” in its place.

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(2) Paragraph (2) is amended by striking the phrase “focus on unbiased science and transparency” and inserting the phrase “focus on the delivery of unbiased science and an emphasis on promoting transparency in operations” in its place.

(3) Paragraph (3) is amended by striking the phrase “public safety” and inserting the phrase “public safety and the fair and balanced administration of justice” in its place.

(c) Section 5 (D.C. Official Code § 5-1501.04) is amended as follows:

(1) Subsection (a)(4) is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services and public health laboratory services” in its place.

(2) Subsection (d) is amended by striking the phrase “agency mission” and inserting the phrase “Department’s mission” in its place.

(d) Section 6(a)(1) (D.C. Official Code § 5-1501.05(a)(1)) is amended by striking the phrase “agency’s mission” and inserting the phrase “Department’s mission” in its place.

(e) Section 7 (D.C. Official Code § 5-1501.06) is amended as follows:

(1) Subsection (b) is amended by striking the phrase “these forensic science services” and inserting the phrase “the forensic science services described in subsection (a) of this section” in its place.

(2) New subsections (c-1), (c-2), and (c-3) are added to read as follows:

“(c-1) The Department shall provide public health laboratory services for the District of Columbia, which may include:

“(1) Disease prevention, control, and surveillance testing;

“(2) Emergency preparedness testing;

“(3) Food surveillance and testing; and

“(4) Reference and specialized testing.

“(c-2) The Department shall provide public health laboratory services upon request to District agencies.

“(c-3) The Department also may provide public health laboratory services to other government agencies, hospitals, academic institutions, nonprofit organizations, and other health-related entities.”.

(f) Section 7a(b)(2) (D.C. Official Code § 5-1501.06a(b)(2)) is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services and public health laboratory services” in its place.

(g) Section 11 (D.C. Official Code § 5-1501.10) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services or public health laboratory services” in its place.

(2) Paragraph (b)(1) is amended by striking the phrase “Director and the” and inserting the phrase “Director. The” in its place.

(h) Section 13 (D.C. Official Code § 5-1501.12) is amended as follows:

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(1) Paragraph (1) is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services or public health laboratory services” in its place.

(2) Paragraph (4)(A) is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services and public health laboratory services” in its place.

(3) Paragraph (5) is amended by striking the phrase “Department or forensic science” and inserting the phrase “Department, forensic sciences services, or public health laboratory services” in its place.

(i) Section 14(a)(11) (D.C. Official Code § 5-1501.13(a)(11)) is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services or public health laboratory services” in its place.

(j) Section 15 (D.C. Official Code § 5-1501.14) is amended as follows:

(1) Paragraph (1)(A) is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services or public health laboratory services” in its place.

(2) Paragraph (2) is amended by striking the phrase “Department or forensic science” and inserting the phrase “Department, forensic science services, or public health laboratory services” in its place.

(k) Section 16(a)(1)(A) (D.C. Official Code § 5-1501.15(a)(1)(A)) is amended by striking the phrase “environmental testing services” and inserting the phrase “forensic science services and public health laboratory services” in its place.

TITLE VI. COMPREHENSIVE YOUTH JUSTICE AMENDMENT

Sec. 601. Section 3c of An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, effective April 4, 2017 (D.C. Law 21-238; D.C. Official Code § 24-403.03), is amended as follows:

(a) The section heading is amended by striking the phrase “18 years” and inserting the phrase “25 years” in its place.

(b) The lead-in language of subsection (a) is amended by striking the phrase “18th birthday” and inserting the phrase “25th birthday” in its place.

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

(1) Paragraph (1) is amended by striking the phrase “his or her 18th” and inserting the phrase “the defendant’s 25th” in its place.

(2) Paragraph (2) is amended by striking the phrase “evidence.” and inserting the phrase “evidence. The court may consider any records related to the underlying offense.” in its place.

(3) Paragraph (3) is amended to read as follows:

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“(3)(A) Except as provided in subparagraph (B) of this paragraph, the defendant shall be present at any hearing conducted under this section unless the defendant waives the right to be present. Any proceeding under this section may occur by video teleconferencing, and the requirement of a defendant's presence is satisfied by participation in the video teleconference.

“(B) During 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), a defendant in the custody of the Bureau of Prisons who committed the offense for which the defendant has filed the application for sentence modification after the defendant's 18th birthday but before the defendant's 25th birthday may not petition the court to return to the Department of Corrections for a proceeding under this section.”.

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

(1) Paragraph (3) is amended by striking the phrase “he or she has been confined and” and inserting the phrase “the defendant has been confined, and” in its place.

(2) Paragraph (9) is amended by striking the phrase “extent an adult” and inserting the phrase “extent another person” in its place.

(3) Paragraph (10) is amended as follows:

(A) Strike the phrase “juveniles as compared to that of adults” and insert the phrase “juveniles and persons under age 25, as compared to that of older adults” in its place.

(B) Strike the phrase “crime;” and insert the phrase “crime, and the defendant's personal circumstances that support an aging out of crime;” in its place.

(e) New subsections (f), (g), (h), and (i) are added to read as follows:

“(f) The version of this section that was effective from May 10, 2019, to the effective date of the Omnibus Public Safety and Justice Amendment Act of 2020, passed on 2nd reading on December 15, 2020 (Enrolled version of Bill 23-127), shall apply to all proceedings initiated under this section in any District of Columbia court, including any appeals thereof, by defendants who were eligible under this section prior to the effective date of the Omnibus Public Safety and Justice Amendment Act of 2020, passed on 2nd reading on December 15, 2020 (Enrolled version of Bill 23-127), and shall apply to all proceedings under this section in any District of Columbia court, including any appeals thereof, that were pending prior to the effective date of the Omnibus Public Safety and Justice Amendment Act of 2020, passed on 2nd reading on December 15, 2020 (Enrolled version of Bill 23-127).

“(g) In considering applications filed by defendants for offenses committed after the defendant's 18th birthday, the court shall endeavor to prioritize consideration of the applications of defendants who have been incarcerated the longest; except, that the inability to identify those defendants shall not delay the court acting on other applications under this section.

“(h) Notwithstanding any other law, if a District government workforce development program requires District residency as a condition of program eligibility, the residency requirement shall be waived for defendants resentenced pursuant to this section.

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“(i) Beginning in Fiscal Year 2022, the Office of Victim Services and Justice Grants shall, on an annual basis, issue a grant of \$200,000 to an organization that provides advocacy, case, management, and legal services, for the purpose of developing and offering restorative justice practices for survivors of violent crimes who seek such practices, such as for survivors impacted by post-conviction litigation.”.

TITLE VII. INVESTIGATING MATERNAL MORTALITIES

Sec. 701. Section 2906 of the Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1405), is amended as follows:

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

(1) Paragraph (11) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (12) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (13) is added to read as follows:

“(13) All maternal mortalities.”.

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

“(b-1) For the purposes of subsection (b) of this section, the term:

“(1) “Maternal mortalities” means pregnancy-associated deaths and pregnancy-related deaths, as those terms are defined in section 2(4) and (5) of the Maternal Mortality Review Committee Establishment Act of 2018, effective June 5, 2018 (D.C. Law 22-111; D.C. Official Code § 7-671.01(4) and (5)), and deaths resulting from severe maternal morbidity.

“(2) “Severe maternal morbidity” means one of the following outcomes of labor and delivery that results in short-term or long-term consequences to a woman’s health:

“(A) Acute myocardial infarction;

“(B) Acute renal failure;

“(C) Adult respiratory distress syndrome;

“(D) Air and thrombotic embolism;

“(E) Amniotic fluid embolism;

“(F) Anesthesia complications;

“(G) Aneurysm;

“(H) Blood products transfusion;

“(I) Cardiac arrest/ventricular fibrillation;

“(J) Conversion of cardiac rhythm;

“(K) Disseminated intravascular coagulation;

“(L) Eclampsia;

“(M) Heart failure/arrest during surgery or procedure;

“(N) Hysterectomy;

“(O) Puerperal cerebrovascular disorders;

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- “(P) Pulmonary edema/acute heart failure;
- “(Q) Sepsis;
- “(R) Shock;
- “(S) Sickle cell disease with crisis;
- “(T) Temporary tracheostomy; or
- “(U) Ventilation.”.

TITLE VIII. FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT COMMAND STAFF

Sec. 801. Section 801(d-3) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-608.01(d-3)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase “Battalion Fire Chief and Deputy Fire Chief” and inserting the phrase “Assistant Fire Chief, Deputy Fire Chief, and Battalion Fire Chief” in its place.

(b) A new paragraph (3) is added to read as follows:

“(3) Members of the Fire and Emergency Medical Services Department appointed pursuant to this subsection shall be returned to the immediate previous civil service rank, or to the rank of Captain, when the Mayor so determines.”.

Sec. 802. Section 2(b) of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-402(b)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase “Battalion Fire Chief and Deputy Fire Chief” and inserting the phrase “Assistant Fire Chief, Deputy Fire Chief, and Battalion Fire Chief” in its place.

(b) A new paragraph (3) is added to read as follows:

“(3) Members of the Fire and Emergency Medical Services Department appointed pursuant to this subsection shall be returned to the immediate previous civil service rank, or to the rank of Captain, when the Mayor so determines.”.

TITLE IX. CRIMINAL JUSTICE COORDINATING COUNCIL AMENDMENTS

Sec. 901. Section 102(a) of the Data-Sharing and Information Coordination Amendment Act of 2010, effective December 4, 2010 (D.C. Law 18-273; D.C. Official Code § 7-242(a)), is amended as follows:

(a) Paragraph (3)(K) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (4)(B) is amended by striking the period and inserting the phrase “; and” in its place.

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

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“(5) To aid in the development of the report required by section 1505(b-3) of the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234(b-3)).”.

Sec. 902. Section 302 of the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1203.02), is amended as follows:

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

(b) Paragraph (3) is amended by striking the period and inserting the phrase “; or” in its place.

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

“(4) To meet the requirements of section 1505(b-3) of the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234(b-3)).”.

Sec. 903. Section 1505 of the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234), is amended as follows:

(a) Subsection (b-3) is amended by striking the phrase “On October 1, 2018” and inserting the phrase “On October 1, 2020” in its place.

(b) A new subsection (b-4) is added to read as follows:

“(b-4) Upon request by the CJCC, and to aid in the development of the report required by subsection (b-3) of this section, the following agencies shall provide, or cause to be provided, the information listed below to the CJCC, including any associated personally identifying information:

“(1) For the Office of the State Superintendent of Education, the following information for each student enrolled in a District of Columbia Public School or a District of Columbia public charter school for the preceding 2 completed academic years:

“(A) Demographic information, including:

“(i) Name, address, and date of birth;

“(ii) Sex;

“(iii) Gender;

“(iv) Race; and

“(v) Ethnicity;

“(B) Enrollment data, including:

“(i) The school or campus attended by each student;

“(ii) The location of the school or campus;

“(iii) Whether the school or campus is an elementary school, middle school, or high school;

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“(iv) Whether the school or campus is a public school, public charter school, or private school;

“(v) The student’s grade level;

“(vi) Whether the student receives special education services;

“(vii) Whether the student is identified as homeless; and

“(viii) Whether the student is one year older, or more, than the expected age for the grade in which the student is enrolled;

“(C) Attendance data;

“(D) Performance data, including:

“(i) Student performance on any District-wide assessments; and

“(ii) Grade advancement for students enrolled; and

“(E) Discipline data, including:

“(i) Total number of in-school suspensions, out-of-school suspensions, involuntary dismissals, emergency removals, disciplinary unenrollment, voluntary withdrawals or transfers, referrals to law enforcement, school-based arrests, or, for students with disabilities, changes in placement, experienced by the student during each school year;

“(ii) Total number of days excluded from school;

“(iii) Whether the student was referred to an alternative education setting for the duration of a suspension, and whether the student attended the alternative education setting;

“(iv) Whether the student was subject to a disciplinary unenrollment during the school year;

“(v) Whether the student voluntarily withdrew or voluntarily transferred from the school during the school year;

“(vi) Whether the student was subject to referral to law enforcement;

“(vii) Whether the student was subject to school-related arrest; and

“(viii) A description of the misconduct that led to or reasoning behind each suspension, involuntary dismissal, emergency removal, disciplinary unenrollment, voluntary withdrawal or transfer, referral to law enforcement, school-based arrest and, for students with disabilities, change in placement;

“(2) For the Department of Health Care Finance, the following information for individuals between the ages of 10 and 18:

“(A) Demographic information, including:

“(i) Name, address, and date of birth;

“(ii) Sex;

“(iii) Gender;

“(iv) Race; and

“(v) Ethnicity;

“(B) Enrollment data, including;

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“(i) Eligibility start date;
“(ii) Eligibility end date; and
“(iii) Eligibility basis;
“(C) Claims data with mental, behavioral, and neurodevelopmental disorder diagnoses or substance abuse diagnoses; and
“(D) Claims data with mental health or substance abuse procedures;
“(3) For the Department of Human Services, enrollment data for households participating in the District’s Temporary Assistance for Needy Families (“TANF”) program, including:
“(A) The name, address, and date of birth for each household member for individuals between the ages of 10 and 18; and
“(B) Household income information; and
“(4) For the Child and Family Services Agency, the following information for individuals between the ages of 10 and 18:
“(A) Demographic information, including:
“(i) Name, address, and date of birth;
“(ii) Sex;
“(iii) Gender;
“(iv) Race; and
“(v) Ethnicity;
“(B) Investigation data related to alleged child abuse or neglect, including:
“(i) Allegations made against the individual’s parents, guardians, or other custodians;
“(ii) Whether the allegations were substantiated or inconclusive;
“(iii) The date the investigation was completed or suspended;
“(iv) Whether the individual was removed from the home or another location;
“(v) The reason for the removal; and
“(vi) The date of the removal; and
“(C) Family assessment data related to alleged child abuse or neglect, including:
“(i) Allegations made against the individual’s parents, guardians, or other custodians;
“(ii) The date the family assessment was initiated;
“(iii) The date the family assessment was completed;
“(iv) Whether the family assessment resulted in the determination that the family needs services or resulted in a referral for investigation; and
“(v) The reason the family assessment was closed.”.

TITLE X. QUORUM AND REPORTING CLARIFICATION

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Sec. 1001. Section 501 of the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-262; D.C. Official Code § 22-4251), is amended as follows:

(a) Subsection (b)(1) is amended by striking the phrase “following entities” and inserting the phrase “following entities, of which one-third shall constitute a quorum” in its place.

(b) Subsection (c) is amended by striking the phrase “June 1, 2019” and inserting the phrase “June 1, 2021” in its place.

**TITLE XI. CORRECTIONAL TREATMENT FACILITY HEALTH INSPECTIONS
EXPANSION**

Sec. 1101. Section 4902(a-1)(1) of the Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(a-1)(1)), is amended by striking the phrase “Central Detention Facility” and inserting the phrase “Central Detention Facility and Correctional Treatment Facility” in its place.

**TITLE XII. GOOD TIME CREDITS REFORM AND LOCAL COMPASSIONATE
RELEASE**

Sec. 1201. Section 2(b) of An Act To create a Department of Corrections in the District of Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.02(b)), is amended as follows:

(a) Paragraph (5) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (9) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (10) is added to read as follows:

“(10) By October 1, 2021, work with the Office of the Attorney General, the Office of the United States Attorney for the District of Columbia, and the Office of Victim Services and Justice Grants to engage representatives of advocacy and legal services organizations for crime survivors’ rights in the District to explore potential enhancements to the process for inmate release notifications to crime survivors.”.

Sec. 1202. Section 3c(c) of the District of Columbia Good Time Credits Act of 1986, effective May 17, 2011 (D.C. Law 18-732; D.C. Official Code § 24-221.01c(c)), is amended by striking the phrase “this section combined.” and inserting the phrase “this section combined; except that the Department of Corrections shall have discretion to award additional credits beyond the limits described in this subsection, including pursuant to section 3 and this section, consistent with public safety.”.

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Sec. 1203. An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 696; D.C. Official Code § 24-403 *et seq.*), is amended as follows:

(a) A new section 3a-1 is added to read as follows:

“Sec. 3a-1. Good time credit for felony offenses committed before August 5, 2000.

“(a)(1) Notwithstanding any other provision of law, a defendant who is serving a term of imprisonment for an offense committed between June 22, 1994, and August 4, 2000, shall be retroactively awarded good time credit toward the service of the defendant’s sentence of up to 54 days, or more if consistent with 18 U.S.C. § 3624(b), for each year of the defendant’s sentence imposed by the court, subject to determination by the Bureau of Prisons that during those years the defendant has met the conditions provided in 18 U.S.C. § 3624(b).

“(2) An award of good time credit pursuant to paragraph (1) of this subsection shall apply to the minimum and maximum term of incarceration, including the mandatory minimum; except, that in the event of a maximum term of life, only the minimum term shall receive good time.

“(b)(1) Notwithstanding any other provision of law, a defendant who is serving a term of imprisonment for an offense committed before June 22, 1994, shall be retroactively awarded good time credit toward the service of the defendant’s sentence of up to 54 days, or more if consistent with 18 U.S.C. § 3624(b), for each year of the defendant’s sentence imposed by the court, subject to determination by the Bureau of Prisons that during those years the defendant has met the conditions provided in 18 U.S.C. § 3624(b).

“(2) An award of good time credit pursuant to paragraph (1) of this subsection:

“(A) Shall apply to any mandatory minimum term of incarceration; and

“(B) Is not intended to modify how the defendant is awarded good time credit toward any portion of the sentence other than the mandatory minimum.”.

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

“Sec. 3d. Motions for compassionate release for individuals convicted of felony offenses.

“(a) Notwithstanding any other provision of law, the court shall modify a term of imprisonment imposed upon a defendant if it determines the defendant is not a danger to the safety of any other person or the community, pursuant to the factors to be considered in 18 U.S.C. §§ 3142(g) and 3553(a) and evidence of the defendant’s rehabilitation while incarcerated, and:

“(1) The defendant has a terminal illness, which means a disease or condition with an end-of-life trajectory;

“(2) The defendant is 60 years of age or older and has served at least 20 years in prison; or

“(3) Other extraordinary and compelling reasons warrant such a modification, including:

“(A) A debilitating medical condition involving an incurable illness, or a debilitating injury from which the defendant will not recover;

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“(B) Elderly age, defined as a defendant who:

“(i) Is 60 years of age or older;

“(ii) Has served the lesser of 15 years or 75% of the defendant’s

sentence; and

“(iii) Suffers from a chronic or serious medical condition related to the aging process or that causes an acute vulnerability to severe medical complications or death as a result of COVID-19;

“(C) Death or incapacitation of the family member caregiver of the defendant’s children; or

“(D) Incapacitation of a spouse or a domestic partner when the defendant would be the only available caregiver for the spouse or domestic partner.

“(b) Motions brought pursuant to this section may be brought by the United States Attorney’s Office for the District of Columbia, the Bureau of Prisons, the United States Parole Commission, or the defendant.

“(c) Although a hearing is not required, to provide for timely review of a motion made pursuant to this section and at the request of counsel for the defendant, the court may waive the appearance of a defendant currently held in the custody of the Bureau of Prisons.

“(d) For the purposes of this section, the term “COVID-19” means the disease caused by the novel 2019 coronavirus SARS-CoV-2.”.

TITLE XIII. ALTERNATIVE SERVICE OF PROCESS

Sec. 1301. The Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 120; D.C. Official Code § 50-1301.01 *et seq.*), is amended by adding a new section 7a to read as follows:

“Sec. 7a. Service of process on District residents.

“(a) Service of process may be made pursuant to the rules of the Superior Court on a defendant who is a resident and who was the owner or operator of a motor vehicle at the time such vehicle was involved in a collision on any public highway of the District.

“(b) When proof is made by affidavit that good faith efforts to serve a defendant pursuant to subsection (a) of this section have not succeeded, the court may order any other means of service that it considers appropriate in the circumstances and reasonably calculated to give actual notice, including by ordering that service be made upon the liability carrier to the defendant, the attorney the liability carrier retained, or the claims adjuster assigned to the claim. Such service shall be of the same legal force and validity as if served upon the defendant personally in the District.

“(c) Notice of service made pursuant to subsection (b) of this section shall include a copy of the summons and complaint and shall be sent by certified mail without return receipt requested by the plaintiff, or the plaintiff’s attorney, to the defendant at the defendant’s last known address. The plaintiff has a duty to exercise due diligence in the investigation of the last known address of the defendant.

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“(d) The methods of service provided in this section are in addition to any other means of service that may be provided by statute or rule for obtaining jurisdiction over a defendant.

“(e) For the purposes of this section, the term “resident” shall include any person who is a resident of the District at the time of the collision or who was not a resident of the District at the time of the collision but subsequently became a resident of the District and is a resident of the District at the time process is sought to be served on the person as a result of such collision.”.

TITLE XIV. OFFICE OF ADMINISTRATIVE HEARINGS JURISDICTION CONFORMING AMENDMENT

Sec. 1401. Section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), is amended by adding a new subsection (b-26) to read as follows:

“(b-26) This act shall apply to all adjudicated cases involving a civil violation penalized under section 5(a) of the Act to Regulate Public Conduct on Public Passenger Vehicles, effective September 23, 1975 (D.C. Law 1-18; D.C. Official Code § 35-254(a)).”.

Sec. 1402. Section 5(a) of the Act to Regulate Public Conduct on Public Passenger Vehicles, effective September 23, 1975 (D.C. Law 1-18; D.C. Official Code § 35-254(a)), is amended to read as follows:

“(a)(1) Except as provided in subsection (b)(1) of this section, a violation of section 2(b) or section 3 shall be punishable by a civil fine of not more than \$50.

“(2)(A) Violations penalized under this subsection shall be adjudicated by the Office of Administrative Hearings in accordance with Title II of the Marijuana Possession Decriminalization Amendment Act of 2014, effective July 17, 2014 (D.C. Law 20-126; D.C. Official Code § 48-1211 *et seq.*); provided, that a person issued a notice of infraction shall not be assessed any additional penalties other than the civil fine for the violation, including the penalties described in sections 202(e) and 203(d) of the Marijuana Possession Decriminalization Amendment Act of 2014, effective July 17, 2014 (D.C. Law 20-126; D.C. Official Code §§ 48-1212(e) and 48-1213(d)).

“(B) The Office of Administrative Hearings, 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.*), may issue rules to implement the provisions of this paragraph.

“(3) Individuals authorized to issue notices of infractions for the violations penalized under this subsection include any police officer with authority to make arrests within the District, including members of the Metro Transit Police Department.”.

TITLE XV. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE

Sec. 1501. Applicability.

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(a) The amendatory subsection (i) within section 601(e) and section 1101 shall apply upon the date of inclusion of their 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 provisions identified in subsection (a) of this section.

Sec. 1502. Fiscal impact statement.

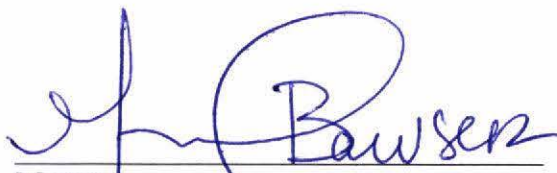
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 1503. 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 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.


Chairman

Council of the District of Columbia


Mayor
District of Columbia

APPROVED
January 13, 2021

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AN ACT

D.C. ACT 23-569

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend Title 21 of the District of Columbia Official Code to enact the Revised Uniform Fiduciary Access to Digital Assets Act to allow holders of accounts with digital assets to give access to these accounts to fiduciaries, including executors, agents, conservators, and trustees, to provide default rules governing access by fiduciaries to these accounts, and to provide immunity from liability for custodians of accounts that comply with a fiduciary’s apparent authorized request for access.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Uniform Fiduciary Access to Digital Assets Act of 2020”.

Sec. 2. Title 21 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new chapter heading to read as follows: “25. Uniform Fiduciary Access to Digital Assets Act.”.

(b) A new Chapter 25 is added to read as follows:

“CHAPTER 25. UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT.

“Section

“21-2501. Short title.

“21-2502. Definitions.

“21-2503. Applicability.

“21-2504. User direction for disclosure of digital assets.

“21-2505. Terms-of-service agreement.

“21-2506. Procedure for disclosing digital assets.

“21-2507. Disclosure of contents of electronic communications of deceased user.

“21-2508. Disclosure of other digital assets of deceased user.

“21-2509. Disclosure of contents of electronic communications of principal.

“21-2510. Disclosure of other digital assets of principal.

“21-2511. Disclosure of digital assets held in trust when trustee is original user.

“21-2512. Disclosure of contents of electronic communications held in trust when trustee not original user.

“21-2513. Disclosure of other digital assets held in trust when trustee not original user.

“21-2514. Disclosure of digital assets to conservator of protected individual.

“21-2515. Fiduciary duty and authority.

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“21-2516. Custodian compliance and immunity.

“21-2517. Uniformity of application and construction.

“21-2518. Relation to Electronic Signatures in Global and National Commerce Act.

“§ 21-2501. Short title.

“This chapter may be cited as the “Uniform Fiduciary Access to Digital Assets Act of 2020”.

“§ 21-2502. Definitions.

“For the purposes of this chapter, the term:

“(1) “Account” means an arrangement under a terms-of-service agreement in which a custodian carries, maintains, processes, receives, or stores a digital asset of the user or provides goods or services to the user.

“(2) “Agent” means an attorney-in-fact granted authority under a durable or nondurable power of attorney.

“(3) “Carries” means engages in the transmission of an electronic communication.

“(4) “Catalogue of electronic communications” means information that identifies each person with which a user has had an electronic communication, the time and date of the communication, and the electronic address of the person. The term “catalogue of electronic communications” does not include the content of an electronic communication.

“(5) “Conservator” means a person appointed by a court to manage the estate of a living individual. The term “conservator” includes a limited conservator.

“(6) “Content of an electronic communication” means information concerning the substance or meaning of the communication that:

“(A) Has been sent or received by a user;

“(B) Is in electronic storage by a custodian providing an electronic communication service to the public or is carried or maintained by a custodian providing a remote-computing service to the public; and

“(C) Is not readily accessible to the public.

“(7) “Custodian” means a person that carries, maintains, processes, receives, or stores a digital asset of a user.

“(8) “Designated recipient” means a person chosen by a user using an online tool to administer digital assets of the user.

“(9) “Digital asset” means an electronic record in which an individual has a right or interest. The term “digital asset” does not include an underlying asset or liability unless the asset or liability is itself an electronic record.

“(10) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“(11) “Electronic communication” shall have the same meaning as provided in 18 U.S.C. § 2510(12).

“(12) “Electronic communication service” means a custodian that provides to a user the ability to send or receive an electronic communication.

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“(13) “Fiduciary” means an original, additional, or successor personal representative, conservator, agent, or trustee. The term “fiduciary” includes a person who receives money for an individual as a guardian pursuant to § 21-2047(b)(1).

“(14) “Information” means data, text, images, videos, sounds, codes, computer programs, software, databases, or the like.

“(15) “Online tool” means an electronic service provided by a custodian that allows the user, in an agreement distinct from the terms-of-service agreement between the custodian and user, to provide directions for disclosure or nondisclosure of digital assets to a third person.

“(16) “Person” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

“(17) “Personal representative” means an executor, administrator, special administrator, or person that performs substantially the same function under laws of the District of Columbia other than this chapter.

“(18) “Power of attorney” means a record that grants an agent authority to act in the place of a principal.

“(19) “Principal” means an individual who grants authority to an agent in a power of attorney.

“(20) “Protected individual” means an individual for whom a conservator has been appointed. The term “protected individual” includes an individual for whom an application for the appointment of a conservator is pending.

“(21) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

“(22) “Remote-computing service” means a custodian that provides to a user computer processing services or the storage of digital assets by means of an electronic communications system, as that term is defined in 18 U.S.C. § 2510(14).

“(23) “Superior Court” means the Superior Court of the District of Columbia.

“(24) “Terms-of-service agreement” means an agreement that controls the relationship between a user and a custodian.

“(25) “Trustee” means a fiduciary with legal title to property under an agreement or declaration that creates a beneficial interest in another. The term “trustee” includes a successor trustee.

“(26) “User” means a person that has an account with a custodian.

“(27) “Will” includes a codicil, a testamentary instrument that only appoints an executor, and an instrument that revokes or revises a testamentary instrument.

“§ 21-2503. Applicability.

“(a) This chapter applies to:

“(1) A fiduciary acting under a will or power of attorney executed before, on, or after the effective date of this chapter;

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“(2) A personal representative acting for a decedent who died before, on, or after the effective date of this chapter;

“(3) A conservatorship proceeding commenced before, on, or after the effective date of this chapter; and

“(4) A trustee acting under a trust created before, on, or after the effective date of this chapter.

“(b) This chapter applies to a custodian if the user resides in the District or resided in the District at the time of the user’s death.

“(c) This chapter does not apply to a digital asset of an employer used by an employee in the ordinary course of the employer’s business.

“§ 21-2504. User direction for disclosure of digital assets.

“(a) A user may use an online tool to direct a custodian to disclose or not to disclose to a designated recipient some or all of the user’s digital assets, including the content of electronic communications. If the online tool allows the user to modify or delete a direction at all times, a direction regarding disclosure using an online tool overrides a contrary direction by the user in a will, trust, power of attorney, or other record.

“(b) If a user has not used an online tool to give direction under subsection (a) of this section, or if the custodian has not provided an online tool, the user may allow or prohibit, in a will, trust, power of attorney, or other record, disclosure to a fiduciary of some or all of the user’s digital assets, including the content of electronic communications sent or received by the user.

“(c) A user’s direction under subsection (a) or (b) of this section overrides a contrary provision in a terms-of-service agreement that does not require the user to act affirmatively and distinctly from the user’s assent to the terms of service.

“§ 21-2505. Terms-of-service agreement.

“(a) This chapter does not change or impair a right of a custodian or a user under a terms-of-service agreement to access and use digital assets of the user.

“(b) This chapter does not give a fiduciary or designated recipient any new or expanded rights other than those held by the user for whom, or for whose estate, the fiduciary or designated recipient acts or represents.

“(c) A fiduciary’s or designated recipient’s access to digital assets may be modified or eliminated by a user, by federal law, or by a terms-of-service agreement if the user has not provided direction pursuant to § 21-2504.

“§ 21-2506. Procedure for disclosing digital assets.

“(a) When disclosing digital assets of a user under this chapter, the custodian may at its sole discretion:

“(1) Grant a fiduciary or designated recipient full access to the user’s account;

“(2) Grant a fiduciary or designated recipient partial access to the user’s account sufficient to perform the tasks with which the fiduciary or designated recipient is charged; or

“(3) Provide a fiduciary or designated recipient a copy in a record of any digital asset that, on the date the custodian received the request for disclosure, the user could have accessed if the user were alive and had full capacity and access to the account.

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“(b) A custodian may assess a reasonable administrative charge for the cost of disclosing digital assets under this chapter.

“(c) A custodian may decline to disclose under this chapter a digital asset deleted by a user.

“(d) If a user directs or a fiduciary requests a custodian to disclose under this chapter some, but not all, of the user’s digital assets, the custodian may decline to disclose the assets if segregation of the assets would impose an undue burden on the custodian. If the custodian believes the direction or request imposes an undue burden, the custodian or fiduciary may seek an order from the Superior Court to disclose:

“(1) A subset limited by date of the user’s digital assets;

“(2) All of the user’s digital assets to the fiduciary or designated recipient;

“(3) None of the user’s digital assets; or

“(4) All of the user’s digital assets to the Superior Court for review in camera.

“§ 21-2507. Disclosure of contents of electronic communications of deceased user.

“If a deceased user consented or, in the absence of direction pursuant to § 21-2504, the Superior Court directs disclosure of the contents of electronic communications of the user, the custodian shall disclose to the personal representative of the estate of the user the content of an electronic communication sent or received by the user if the representative gives the custodian:

“(1) A written request for disclosure in physical or electronic form;

“(2) A certified copy of the death certificate of the user;

“(3) A certified copy of the letter of appointment of the representative or a small-estate affidavit or court order;

“(4) Unless the user provided direction using an online tool, a copy of the user’s will, trust, power of attorney, or other record evidencing the user’s consent to disclosure of the content of electronic communications; and

“(5) If requested by the custodian:

“(A) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user’s account;

“(B) Evidence linking the account to the user; or

“(C) A finding by the Superior Court that:

“(i) The user had a specific account with the custodian, identifiable by the information specified in subparagraph (A) of this paragraph;

“(ii) Disclosure of the content of electronic communications of the user would not violate 18 U.S.C. § 2701 *et seq.*, 47 U.S.C. § 222, or other applicable laws;

“(iii) Unless the user provided direction using an online tool, the user consented to disclosure of the content of electronic communications; or

“(iv) Disclosure of the content of electronic communications of the user is reasonably necessary for administration of the estate.

“§ 21-2508. Disclosure of other digital assets of deceased user.

“Unless the user prohibited disclosure of digital assets or the Superior Court directs otherwise, a custodian shall disclose to the personal representative of the estate of a deceased

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user a catalogue of electronic communications sent or received by the user and digital assets, other than the content of electronic communications, of the user, if the representative gives the custodian:

“(1) A written request for disclosure in physical or electronic form;

“(2) A certified copy of the death certificate of the user;

“(3) A certified copy of the letter of appointment of the representative or a small-estate affidavit or court order; and

“(4) If requested by the custodian:

“(A) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user’s account;

“(B) Evidence linking the account to the user;

“(C) An affidavit stating that disclosure of the user’s digital assets is reasonably necessary for administration of the estate; or

“(D) A finding by the Superior Court that:

“(i) The user had a specific account with the custodian, identifiable by the information specified in subparagraph (A) of this paragraph; or

“(ii) Disclosure of the user’s digital assets is reasonably necessary for administration of the estate.

“§ 21-2509. Disclosure of content of electronic communications of principal.

“To the extent a power of attorney expressly grants an agent authority over the content of electronic communications sent or received by the principal and unless directed otherwise by the principal or the Superior Court, a custodian shall disclose to the agent the content of electronic communications sent or received by the principal if the agent gives the custodian:

“(1) A written request for disclosure in physical or electronic form;

“(2) An original or copy of the power of attorney expressly granting the agent authority over the content of electronic communications of the principal;

“(3) A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and

“(4) If requested by the custodian:

“(A) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal’s account; or

“(B) Evidence linking the account to the principal.

“§ 21-2510. Disclosure of other digital assets of principal.

“Unless otherwise ordered by the Superior Court, directed by the principal, or provided by a power of attorney, a custodian shall disclose to an agent with specific authority over digital assets or general authority to act on behalf of a principal a catalogue of electronic communications sent or received by the principal and digital assets, other than the content of electronic communications, of the principal if the agent gives the custodian:

“(1) A written request for disclosure in physical or electronic form;

“(2) An original or a copy of the power of attorney that gives the agent specific authority over digital assets or general authority to act on behalf of the principal;

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“(3) A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and

“(4) If requested by the custodian:

“(A) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal’s account; or

“(B) Evidence linking the account to the principal.

“§ 21-2511. Disclosure of digital assets held in trust when trustee is original user.

“Unless otherwise ordered by the Superior Court or provided in a trust, a custodian shall disclose to a trustee that is an original user of an account any digital asset of the account held in trust, including a catalogue of electronic communications of the trustee and the content of electronic communications.

“§ 21-2512. Disclosure of contents of electronic communications held in trust when trustee not original user.

“Unless otherwise ordered by the Superior Court, directed by the user, or provided in a trust, a custodian shall disclose to a trustee that is not an original user of an account the content of an electronic communication sent or received by an original or successor user and carried, maintained, processed, received, or stored by the custodian in the account of the trust if the trustee gives the custodian:

“(1) A written request for disclosure in physical or electronic form;

“(2) A certified copy of the trust instrument, or a certification of the trust pursuant to § 19-1310.13 that includes consent to disclosure of the content of electronic communications to the trustee;

“(3) A certification by the trustee, under penalty of perjury, that the trust exists, and the trustee is a currently acting trustee of the trust; and

“(4) If requested by the custodian:

“(A) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust’s account; or

“(B) Evidence linking the account to the trust.

“§ 21-2513. Disclosure of other digital assets held in trust when trustee not original user.

“Unless otherwise ordered by the Superior Court, directed by the user, or provided in a trust, a custodian shall disclose, to a trustee that is not an original user of an account, a catalogue of electronic communications sent or received by an original or successor user and stored, carried, or maintained by the custodian in an account of the trust and any digital assets, other than the content of electronic communications, in which the trust has a right or interest if the trustee gives the custodian:

“(1) A written request for disclosure in physical or electronic form;

“(2) A certified copy of the trust instrument or a certification of the trust under § 19-1310.13;

“(3) A certification by the trustee, under penalty of perjury, that the trust exists, and the trustee is a currently acting trustee of the trust; and

“(4) If requested by the custodian:

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“(A) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust’s account; or

“(B) Evidence linking the account to the trust.

“§ 21-2514. Disclosure of digital assets to conservator of protected individual.

“(a) After an opportunity for a hearing under § 21-2054, the Superior Court may grant a conservator access to the digital assets of a protected individual.

“(b) Unless otherwise ordered by the Superior Court or directed by the user, a custodian shall disclose to a conservator the catalogue of electronic communications sent or received by a protected individual and any digital assets, other than the content of electronic communications, in which the protected individual has a right or interest if the conservator gives the custodian:

“(1) A written request for disclosure in physical or electronic form;

“(2) A certified copy of the court order that gives the conservator authority over the digital assets of the protected individual; and

“(3) If requested by the custodian:

“(A) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the account of the protected individual; or

“(B) Evidence linking the account to the protected individual.

“(c) A conservator with general authority to manage the assets of a protected individual may request a custodian of the digital assets of the protected individual to suspend or terminate an account of the protected individual for good cause. A request made under this section shall be accompanied by a certified copy of the court order giving the conservator authority over the protected individual’s property.

“§ 21-2515. Fiduciary duty and authority.

“(a) The legal duties imposed on a fiduciary charged with managing tangible property apply to the management of digital assets, including:

“(1) The duty of care;

“(2) The duty of loyalty; and

“(3) The duty of confidentiality.

“(b) A fiduciary’s or designated recipient’s authority with respect to a digital asset of a user:

“(1) Except as otherwise provided in § 21-2504, is subject to the applicable terms of service;

“(2) Is subject to other applicable law, including copyright law;

“(3) In the case of a fiduciary, is limited by the scope of the fiduciary’s duties;

and

“(4) Shall not be used to impersonate the user.

“(c) A fiduciary with authority over the property of a decedent, protected individual, principal, or settlor may access any digital asset in which the decedent, protected individual, principal, or settlor had a right or interest and that is not held by a custodian or subject to a terms-of-service agreement.

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“(d) A fiduciary acting within the scope of the fiduciary’s duties is an authorized user of the property of the decedent, protected individual, principal, or settlor for the purpose of, applicable federal or District computer-fraud and unauthorized-computer-access laws.

“(e) A fiduciary with authority over the tangible, personal property of a decedent, protected individual, principal, or settlor:

“(1) May access the property and any digital asset stored in it; and

“(2) Is an authorized user for the purpose of computer-fraud and unauthorized-computer-access laws.

“(f) A custodian may disclose information in an account to a fiduciary of the user when the information is required to terminate an account used to access digital assets licensed to the user.

“(g) A fiduciary of a user may request a custodian to terminate the user’s account. A request for termination must be in writing, in either physical or electronic form, and accompanied by:

“(1) If the user is deceased, a certified copy of the death certificate of the user;

“(2) A certified copy of the letter of appointment of the representative or a small-estate affidavit or court order, power of attorney, or trust giving the fiduciary authority over the account; and

“(3) If requested by the custodian:

“(A) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user’s account;

“(B) Evidence linking the account to the user; or

“(C) A finding by the Superior Court that the user had a specific account with the custodian, identifiable by the information specified in subparagraph (A) of this paragraph.

“§ 21-2516. Custodian compliance and immunity.

“(a) Not later than 60 days after receipt of the information required under §§ 21-2507 through 21-2514, a custodian shall comply with a request under this chapter from a fiduciary or designated recipient to disclose digital assets or terminate an account. If the custodian fails to comply, the fiduciary or designated recipient may apply to the Superior Court for an order directing compliance.

“(b) An order under subsection (a) of this section directing compliance must contain a finding that compliance is not in violation of 18 U.S.C. § 2702.

“(c) Unless a custodian has been notified that a user is deceased, the custodian shall notify the user that a request for disclosure or to terminate an account was made under this chapter.

“(d) A custodian may deny a request under this chapter from a fiduciary or designated recipient for disclosure of digital assets or to terminate an account if the custodian is aware of any lawful access to the account following the receipt of the fiduciary’s request.

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“(e) This chapter does not limit a custodian’s ability to obtain or require a fiduciary or designated recipient requesting disclosure or termination under this chapter to obtain a court order that:

“(1) Specifies that an account belongs to the protected individual or principal;

“(2) Specifies that there is sufficient consent from the protected individual or principal to support the requested disclosure; and

“(3) Contains a finding required by law other than this chapter.

“(f) A custodian and its officers, employees, and agents are immune from liability for an act or omission done in good faith in compliance with this chapter.

“§ 21-2517. Uniformity of application and construction.

“In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

“§ 21-2518. Relation to Electronic Signatures in Global and National Commerce Act.

“This chapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (.114 Stat. 464; 15 U.S.C. § 7001 *et seq.*) (“ESGNCA”), but does not modify, limit, or supersede section 101(c) of the ESGNCA, or authorize electronic delivery of any of the notices described in section 103(b) the ESGNCA.”.

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, 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 13, 2021

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AN ACT

D.C. ACT 23-570

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend the District of Columbia Elections Code of 1955 to include Vote Centers operated by the Board in the definition of polling place, to create a polling place for individuals incarcerated in the Department of Corrections' custody or care at the Central Detention Facility and Correctional Treatment Facility, to allow a person who has complied with the rules of the political party to be listed on the ballot by means other than gathering petition signatures, to allow District government employees to serve as election workers, regardless of their residency or where they are registered to vote, to require voter registration agencies to regularly promote election-related information on their social media platforms, to require petition sheets circulated in support of a candidate to be filed with the District of Columbia Board of Elections in hard copy but allow petition sheets to be made electronically available by the District of Columbia Board of Elections to the candidate and by the candidate to the qualified petition circulators, to extend the deadline for a write-in candidate to meet qualifications and submit a declaration of candidacy following an election, to prohibit individuals from intentionally removing or destroying campaign signs before the date that is 4 days after the election, to require the District of Columbia Board of Elections to request advisory opinions from the Attorney General and the General Counsel of the Council on whether a measure is a proper subject of initiative or referendum, to require the Attorney General and the General Counsel of the Council to provide advisory opinions within 15 business days or 5 business days for an initiative or referendum, respectively, to require the summary statement to be written in plain language, to require the District of Columbia Board of Elections to consult experts in legal drafting, including the Attorney General and General Counsel of the Council, to require the Office of the Chief Financial Officer to issue a fiscal impact statement for initiative measures within 15 business days after receipt of a request from the District of Columbia Board of Elections, to require the District of Columbia Board of Elections to, within 24 hours of adoption, notify the proposer, submit the measure to the D.C. Register and at least one newspaper, and publish the measure on its website, to require the District of Columbia Board of Elections to transmit the measure by e-mail to the proposer, to allow the proposer to print from the original blank petition sheets on paper that is not white, to allow the District of Columbia Board of Elections to provide petition sheets to candidates electronically and candidates to provide those sheets electronically to

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circulators, but require them to be filed in hard copy with the District of Columbia Board of Elections, to allow proponents of a recall to print from the original blank petition sheets on paper of good writing quality, and to make technical and conforming changes; and to amend the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to allow the District of Columbia Board of Elections to change the dates by which public reports are required to be filed and by which the names of public officials are to be published during a period of time for which the Mayor has declared a public health emergency, to allow the District of Columbia Board of Elections to change the date by which confidential disclosure of financial interest reports are required to be filed and by which such reports are required to be reviewed during a period of time for which the Mayor has declared a public health emergency, to allow the District of Columbia Board of Elections to change the date by which lobbyists are required to file reports during a period of time for which the Mayor has declared a public health emergency, to permit the Director of Campaign Finance to conduct trainings online during a period of time for which the Mayor has declared a public health emergency, to clarify that, in order to be certified as a participating candidate in the Fair Elections Program, a candidate must submit a signed affidavit declaring that the candidate has paid any fines or penalties assessed for a violation of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 whether or not those fines or penalties are due or delinquent at the time of filing the affidavit, to allow the Director of Campaign Finance 5 business days to disburse half of the base amount under the Fair Elections Program, and to allow the Director of Campaign Finance 5 business days to disburse matching payments for small-dollar contributions under the Fair Elections Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Initiative and Referendum Process Improvement Amendment Act of 2020".

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-1001.02) is amended as follows:

(1) Paragraph (12) is amended by striking the phrase "his or her" and inserting the phrase "the elected official's" in its place.

(2) Paragraph (16) is amended as follows:

(A) Sub-subsection (A) is amended by striking the phrase "he or she" and inserting the phrase "a person" in its place.

(B) Sub-subsection (C) is amended by striking the phrase "his or her" both times it appears and inserting the phrase "the qualified elector's" in its place.

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(C) Sub-subsection (D) is amended by striking the phrase “his or her permanent home, he or she” and inserting the phrase “the qualified elector’s home, the qualified elector” in its place.

(D) Sub-subsection (E) is amended by striking the phrase “his or her residence. If a person is absent from the District, but intends to maintain residence in the District for voting purposes, he or she” and inserting the phrase “the person’s residence. If a person is absent from the District, but intends to maintain residence in the District for voting purposes, the person” in its place.

(3) A new paragraph (31) is added to read as follows:

“(31) “Polling place” includes Vote Centers operated by the Board throughout the District.”.

(b) Section 3 (D.C. Official Code § 1-1001.03) is amended as follows:

(1) Subsection (b) is amended by striking the phrase “he or she is” and inserting the phrase “the person is” in its place.

(2) Subsection (c) is amended by striking the phrase “until his successor” and inserting the phrase “until the member’s successor” in its place.

(c) Section 4 (D.C. Official Code § 1-1001.04) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase “unless he or she” and inserting the phrase “unless the individual” in its place.

(B) Paragraph (2) is amended by striking the phrase “he or she is” and inserting the phrase “the individual is” in its place.

(2) Subsection (b)(4) is amended by striking the phrase “in his or her” and inserting the phrase “in the person’s” in its place.

(3) Subsection (d)(1) is amended by striking the phrase “he or she shall notify such member, in writing, of the charge against him or her” and inserting the phrase “the Mayor shall notify such member, in writing, of the charge against the member” in its place.

(d) Section 5 (D.C. Official Code § 1-1001.05) is amended as follows:

(1) Subsection (a)(9) is amended by striking the phrase “polling places” and inserting the phrase “polling places, including a polling place for individuals incarcerated in the Department of Corrections’ custody or care at the Central Detention Facility and Correctional Treatment Facility” in its place.

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

(A) Paragraph (2) is amended to read as follows:

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

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

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

(B) Paragraph (3)(B) is amended by striking the phrase “his political party” and inserting the phrase “the candidate’s political party” in its place.

(C) Paragraph (4)(A) is amended by striking the phrase “his or her choice” and inserting the phrase “the voter’s choice” in its place.

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

“(5) The delegates and alternates, of each political party in the District of Columbia to the national convention of that party convened for the nomination of that party for President, elected in accordance with this act, shall be obliged to vote only for the candidate whom the delegate or alternate has been selected to represent in accordance with properly promulgated rules of the political party, on the 1st ballot cast at the convention for nominees for President, or until such time as such candidate to whom the delegate is committed withdraws the candidate’s candidacy, whichever 1st occurs.”.

(3) Subsection (e) is amended as follows:

(A) Paragraph (1)(B) is amended by striking the phrase “his or her term” and inserting the phrase “the Executive Director’s term” in its place.

(B) Paragraph (2) is amended by striking the phrase “elections, conflict of interest, or lobbying.” and inserting the phrase “elections.” in its place.

(C) Paragraph (3) is amended by striking the phrase “to him or her” and inserting the phrase “to the General Counsel” in its place.

(D) Paragraph (4) is amended as follows:

(i) Subparagraph (A) is amended by striking the phrase “The Board shall” and inserting the phrase “Except as provided in subparagraph (C) of this paragraph, the Board shall” in its place.

(ii) Subparagraph (B) is amended by striking the phrase “him or her to” and inserting the phrase “the polling place worker to” in its place.

(iii) A new subparagraph (C) is added to read as follows:

“(C) Election workers, including precinct captains and polling place workers, who are District government employees are not required to be District residents or qualified electors.”.

(e) Section 5a(b) (D.C. Official Code § 1-1001.05a(b)) is amended by striking the phrase “his or her” and inserting the phrase “the person’s” in its place.

(f) Section 7 (D.C. Official Code § 1-1001.07) is amended as follows:

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

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(A) Paragraph (1)(B) is amended by striking the phrase “the Office on Aging” and inserting the phrase “the Department of Aging and Community Living” in its place.

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

(i) Subparagraph (C) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(ii) Subparagraph (D) is amended by striking the period and inserting the phrase “; and” in its place.

(iii) A new subparagraph (E) is added to read as follows:

“(E) Regularly promote election-related information on the voter registration agencies’ social media platforms, including by providing information about how to register to vote and vote.”.

(C) Paragraph (14)(A) is amended by striking the phrase “District of Columbia Fire Department” and inserting the phrase “Fire and Emergency Medical Services Department” in its place.

(g) Section 8 (D.C. Official Code § 1-1001.08) is amended as follows:

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

(A) Paragraph (1)(A) is amended by striking the phrase “he or she has” and inserting the phrase “the person has” in its place.

(B) Paragraph (3)(C) is amended by striking the phrase “he or she is” and inserting the phrase “the signer is” in its place.

(C) A new paragraph (3A) is added to read as follows:

“(3A)(A) Petition sheets circulated in support of a candidate for elected office pursuant to this act must be filed with the Board in hard copy but may be electronically provided by the:

“(i) Board to the candidate;

“(ii) Candidate to qualified petition circulators; and

“(iii) Qualified petition circulator to the candidate.

“(B) Signatures on such petition sheets shall not be invalidated because the signer was also the circulator of the same petition sheet on which the signature appears.”.

(D) Paragraph (4) is amended by striking the phrase “the Corporation Counsel” and inserting the phrase “the Attorney General” in its place.

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

“(g)(1) No person may be elected to the office of elector of President and Vice President pursuant to this act unless the person:

“(A) Is a registered voter in the District; and

“(B) Has been a bona fide resident of the District for a period of 3 years immediately preceding the date of the presidential election.

“(2) Each person elected as elector of President and Vice President shall, in the presence of the Board, take an oath or solemnly affirm that the person will vote for the

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candidates of the party the person has been nominated to represent, and it shall be the person's duty to vote in such manner in the electoral college.”.

(3) Subsection (l)(1) is amended by striking the phrase “the chairman” and inserting the phrase “the chairperson” in its place.

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

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

(i) Strike the phrase “his or her candidacy” and insert the phrase “the candidate's candidacy” in its place; and

(ii) Strike the phrase “on the day following the date of the election” and insert the phrase “on the third day immediately following the date of the election” in its place.

(B) Paragraph (3) is amended to read as follows:

“(3) To be eligible for election to public office, a write-in candidate shall be a duly registered elector and shall meet all of the other qualifications required for election to the office and shall declare the candidate's candidacy not later than 4:45 p.m. on the seventh day immediately following the date of the election in which the candidate was a candidate on a form or forms prescribed by the Board.”.

(h) Section 9 (D.C. Official Code § 1-1001.09) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase “his or her” both times it appears and inserting the phrase “the registered qualified elector's” in its place.

(B) Paragraph (3) is amended by striking the phrase “his or her current” and inserting the phrase “the registered qualified elector's current” in its place.

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

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

(i) Strike the phrase “he or she believes” and insert the phrase “the challenger believes” in its place; and

(ii) Strike the phrase “challenge on his or her own initiative” and insert the word “challenge” in its place.

(B) Paragraph (3) is amended by striking the phrase “he or she finds” both times it appears and inserting the phrase “the precinct captain finds” in its place.

(C) Paragraph (4) is amended by striking the phrase “he or she shall” and inserting the phrase “the precinct captain shall” in its place.

(D) Paragraph (6) is amended by striking the phrase “his or her determination” and inserting the phrase “the hearing officer's determination” in its place.

(E) Paragraph (7) is amended to read as follows:

“(7) The hearing officer shall notify the precinct captain of the hearing officer's decision on the appeal of the unsuccessful challenge, and the precinct captain shall notify each party of the hearing officer's decision. If the hearing officer affirms the precinct captain's decision to deny the challenge, the challenged voter shall cast a regular ballot. The precinct

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captain shall inform the challenger of the challenger's right to appeal the decision of the Board hearing officer to the Superior Court of the District of Columbia. If the hearing officer overturns the precinct captain's decision to deny the challenge, the challenged voter shall be allowed to vote only by casting a paper ballot marked "challenged" in accordance with the procedures set forth in paragraph (8) of this subsection."

(F) Paragraph (8) is amended as follows:

(i) Strike the phrase "his or her right" and insert the phrase "the voter's right" in its place; and

(ii) Strike the phrase "he or she is a registered qualified elector" and insert the phrase "the voter is a qualified registered elector" in its place.

(3) Subsection (e) is amended as follows:

(A) Paragraph (2) is amended by striking the phrase "his or her ballot" and inserting the phrase "the person's ballot" in its place.

(B) Paragraph (3) is amended by striking the phrase "he or she may" and inserting the phrase "the voter may" in its place.

(C) Paragraph (4) is amended by striking the phrase "his or her special" and inserting the phrase "the voter's special" in its place.

(4) Subsection (f) is amended by striking the phrase "his or her vote" and inserting the phrase "the qualified elector's vote" in its place.

(5) Subsection (g)(1) is amended by striking the phrase "he or she has" and inserting the phrase "the person has" in its place.

(i) Section 10 (D.C. Official Code § 1-1001.10) is amended as follows:

(1) Subsection (c) is amended by striking the phrase "him or her or them" and inserting the phrase "the candidate or candidates" in its place.

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

(A) Paragraph (1) is amended by striking the phrase "his or her term" and inserting the phrase "the official's term" in its place.

(B) Paragraph (2)(A) is amended by striking the phrase "his or her election" and inserting the phrase "the person's election" in its place.

(3) Subsection (e)(1) is amended by striking the phrase "his or her election" and inserting the phrase "the person's election" in its place.

(4) Subsection (f) is amended by striking the phrase "his or her immediate" and inserting the phrase "the person's immediate" in its place.

(j) Section 14 (D.C. Official Code § 1-1001.14) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "his or her qualifications for registering or voting or for holding elective office, or be guilty of violating section 7(d)(2)(D), section 9, section 12, or section 13 or be guilty of bribery or intimidation of any voter at an election, or being registered, shall vote or attempt to vote more than once in any election so held, or shall purloin or secrete any of the votes cast in an election, or attempt to vote in an election held by a political party other than that to which he or she has" and inserting the phrase "the

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person's qualifications for registering or voting or for holding elective office, or be guilty of violating section 7(d)(2)(D), section 9, section 12, or section 13, or be guilty of bribery or intimidation of any voter at an election, or being registered, shall vote or attempt to vote more than once in any election so held, or shall purloin or secrete any of the votes cast in an election, or attempt to vote in an election held by a political party other than that to which the person has" in its place.

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

"(B) Give false information as to the person's name, address, or period of residence for the purpose of establishing the person's eligibility to register or vote, that is known by the person to be false;"

(3) Subsection (b) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase "his or her own" and inserting the phrase "the person's own" in its place.

(B) Paragraph (3) is amended by striking the phrase "induce him or her to sign or not to sign, his or her signatures" and inserting the phrase "induce the person to sign or not to sign, the person's signatures" in its place.

(C) Paragraph (4) is amended by striking the phrase "the Corporation Counsel" and inserting the phrase "the Attorney General" in its place.

(4) Subsection (b-1) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase "who, during the period beginning 30 days before any election or referendum, initiative, or recall and ending 4 days after the" and inserting the phrase "who, before the date that is 4 days after an" in its place.

(B) Paragraph (3)(F) is amended by striking the phrase "his or her authority" and inserting the phrase "the person's authority" in its place.

(k) Section 15 (D.C. Official Code § 1-1001.15) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "he or she shall, within 3 days after the Board has sent him notice that he or she has been so nominated, designate in writing the office for which he or she wishes to run, in which case he or she will" and inserting the phrase "the person shall, within 3 days after the Board has sent the person notice that the person has been so nominated, designate in writing the office for which the person wishes to run, in which case the person will" in its place.

(2) Subsection (b) is amended by striking the phrase "he or she is a candidate, that person shall, within 24 hours of the date that the Board certifies said person's election, pursuant to subsection (a)(11) of section 5, either resign from the office that person currently holds or shall decline to accept the office for which he or she was a candidate. In the event that said person elects to resign, said resignation shall be effective not later than 24 hours before the date upon which that person would assume the office to which he or she" and inserting the phrase "the person is a candidate, that person shall, within 24 hours of the date that the Board certifies said person's election, pursuant to section 5(a)(11), either resign from the office that person currently holds or shall decline to accept the office for which the person was a candidate. In the

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event that said person elects to resign, said resignation shall be effective not later than 24 hours before the date upon which that person would assume the office to which the person" in its place.

(l) Section 16 (D.C. Official Code § 1-1001.16) is amended as follows:

(1) Subsection (a)(2) is amended as follows:

(A) Sub-subsection (A) is amended by striking the word "and".

(B) Sub-subsection (B) is amended by striking the punctuation "." and inserting the phrase "; and" in its place.

(C) A new sub-subsection (C) is added to read as follows:

"(C) A copy of the verified statement of contributions that the proposer has filed with the Director of Campaign Finance."

(2) Subsection (b) is amended by adding a new paragraph (1A) to read as follows:

"(1A)(A) Within one business day after the proposed initiative or referendum measure is received by the Board, the Board shall request advisory opinions from the Attorney General and the General Counsel of the Council on whether the measure is a proper subject of initiative or referendum.

"(B) If the measure is a proposed:

"(i) Initiative measure, the Attorney General and the General Counsel of the Council shall provide advisory opinions to the Board within 15 business days after the Board's request is received; or

"(ii) Referendum measure, the Attorney General and the General Counsel of the Council shall provide advisory opinions to the Board within 5 business days after the Board's request is received."

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

(A) Paragraph (1) is amended by striking the phrase "statement, not" and inserting the phrase "statement, written in plain language, not" in its place.

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

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

"(3) Prepare, in the proper legislative form, the proposed initiative or referendum measure, where applicable, which shall conform to the legislative drafting style of acts of the Council, and consult experts in legislative drafting, including the Attorney General and the General Counsel of the Council; and"

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

"(4) If the measure is an initiative measure, request a fiscal impact statement from the Office of the Chief Financial Officer, who shall issue a fiscal impact statement within 15 business days after receipt of the request from the Board."

(4) Subsection (d) is amended to read as follows:

"(d)(1) After preparing an initiative or referendum measure, the Board shall call a public meeting to adopt the summary statement, short title, and legislative form of the measure.

"(2) Within 24 hours after adoption, the Board shall:

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“(A) Notify the proposer of the measure, via email, of the exact language of the summary statement, short title, and legislative form;

“(B) Submit the summary statement, short title, legislative form, and, if the measure is an initiative measure, the fiscal impact statement, to:

“(i) The District of Columbia Register for publication; and

“(ii) At least one newspaper of general circulation in the District;

and

“(C) Publish the summary statement, short title, legislative form, and, if the measure is an initiative measure, the fiscal impact statement, on the Board’s website.”.

(5) Subsection (f) is amended to read as follows:

“(f)(1) When the summary statement, short title, and legislative form of an initiative or referendum measure have been established pursuant to subsection (e) of this section, the Board shall certify their establishment and transmit a copy by certified mail and e-mail to the proposer.

“(2) The established short title shall be the title of the measure in all petitions, ballots, and other related proceedings.

“(3) The Board shall, upon the request of any person, make single copies of the approved short title, summary statement, and full legislative text available at no charge. Additional copies shall be made available at a nominal cost.”.

(6) Subsection (g) is amended by striking the phrase “white paper of good writing quality of the same size as the original or shall utilize the mobile application made available under section 5(a)(19). Each initiative or referendum petition sheet shall consist of one double-sided sheet providing numbered lines for 20 printed” and inserting the phrase “paper of good writing quality or shall utilize the mobile application made available under section 5(a)(19). Each initiative or referendum petition sheet shall consist of one sheet providing numbered lines for printed” in its place.

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

“(g-1)(1) Petition sheets of proposers shall be filed with the Board in hard copy but may be electronically made available by the:

“(A) Board to the proposers; and

“(B) Proposers to qualified petition circulators.

“(2) Signatures on petition sheets shall not be invalidated because the signer was also the circulator of the same petition sheet on which the signature appears.”.

(8) Subsection (h)(5) is amended by striking the period and inserting the phrase “; and” in its place.

(9) Subsection (i) is amended to read as follows:

“(i)(1) In order for any initiative measure or referendum measure to qualify for the ballot for consideration by the electors of the District, the proposer of the initiative measure or referendum measure shall secure the valid signatures of registered qualified electors upon the initiative or referendum measure equal in number to 5% of the registered qualified electors in the

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District; provided, that the total signatures submitted include 5% of the registered qualified electors in each of 5 or more of the 8 wards.

“(2) The number of registered qualified electors that is used for computing the requirements described in paragraph (1) of this subsection shall be consistent with the latest official count of registered qualified electors made by the Board 30 days prior to the submission of the signatures for the particular initiative or referendum petition.”.

(10) Subsection (j) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase “subsection (h)” and inserting the phrase “subsection (f)” in its place.

(B) Paragraph (3) is amended by striking the phrase “subsection (h)” and inserting the phrase “subsection (f)” in its place.

(11) Subsection (m) is amended by striking the phrase “Congress for review” and inserting the period “Congress for any remaining period of review” in its place.

(m) Section 17 (D.C. Official Code § 1-1001.17) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase “his term” and inserting the phrase “the elected officer’s term” in its place.

(B) Paragraph (2) is amended by striking the phrase “his or her favor” and inserting the phrase “the elected officer’s favor” in its place.

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

(A) The lead-in language is amended by striking the phrase “his or her own form. The proponent shall print from the original blank petition sheets on white paper of good writing quality of the same size as the original or” and inserting the phrase “the proponent’s own form. The proponent shall print from the original blank petition sheets on paper of good writing quality or” in its place.

(B) Paragraph (2) is amended by striking the phrase “he or she holds” and inserting the phrase “the elected officer holds” in its place.

(3) Subsection (g) is amended by striking the phrase “his or her own” and inserting the phrase “the proponent’s own” in its place.

(4) The lead-in language of subsection (l) is amended by striking the phrase “his or her office” and inserting the phrase “the elected officer’s office” in its place.

(5) Subsection (n) is amended by striking the phrase “remove him or her” and inserting the phrase “remove the elected officer” in its place.

Sec. 3. The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*), is amended as follows:

(a) Section 224 (D.C. Official Code § 1-1162.24) is amended by adding a new subsection (c-2) to read as follows:

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“(c-2) Notwithstanding any other provision of this section, during 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), the Board may change the dates by which:

“(1) Reports required by this section are to be filed; and

“(2) The names of public officials are to be published pursuant to subsection (c-1) of this section.”.

(b) Section 225 (D.C. Official Code § 1-1162.25) is amended by adding a new subsection (b-1) to read as follows:

“(b-1) Notwithstanding any other provision of this section, during 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), the Board may change the dates by which:

“(1) Reports required by subsection (a) of this section are to be filed; and

“(2) Reports filed pursuant to subsection (a) of this section shall be reviewed pursuant to subsection (b) of this section.”.

(c) Section 230 (D.C. Official Code § 1-1162.30) is amended by adding a new subsection (a-1) to read as follows:

“(a-1) Notwithstanding any other provision of this section, during 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), the Board may change the dates by which reports required by subsection (a) of this section shall be filed.”.

(d) Section 304(7A)(A) (D.C. Official Code § 1-1163.04(7A)(A)) is amended by striking the phrase “in person” and inserting the phrase “in person, or, during 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), online” in its place.

(e) Section 332c(a)(2)(E) (D.C. Official Code § 1-1163.32c(a)(2)(E)) is amended to read as follows:

“(E) Has paid any fines or penalties assessed for a violation of this act, whether or not those fines or penalties are due or delinquent at the time of filing the affidavit; and”.

(f) Section 332d (D.C. Official Code § 1-1163.32d) is amended by striking the phrase “5 days after” wherever it appears and inserting the phrase “5 business days after” in its place.

(g) Section 332e(e) (D.C. Official Code § 1-1163.32e(e)) is amended by striking the phrase “Within 5 days after” and inserting the phrase “Within 5 business days after” in its place.

Sec. 4. Applicability.

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(a) Section 2(d)(1) 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. 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 13, 2021

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AN ACT

D.C. ACT 23-571

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend Title 16 of the District of Columbia Official Code to clarify the procedures by which certain victims of an intrafamily offense, sexual assault, trafficking in labor or commercial sex acts, and sex trafficking of children, or certain individuals whose animal is the victim of an intrafamily offense, may petition for a civil protection order, to expand the ability of minors ages 13 to 16 to petition for a civil protection order, to allow the court to extend temporary protection orders in increments up to 28 days for good cause or for a longer period with the consent of the parties, to clarify the relief available pursuant to a civil protection order for firearms and animal protections, to modify the duration of a civil protection order, to establish a dedicated unit in the Metropolitan Police Department to serve process in civil protection order cases, and to create procedures by which certain victims of stalking may petition for an anti-stalking order; and to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Intrafamily Offenses and Anti-Stalking Orders Amendment Act of 2020”.

Sec. 2. Section 14-306(b-1)(1)(A) of the District of Columbia Official Code is amended by striking the phrase “Intimate partner violence as defined in § 16-1001(7)” and inserting the phrase “An offense against a current or former spouse or current or former domestic partner” in its place.

Sec. 3. Title 16 of the District of Columbia Official Code is amended as follows:

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

“10A. Anti-Stalking Orders.”

(b) Section 16-801(9)(A) is amended to read as follows:

“(A) An intrafamily offense, as that term is defined in § 16-1001(8).”

(c) Section 16-914(a)(3)(F) is amended by striking the phrase “section 16-1001(5)” and inserting the phrase “§ 16-1001(8)” in its place.

(d) Section 16-1001 is amended as follows:

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(1) Paragraph (5) is amended by striking the phrase “Domestic Violence Unit” and inserting the phrase “Domestic Violence Division” in its place.

(2) New paragraphs (5A) and (5B) are added to read as follows:

“(5A) “Family member” means a person:

“(A) To whom the offender is related by blood, adoption, legal custody, marriage, or domestic partnership; or

“(B) Who is the child of an intimate partner.

“(5B)(A) “Household member” means a person with whom, in the past year, the offender:

“(i) Shares or has shared a mutual residence; and

“(ii) Has maintained a close relationship, beyond mere acquaintances, rendering application of the statute appropriate.

“(B) For the purposes of this paragraph, the term “close relationship” does not include a relationship based solely on a landlord-tenant relationship.”.

(3) Paragraph (6) is repealed.

(4) A new paragraph (6A) is added to read as follows:

“(6A) “Intimate partner” means a person:

“(A) To whom the offender is or was married;

“(B) With whom the offender is or was in a domestic partnership;

“(C) With whom the offender has a child in common; or

“(D) With whom the offender is, was, or is seeking to be in a romantic, dating, or sexual relationship.”.

(5) Paragraph (7) is repealed.

(6) Paragraph (8) is amended to read as follows:

“(8) “Intrafamily offense” means:

“(A) An offense punishable as a criminal offense against an intimate partner, a family member, or a household member; or

“(B) An offense punishable as cruelty to animals, under § 22-1001 or § 22-1002, against an animal that an intimate partner, family member, or household member owns, possesses, or controls.”.

(7) Paragraph (9) is repealed.

(8) Paragraph (10) is amended by striking the phrase “an Associate Judge,” and inserting the phrase “an Associate Judge, a Senior Judge,” in its place.

(9) Paragraph (12) is amended to read as follows:

“(12) “Petitioner” means the person for whom a civil protection order is sought under this subchapter.”.

(10) Paragraph (13) is amended by striking the phrase “12 years of age” and inserting the phrase “13 years of age” in its place.

(11) A new paragraph (14) is added to read as follows:

“(14) “Sexual assault” shall have the same meaning as provided in § 23-1907(9).”.

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(e) Section 16-1003 is amended to read as follows:

“§ 16-1003. Petition for civil protection order; representation.

“(a) A person 16 years of age or older may petition the Domestic Violence Division for a civil protection order against a respondent who has allegedly committed or threatened to commit:

“(1) An intrafamily offense, where the petitioner is the victim, or, if the offense is punishable under § 22-1001 or § 22-1002, where the victim is an animal that the petitioner owns, possesses, or controls;

“(2) Sexual assault, where the petitioner is the victim;

“(3) Trafficking in labor or commercial sex acts, as described in § 22-1833, where the petitioner is the victim; or

“(4) Sex trafficking of children, as described in § 22-1834, where the petitioner is the victim.

“(b) A minor who is at least 13 years of age but less than 16 years of age may petition the Domestic Violence Division for a civil protection order against a respondent who has allegedly committed or threatened to commit:

“(1) An intrafamily offense, where the petitioner is the victim, or, if the offense is punishable under § 22-1001 or § 22-1002, where the victim is an animal that the petitioner owns, possesses, or controls; provided, that the petitioner is an intimate partner;

“(2) Sexual assault, where the petitioner is the victim; provided, that the respondent does not have a significant relationship, as that term is defined in § 22-3001(10), with the petitioner; or

“(3) Sex trafficking of children, as described in § 22-1834, where the petitioner is the victim.

“(c) A minor who is less than 13 years of age may not petition for a civil protection order on their own behalf.

“(d)(1) The parent, legal guardian, or legal custodian of a minor may file a petition for a civil protection order on a minor’s behalf.

“(2) The following individuals may, at the request of a minor 13 years of age or older, file a petition for a civil protection order on the minor’s behalf:

“(A) A person 18 years of age or older to whom the minor is related by blood, adoption, legal custody, marriage, or domestic partnership; or

“(B) A sexual assault youth victim advocate, as that term is defined in § 23-1907(14).

“(e) A minor’s custodial parent, guardian, or custodian may not file a petition for a civil protection order against the minor.

“(f)(1) The Office of Attorney General may:

“(A) If the petitioner is unable to petition on the petitioner’s own behalf, intervene in a case and represent the interests of the District of Columbia at the request of the petitioner, a person petitioning on the petitioner’s behalf, or a government agency; or

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“(B) At the request of the petitioner or a person petitioning on the petitioner’s behalf, provide individual legal representation to the petitioner in proceedings under this subchapter.

“(2) If the Office of the Attorney General intervenes in a case under paragraph (1)(A) of this subsection, the intervention shall continue until:

“(A) The court denies the petition for a civil protection order; or

“(B) The Office of the Attorney General withdraws from the intervention.

“(g) The Domestic Violence Division may appoint attorneys to represent a party if the party:

“(1) Is a minor;

“(2) Is not represented by an attorney; and

“(3) The appointment would not unreasonably delay a determination on the issuance or denial of a temporary protection order or civil protection order.

“(h) When computing a time period specified in this subchapter or in an order issued under this subchapter that is stated in days or a longer unit of time:

“(1) Exclude the day of the event that triggers the time period;

“(2) Count every day, including intermediate Saturdays, Sundays, and legal holidays; and

“(3) Include the last day of the time period, but if the last day of the time period specified falls on a Saturday, Sunday, a legal holiday, or a day on which weather or other conditions cause the court to be closed, the time period specified shall continue to run until the end of the next day that is not a Saturday, Sunday, legal holiday, or a day on which weather or other conditions cause the court to be closed.”.

(f) Section 16-1004 is amended to read as follows:

“§ 16-1004. Petition; temporary protection order.

“(a) Upon receipt of a petition filed pursuant to § 16-1003, the Domestic Violence Division shall:

“(1) Order that a hearing be held to determine whether to issue a civil protection order against the respondent; and

“(2) Where appropriate, consolidate the case with other matters before the court involving the same parties.

“(b) When petitioning for a civil protection order, a petitioner or a person petitioning on the petitioner’s behalf may also request that a temporary protection order be issued without notice to the respondent.

“(c) If the petitioner or a person petitioning on the petitioner’s behalf requests that the court issue a temporary protection order pursuant to subsection (b) of this section, the court shall grant or deny the request after a hearing held on the same day that the request was made, unless the request is filed too late in the day to permit effective review, in which case the court shall grant or deny the request after a hearing held the next day the court is open.

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“(d) The court may issue a temporary protection order if the petitioner or a person petitioning on the petitioner’s behalf establishes that the safety or welfare of the petitioner, or an animal the petitioner owns, possesses, or controls, is immediately endangered by the respondent.

“(e)(1) A temporary protection order shall remain in effect for an initial period not to exceed 14 days as necessary to complete service and the hearing on the petition.

“(2) The court may extend a temporary protection order as necessary to complete service and the hearing on the petition:

“(A) In 14-day increments;

“(B) In increments up to 28 days for good cause; or

“(C) For a longer time period with the consent of both parties.

“(f) The court may modify or terminate a temporary protection order.

“(g) If a respondent fails to appear for a hearing on a petition for a civil protection order after having been served with notice of the hearing, a petition, and a temporary protection order in accordance with the Rules of the Superior Court of the District of Columbia, and the court enters a civil protection order in accordance with § 16-1005, the temporary protection order shall remain in effect until the respondent is served with the civil protection order or the civil protection order expires, whichever occurs first.

“(h) A temporary protection order issued under this section:

“(1) May include any of the relief set forth in § 16-1005(c);

“(2) Shall require that the respondent relinquish possession of any firearms or ammunition and prohibit the respondent from having possession or control of, purchasing, or receiving any firearm or ammunition while the protection order is in effect.

“(i) A temporary protection order issued pursuant to this section shall include notice explaining that:

“(1) If the day on which the temporary protection order is set to expire is a Saturday, Sunday, a day observed as a holiday by the court, or a day on which the weather or other conditions cause the court to be closed, the temporary protection order shall remain in effect until the end of the next day on which the court is open; and

“(2) If the respondent fails to appear for a hearing on a petition for civil protection after having been served, and a civil protection order is entered, the temporary protection order shall remain in effect until the respondent is served with the civil protection order or the civil protection order expires, whichever occurs first.”.

(g) Section 16-1005 is amended as follows:

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

“(a) Parties served with notice in accordance with § 16-1007 shall appear at the hearing.”.

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

“(a-1)(1) In a case in which the Attorney General intervenes pursuant to section 16-1003(f)(1)(A), the petitioner is not a required party.

“(2) In a case in which an individual described in § 16-1003(d)(1) petitioned on behalf of a minor petitioner under the age of 13, the minor petitioner is not a required party.

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“(3) In a hearing under this section, if a parent, guardian, custodian, or other appropriate adult has petitioned for a civil protection order on behalf of a minor petitioner 13 years of age or older, the court shall consider the expressed wishes of the minor petitioner in deciding whether to issue an order pursuant to this section and in determining the contents of such an order.”.

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

(A) The lead-in language is amended to read as follows:

“(c) If, after a hearing, the judicial officer finds that there is good cause to believe the respondent has committed or threatened to commit a criminal offense against the petitioner or an animal the petitioner owns, possesses, or controls, or with the consent of both parties, the judicial officer may issue a civil protection order that:”.

(B) Paragraph (1) is amended by striking the phrase “protected persons” and inserting the phrase “individuals specified in the order” in its place.

(C) Paragraph (2) is amended by striking the phrase “protected persons or locations” and inserting the phrase “individuals or locations specified in the order” in its place.

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

“(6) Awards temporary custody of a minor child or children of the parties, provided that:

“(A) If, after the hearing on the civil protection order, the judicial officer finds by a preponderance of the evidence that a contestant for custody has committed an intrafamily offense, any determination that custody is to be granted to the contestant who has committed the intrafamily offense shall be supported by a written statement by the judicial officer specifying factors and findings that support that determination; and

“(B) The parent who has committed the intrafamily offense shall have the burden of proving that custody will not endanger the child or significantly impair the child's emotional development;”.

(E) Paragraph (7) is amended to read as follows:

“(7) Provides for visitation rights with appropriate restrictions to protect the safety of the petitioner, provided that:

“(A) If, after the hearing on the civil protection order, the judicial officer finds by a preponderance of the evidence that a parent seeking visitation has committed an intrafamily offense, any determination that visitation is to be awarded to the parent who has committed the intrafamily offense shall be supported by a written statement by the judicial officer specifying factors and findings that support that determination, including how the child and custodial parent can be adequately protected from harm inflicted by the parent who has committed the intrafamily offense; and

“(B) The parent who has committed the intrafamily offense shall have the burden of proving that visitation will not endanger the child or significantly impair the child's emotional development;”.

(F) Paragraph (10) is amended to read as follows:

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“(10) Directs the respondent to relinquish possession of any firearms or ammunition and prohibits the respondent from having possession or control of, purchasing, or receiving any firearm or ammunition while the protection order is in effect.”.

(G) Paragraph (10A) is amended to read as follows:

“(10A) In connection with an animal owned, possessed, or controlled by the petitioner:

“(A) Directs the ownership, possession, or control of the animal; or

“(B) Orders the respondent to stay away from the animal and refrain from possessing, controlling, harming or threatening to harm, or otherwise disposing of the animal.”.

(4) Subsection (c-1) is repealed.

(5) Subsection (d) is amended to read as follows:

“(d) A civil protection order issued pursuant to this section shall remain in effect for an initial period not to exceed 2 years.”.

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

“(d-1)(1) A judicial officer may, upon motion of any party to the original proceeding, extend, modify, or vacate an order for good cause shown.

“(2) Except as provided in paragraph (3) of this subsection, a finding that an order has been violated is not necessary for a finding of good cause to modify or extend an order.

“(3) For each request for an extension, the judicial officer may extend an order for the period of time the judicial officer deems appropriate, but before granting any single extension longer than 2 years, the judicial officer shall find:

“(A) That the respondent has violated the civil protection order;

“(B) That prior to obtaining the order being extended, the petitioner had previously obtained a civil protection order or foreign protection order as that term is defined in subchapter IV of this chapter against the same respondent; or

“(C) Other compelling circumstances related to the petitioner’s safety or welfare.”.

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

“(e) Any final order issued pursuant to this section and any order granting or denying a motion to extend, modify, or vacate such order shall be appealable.”.

(8) Subsection (f) is amended to read as follows:

“(f)(1) Violation of any temporary protection order or civil protection order issued under this subchapter, or violation in the District of Columbia of any valid foreign protection order, as that term is defined in subchapter IV of this chapter, or respondent’s failure to appear as required by subsection (a) of this section, shall be punishable as criminal contempt.

“(2) Upon conviction, criminal contempt shall be punished by a fine of not more than the amount set forth in § 22-3571.01, imprisonment for not more than 180 days, or both.”.

(9) Subsection (g) is amended to read as follows:

“(g)(1) Violation of any temporary protection order or civil protection order issued under this subchapter, or violation in the District of Columbia of any valid foreign protection order, as that term is defined in subchapter IV of this chapter, shall be chargeable as a misdemeanor.

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“(2) Upon conviction, violation of a temporary protection order, civil protection order, or a valid foreign protection order shall be punished by a fine of not more than the amount set forth in § 22-3571.01, imprisonment for not more than 180 days, or both.”.

(10) Subsection (g-1) is amended to read as follows:

“(g-1)(1) No person shall be found to violate a temporary protection order, civil protection order, or valid foreign protection order as described in subsection (f)(1) or (g)(1) of this section, unless the person was personally served with or received actual notice of the temporary protection order, civil protection order, or valid foreign protection order.

“(2) Enforcement proceedings under subsection (f) or (g) of this section in which the respondent is a child, as that term is defined in § 16-2301(3), shall be governed by subchapter I of Chapter 23 of this title.”.

(11) Subsection (i) is amended by striking the phrase “Orders entered” and inserting the phrase “Violations of protection orders entered” in its place.

(h) A new section 16-1007 is added to read as follows:

“§ 16-1007. Notice to parties.

“(a) Pursuant to the Rules of the Superior Court of the District of Columbia, the respondent, and in cases where the respondent is a minor, the respondent’s custodial parent, guardian, or custodian, shall be served with notice of the hearing, an order to appear, a copy of the petition, and a temporary protection order, if issued.

“(b)(1) If a minor has petitioned for a civil protection order without a parent, guardian, or custodian, and if the minor is residing with a parent, guardian, or custodian, the court shall send a copy of any order issued pursuant to § 16-1004(d) and notice of the hearing to that parent, guardian, or custodian, unless, in the discretion of the court, notification of that parent, guardian, or custodian would be contrary to the best interests of the minor.

“(2) If the court does not send notice to the parent, guardian, or custodian with whom the minor resides, the court may, in its discretion, send notice to any other parent, guardian, custodian, or other appropriate adult.

“(c) The notice of hearing shall notify the respondent that if the respondent does not attend the hearing, the court may issue an order against the respondent that may last up to 2 years.

“(d) A respondent is deemed to have been personally served and no additional proof of service is required for enforcement of an order if the respondent is present before the court when the order is issued or if the respondent is served with the order in open court.

“(e)(1) At the request of the petitioner or a person petitioning on the petitioner’s behalf, or by order of the court, the Metropolitan Police Department shall attempt to serve civil process in any case filed under this subchapter that has an address for service in the District of Columbia.

“(2) There is established a special unit that consists of at least 6 officers for the purpose of performing these and similar duties, including the service of anti-stalking orders or extreme risk protection orders.”.

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(i) Section 16-1031(c)(1) is amended by striking the phrase “offense that does not constitute intimate partner violence” and inserting the phrase “offense, where the victim of that offense is not an intimate partner, as that term is defined in § 16-1001(6A)” in its place.

(j) A new Chapter 10A is added to read as follows:

“Chapter 10A. Anti-Stalking Orders.

“16-1061. Definitions.

“16-1062. Petition for anti-stalking order; representation.

“16-1063. Petition; temporary anti-stalking order.

“16-1064. Hearing; evidence; anti-stalking order.

“16-1065. Notice to respondent.

“§ 16-1061. Definitions.

“For the purposes of this chapter, the term:

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

“(2) “Court” means the Superior Court of the District of Columbia.

“(3) “Judicial officer” means the Chief Judge, a Senior Judge, an Associate Judge, or a Magistrate Judge of the court.

“(4) “Minor” means a person under 18 years of age.

“(4) “Petitioner” means the person for whom an anti-stalking order is sought under this chapter.

“(6) “Respondent” means any person against whom a petition for an anti-stalking order is filed under this chapter.

“(7) “Stalked” means any course of conduct prohibited by § 22-3133.

“§ 16-1062. Petition for anti-stalking order; representation.

“(a) A person 16 years of age or older may petition the court for an anti-stalking order against another person who has allegedly stalked the petitioner, with at least one occasion of the course of conduct occurring within the 90 days prior to the date of petitioning.

“(b) A minor who is less than 16 years of age may not petition the court for an anti-stalking order on their own behalf.

“(c)(1) The parent, legal guardian, or legal custodian of a minor may file a petition for an anti-stalking order on the minor’s behalf.

“(2) A person 18 years of age or older to whom the minor is related by blood, adoption, legal custody, marriage, or domestic partnership may, at the request of a minor 13 years of age or older, petition for an anti-stalking order on the minor’s behalf:

“(d)(1) The Office of Attorney General may:

“(A) If the petitioner is unable to petition on the petitioner’s own behalf, intervene in a case and represent the interests of the District of Columbia at the request of the petitioner, a person petitioning on the petitioner’s behalf, or a government agency; or

“(B) At the request of the petitioner or a person petitioning on the petitioner’s behalf, provide individual legal representation to the petitioner in proceedings under this chapter.

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“(2) If the Office of the Attorney General intervenes in a case under paragraph (1)(A) of this subsection, the intervention shall continue until:

“(A) The court denies the petition for an anti-stalking order;

“(B) The Office of the Attorney General withdraws from the intervention.

“(e) The court may appoint attorneys to represent a party if the party:

“(1) Is a minor;

“(2) Is not represented by an attorney; and

“(3) The appointment would not unreasonably delay a determination on the issuance or denial of a temporary anti-stalking order or anti-stalking order.

“(f) When computing a time period specified in this chapter or in an order issued under this chapter that is stated in days or a longer unit of time:

“(1) Exclude the day of the event that triggers the time period;

“(2) Count every day, including intermediate Saturdays, Sundays, and legal holidays; and

“(3) Include the last day of the time period, but if the last day of the time period specified falls on a Saturday, Sunday, a legal holiday, or a day on which weather or other conditions cause the court to be closed, the time period specified shall continue to run until the end of the next day that is not a Saturday, Sunday, legal holiday, or a day on which weather or other conditions cause the court to be closed.

“§ 16-1063. Petition; temporary anti-stalking order.

“(a) Upon receipt of a petition filed pursuant to § 16-1062, the court shall:

“(1) Order that a hearing be held to determine whether to issue an anti-stalking order against the respondent; and

“(2) Where appropriate, consolidate the case with other matters before the court involving the same parties.

“(b) When petitioning for an anti-stalking order, a petitioner or a person petitioning on the petitioner’s behalf may also request that a temporary anti-stalking order be issued without notice to the respondent.

“(c) If the petitioner or the person petitioning on the petitioner’s behalf requests that the court issue a temporary anti-stalking order pursuant to subsection (b) of this section, the court shall grant or deny the request after a hearing held on the same day that the request was made, unless the request is filed too late in the day to permit effective review, in which case the court shall grant or deny the request after a hearing held the next day the court is open.

“(d) The court may issue a temporary anti-stalking order if the petitioner or the person petitioning on the petitioner’s behalf establishes that the safety or welfare of the petitioner, the petitioner’s household member, or an animal the petitioner owns, possesses, or has control of, is immediately endangered by the respondent.

“(e)(1) A temporary anti-stalking order shall remain in effect for an initial period not to exceed 14 days.

“(2) The court may extend a temporary anti-stalking order as necessary to complete service and the hearing on the petition:

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“(A) In 14-day increments;

“(B) In increments up to 28 days for good cause; or

“(C) For a longer time period with the consent of both parties.

“(f) The court may modify or terminate a temporary anti-stalking order.

“(g) If a respondent fails to appear for a hearing on a petition for an anti-stalking order after having been served with notice of the hearing, a petition, and a temporary anti-stalking order in accordance with the Rules of the Superior Court of the District of Columbia, and the court issues an anti-stalking order in accordance with § 16-1063(d), the temporary anti-stalking order shall remain in effect until the respondent is served with the anti-stalking order or the anti-stalking order expires, whichever occurs first.

“(h) A temporary anti-stalking order may include any of the relief set forth in § 16-1064(c).

“(i) A temporary anti-stalking order issued pursuant to this section shall include a notice explaining that:

“(1) If the day on which the temporary anti-stalking order is set to expire falls on a Saturday, Sunday, a day observed as a holiday by the court, or a day on which weather or other conditions cause the court to be closed, the temporary anti-stalking order shall remain in effect until the end of the next day on which the court is open; and

“(2) If the respondent fails to appear for a hearing on a petition for an anti-stalking order, after having been served, and a final anti-stalking order is entered, the temporary anti-stalking order shall remain in effect until the respondent is served with the anti-stalking order or the anti-stalking order expires, whichever occurs first.

“§ 16-1064. Hearing; evidence; anti-stalking order.

“(a) Parties served with notice in accordance with § 16-1065 shall appear at the hearing.

“(b)(1) In a case in which the Attorney General intervenes pursuant to § 16-1062(d)(1)(A), the petitioner is not a required party.

“(2) In a case in which an individual described in § 16-1062(c)(1) filed a petition on behalf of a minor petitioner under the age of 13, the minor petitioner is not a required party.

“(c) If, after a hearing, the judicial officer finds by a preponderance of the evidence that the respondent stalked the petitioner, with at least one occasion of the course of conduct occurring within the 90 days prior to the date of petitioning, or after receiving the parties' consent, a judicial officer may issue an anti-stalking order that:

“(1) Directs the respondent to refrain from committing or threatening to commit criminal offenses against the petitioner and other individuals specified in the order;

“(2) Requires the respondent to stay away from or have no contact with the petitioner and any other individuals or locations specified in the order;

“(3) Directs the respondent to relinquish possession or use of certain personal property owned jointly by the parties or by the petitioner individually;

“(4) Awards costs and attorney fees;

“(5) Orders the Metropolitan Police Department to take such action as the judicial officer deems necessary to enforce its orders;

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“(6) In connection with an animal owned, possessed, or controlled by the petitioner, orders the respondent to stay away from the animal and refrain from possessing, controlling, harming or threatening to harm, or otherwise disposing of the animal;

“(7) Directs the respondent to perform or refrain from other actions as may be appropriate to the effective resolution of the matter;

“(8) Directs the respondent to relinquish possession of any firearms or ammunition and prohibits the respondent from having possession or control of, purchasing, or receiving any firearm or ammunition while the anti-stalking order is in effect; or

“(9) Combines 2 or more of the preceding provisions.

“(d) An anti-stalking order issued pursuant to this section shall remain in effect for an initial period not to exceed 2 years.

“(e)(1) A judicial officer may, upon motion of any party to the original proceeding, extend, modify, or vacate an order for good cause shown.

“(2) A finding that an order has been violated is not necessary for a finding of good cause to modify or extend an order.

“(3) For each request for an extension, the judicial officer may extend the order for the period of time the judicial officer deems appropriate, but before granting any single extension longer than 2 years, the judicial officer shall find:

“(A) That the respondent has violated the anti-stalking order;

“(B) That prior to obtaining the order being extended, the petitioner had previously obtained an anti-stalking order against the same respondent; or

“(C) Other compelling circumstances related to the petitioner’s safety or welfare.

“(f) Any final order issued pursuant to this section and any order granting or denying a motion to extend, modify, or vacate such order shall be appealable.

“(g)(1) Violation of any temporary anti-stalking order or anti-stalking order issued under this chapter, or respondent’s failure to appear as required by subsection (a) of this section, shall be punishable as criminal contempt.

“(2) Upon conviction, criminal contempt shall be punished by a fine of not more than the amount set forth in § 22-3571.01, imprisonment for not more than 180 days, or both.

“(h)(1) Violation of any temporary anti-stalking order or anti-stalking order issued under this chapter shall be chargeable as a misdemeanor.

“(2) Upon conviction, violation of any temporary anti-stalking order or anti-stalking order shall be punished by a fine of not more than the amount set forth in § 22-3571.01, imprisonment for not more than 180 days, or both.

“(i)(1) No person shall be found to violate a temporary anti-stalking order or anti-stalking order as described in subsection (g)(1) or (h)(1) of this section, unless the person was personally served with or received actual notice of the temporary anti-stalking order or anti-stalking order.

“(2) For the purposes of establishing a violation under subsection (f) or (g) of this section, an oral or written statement made by the respondent located outside the District of

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Columbia to a person located in the District of Columbia by means of telecommunication, mail, or any other method of communication shall be deemed to be made in the District of Columbia.

“(j) Violations of temporary anti-stalking orders or anti-stalking orders entered with the consent of the respondent but without an admission that the conduct occurred shall be punishable under subsection (f) or (g) of this section.

“§ 16-1065. Notice to the parties.

“(a) Pursuant to the Rules of the Superior Court of the District of Columbia, the respondent shall be served with notice of the hearing, an order to appear, a copy of the petition, and a temporary anti-stalking order, if issued.

“(b)(1) If a minor has petitioned for an anti-stalking order without a parent, guardian, or custodian, and if the minor is residing with a parent, guardian, or custodian, the court shall send a copy of any order issued pursuant to § 16-1063(d) and notice of the hearing to that parent, guardian, or custodian, unless, in the discretion of the court, notification of that parent, guardian, or custodian would be contrary to the best interests of the minor.

“(2) If the court does not send notice to the parent, guardian, or custodian with whom the minor resides, the court may, in its discretion, send notice to any other parent, guardian, custodian, or other appropriate adult.

“(c) The notice of hearing shall notify the respondent that if the respondent does not attend the hearing, the court may issue an order against the respondent that may last up to 2 years.

“(d) A respondent is deemed to have been personally served and no additional proof of service is required for enforcement of an order if the respondent is present before the court when the order is issued or if the respondent is served with the order in open court.

“(e) At the request of the petitioner, the Metropolitan Police Department may attempt to serve civil process in any case filed under this chapter that has an address for service in the District of Columbia.”.

(k) Section 16-2301(9)(A)(i) is amended by striking the phrase “includes filing a petition for civil protection from intrafamily violence pursuant to §16-1003” and inserting the phrase “includes petitioning for a civil protection order pursuant to § 16-1003, where the child is a family member, as that term is defined in § 16-1001(5A)” in its place.

Sec. 4. Section 253 of the Anti-Sexual Abuse Act of 1994, effective June 8, 2013 (D.C. Law 19-315; D.C. Official Code § 22-3020.53), is amended to read as follows:

“Sec. 253. Defense to non-reporting.

“Any survivor of an intrafamily offense, as that term is defined in D.C. Official Code § 16-1001(8), may use the occurrence of that intrafamily offense as a defense to their failure to report under this title.”.

Sec. 5. Section 23-584(b)(2)(B) of the District of Columbia Official Code is amended as follows:

(a) Sub-subparagraph (v) is amended to read as follows:

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“(v) Charged with an intrafamily offense, as that term is defined in § 16-1001(8), where the victim is an intimate partner, as that term is defined in § 16-1001(6A), or where the victim is a family member, as that term is defined in § 16-1001(5A);”.

(b) Sub-subparagraph (vi) is amended to read as follows:

“(vi) Charged with an intrafamily offense, as that term is defined in § 16-1001(8), where:

“(I) The victim is a household member, as that term is defined in § 16-1001(5B); and

“(II) The criminal offense committed or threatened to be committed is violent;”.

Sec. 6. Section 2(1) of the Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-531.01(1)), is amended by striking the phrase “§ 16-1001(5)” and inserting the phrase “§ 16-1001(8)” in its place.

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


Chairman

Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 13, 2021

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AN ACT

D.C. ACT 23-572

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend the Green Building Act of 2006 to require that new construction or substantial improvement of a commercial building or a multi-unit building that includes 3 or more off-street parking spots include electrical vehicle make-ready infrastructure for at least 20% of the parking spaces, to require the Mayor to issue rules to implement the provisions of this act, including rules to establish a waiver process when a property owner demonstrates severe financial hardship, and to require the Department of Energy and Environment to establish incentives for property owners to install electric vehicle make-ready infrastructure in a greater percentage than required under the act.

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

Sec. 2. The Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 6-1451.01) is amended as follows:

(1) New paragraphs (11A) and (11B) are added to read as follows:

“(11A) “Electric vehicle” shall have the same meaning as provided in section 3(4) of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, approved September 17, 1976 (90 Stat. 1261; 15 U.S.C. § 2502(4)).

“(11B) “Electric vehicle charging site” means any location, including any public space in the District, that has installed electric vehicle supply equipment.”.

(2) A new paragraph (32B) is added to read as follows:

“(32B) “Multi-unit building” means a residential building with 5 or more dwelling units.”.

(b) A new section 4a is added to read as follows:

“Sec. 4a. Electric vehicle make-ready parking spaces in new multi-unit residential and commercial buildings.

“(a) For building permits issued after January 1, 2022, all new construction or substantial improvement of commercial buildings and multi-unit buildings that have 3 or more automobile off-road parking spaces shall include electric vehicle make-ready infrastructure to accommodate the future installation of an electric vehicle charging site at least 20% of the parking spaces.

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“(b) By September 30, 2021, 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 section, including rules that:

“(1) Detail the technical specifications required for the electric vehicle make-ready infrastructure required by subsection (a) of this section; and

“(2) Establish standards for a waiver of the requirements of subsection (a) of this section when a property owner demonstrates severe financial hardship.

“(c) By September 30, 2021, the Department of Energy and Environment shall establish incentives for owners of commercial buildings and multi-unit buildings to install electric vehicle make-ready infrastructure at a greater percentage of parking spaces than the 20% minimum required by subsection (a) of this section. The Department may establish additional initiatives at any time.”.

Sec. 3. 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. 4. Fiscal impact statement.

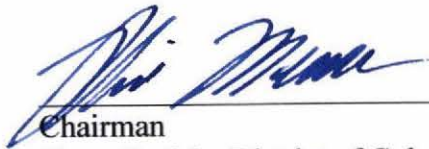
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.


This act shall take effect following approval of 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

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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 13, 2021

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-573

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend section 23-1321 of the District of Columbia Official Code to allow defendants ordered released pre-trial by the Superior Court, upon request of defense counsel and with the knowing, intelligent, and voluntary consent of the defendant, to be transferred to the custody of the Department of Corrections for release from the Central Detention Facility or the Correctional Treatment Facility within 5 hours after the issuance of the release order; and to amend An Act To create a Department of Corrections in the District of Columbia to limit the District’s cooperation with federal immigration agencies, including by complying with detainer requests, absent a judicial warrant or order.

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

Sec. 2. Section 23-1321 of the District of Columbia Official Code is amended by adding a new subsection (d) to read as follows:

“(d) Notwithstanding any other provision of law, when issuing an order of release pursuant to this section, the court shall, upon request of defense counsel and with the knowing, intelligent, and voluntary consent of the defendant, order that the defendant be transferred to the custody of the Department of Corrections for release from the Central Detention Facility or Correctional Treatment Facility within 5 hours after the issuance of the order.”.

Sec. 3. Section 7 of An Act To create a Department of Corrections in the District of Columbia, effective December 11, 2012 (D.C. Law 19-194; D.C. Official Code § 24-211.07), is amended to read as follows:

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

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

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

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

“(3) Permit any federal immigration agency to interview an individual in the District’s custody unless:

“(A) The federal immigration agency presents a judicial order authorizing the interview, or the interview is requested by the detained individual; and

“(B) The detained individual has counsel present or knowingly, intelligently, and voluntarily declines to have counsel present for the interview; or

“(4) Except with respect to individuals awaiting trial or sentencing for a federal criminal charge or serving a sentence for a federal criminal charge:

“(A) Provide to any federal immigration agency a space in a District detention facility to house, detain, or hold individuals for civil immigration enforcement purposes;

“(B) Provide to a federal immigration agency an individual’s date and time of release, location, address, personal identifying information, medical information, photograph, or criminal case information;

“(C) Grant any federal immigration agency access to any District detention facility or place, including a facility under the control of the Department of Corrections, the Department of Youth Rehabilitation Services, the Department of Behavioral Health, or the Metropolitan Police Department, for the purpose of releasing an individual into federal custody; or

“(D) Release an individual for the purpose of transferring the individual into the custody of any federal immigration agency.

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

“(c) The District shall conduct trainings of its employees on compliance with the provisions in this section.

“(d) The Department of Corrections, the Department of Youth Rehabilitation Services, the Department of Behavioral Health, and the Metropolitan Police Department shall transmit a report on January 1 of each year to the Mayor and the Council providing the following:

“(1) The number of requests for information or detainer made by a federal immigration agency, a breakdown of whether the requests were made regarding individuals held on local charges or on federal charges, whether the request was accompanied by a judicial warrant, and any action taken by the District agency in response to such a request;

“(2) The number of individuals released into the custody of a federal immigration agency, the date of each release, and the justification for each release; and

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“(3) The types of information, anonymized and aggregated, that the agency shared with federal immigration agencies and whether it was at the request of a federal immigration agency.

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

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-574

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend the Housing Act of 2002 to clarify that rental housing assistance provided by the District government shall be considered the income of the tenant for the purposes of any minimum income qualification for a rental unit and for the purposes of the Human Rights Act of 1977, to prohibit the owner of a housing accommodation from refusing to rent a rental unit to a person because the person will provide the rental payment through a voucher for rental housing assistance provided by the District or federal government, and to require the owner of a housing accommodation to clearly state in any written notice, statement, or advertisement for a rental unit that the housing provider will not refuse to rent a rental unit to a person because the person will provide the rental payment through a voucher for rental housing assistance.

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

Sec. 2. Section 206 of the Housing Act of 2002, effective April 19, 2002 (D.C. Law 14-114; D.C. Official Code § 42-2851.06), is amended as follows:

(a) The section heading is amended to read as follows:

“Sec. 206. Vouchers for rental housing assistance.”.

(b) Subsection (a) is amended by striking the phrase “Act of 1937,” and inserting the phrase “Act of 1937 or any District law or program authorizing the payment of rental housing assistance,” in its place.

(c) Subsection (b) is amended by striking the phrase “Act of 1937,” and inserting the phrase “Act of 1937 or any District law or program authorizing the payment of rental housing assistance,” in its place.

(d) Subsection (c) is amended by striking the phrase “section 8 voucher.” and inserting the phrase “voucher for rental housing assistance provided by the District or federal government.” in its place.

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

“(d) In any written notice, statement, or advertisement of a dwelling unit for rent, the housing provider shall clearly state that the housing provider will not refuse to rent a rental unit

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to a person because the person will provide the rental payment, in whole or in part, through a voucher for rental housing assistance provided by the District or federal government.”.

Sec. 3. Fiscal impact statement.

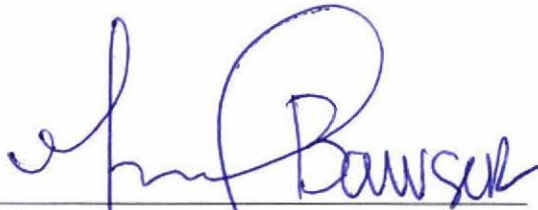
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

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, 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 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-575

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend the Procurement Practices Reform Exemption Amendment Act of 2014 and the Procurement Practices Reform Act of 2010 to make the independent procurement authority for the Health Benefit Exchange Authority permanent.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Health Benefit Exchange Authority Independent Procurement Authority Amendment Act of 2020”.

Sec. 2. Section 3 of the Procurement Practices Reform Exemption Amendment Act of 2014, effective March 14, 2014 (D.C. Law 20-94; 61 DCR 963), is amended by striking the phrase “and 3(a)”.

Sec. 3. Section 105(c) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.05(c)), is amended as follows:

- (a) Paragraph (17) is repealed.
- (b) Paragraph (19) is amended by striking the phrase “; and” and inserting a semicolon in its place.
- (c) Paragraph (20) is amended by striking the period and inserting the phrase “; and” in its place.
- (d) A new paragraph (22) is added to read as follows:
“(22) The District of Columbia Health Benefit Exchange Authority.”.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

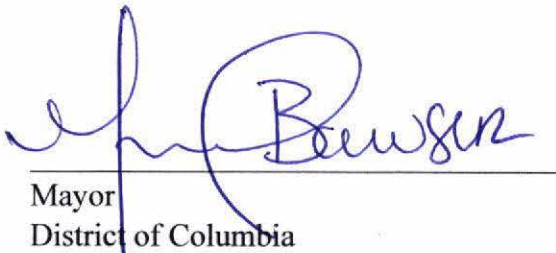
The act shall take effect following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

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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 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-576

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To designate the park and recreation center located in Lot 806 in Square 2011 as Lafayette-Pointer Park and Lafayette-Pointer Recreation Center.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Lafayette-Pointer Recreation Complex Designation Act of 2020”.

Sec. 2. Pursuant to sections 401 and 422 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.22), the Council designates the park and recreation center located in Lot 806 in Square 2011 as “Lafayette-Pointer Park” and “Lafayette-Pointer Recreation Center.”

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.

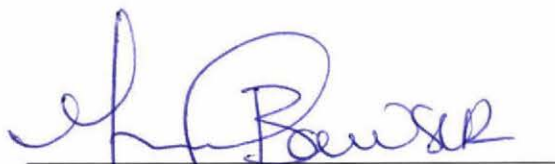
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-577

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 to require that the District of Columbia Water and Sewer Authority (“DC Water”) provide for remote attendance of public hearings and Board meetings, to set certain reporting requirements for emergency events, to require that DC Water provide a period for public comment after notice of the proposed establishment or adjustment of retail water and sewer rates, to require DC Water to post public comments received by the agency within 15 days after the close of the public comment period, to require DC Water to transmit to the Mayor and Council and post to the DC Water website a copy of the Independent Review of the Proposed Rates Report and the Cost of Service study, to require DC Water to treat disputes to residential customers’ bills made in writing and received by the payment due date as timely, to require DC Water to provide notice to residential customers of the requirement to dispute a contested bill in writing by the payment due date when contacted by a residential customer regarding a bill dispute in any manner other than in writing, to require DC Water to list contact information for the DC Water complaint line and the Office of the People’s Counsel on water bills, and to prescribe annual reporting requirements regarding the Clean Rivers Impervious Area Charge Relief Assistance Fund; to amend the Lead Service Line Priority Replacement Assistance Act of 2004 to permit DC Water to replace the portion of a lead water service line on private property where the agency is replacing the portion of the line on public property, whether or not it is made of lead, to permit DC Water to move forward immediately with replacement work to repair a damaged or leaking water service line, to require DC Water to request consent to replace the portion of the lead water service line on private property via email and telephone if it does not receive a response within 14 days after delivery of the request, to require DC Water to complete a lead water service line replacement on private property if it receives consent within 30 days after delivery of the request, to allow funds from the lead water service line payment assistance program to be used to cover the cost of replacing a portion of a lead water service line remaining after a prior partial replacement, and to prescribe annual reporting requirements for DC Water regarding lead water service line replacements and the lead water service line replacement assistance program; and to amend the District Department of the

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Environment Establishment Act of 2005 to prescribe annual reporting requirements for the Department of Energy and Environment regarding certain financial assistance programs.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Water and Sewer Authority Omnibus Amendment Act of 2020".

Sec. 2. Title II of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.01 *et seq.*), is amended as follows:

(a) Section 204(i) (D.C. Official Code § 34-2202.04(i)) is amended by striking the period and inserting the phrase ". For meetings open to the public, including committee meetings, the Board shall provide a method for the public to remotely attend the meeting, and include information on how the public may remotely attend as part of any notice posted on the Board's website." in its place.

(b) Section 205a (D.C. Official Code § 34-2202.05a) is amended by adding a new subsection (f) to read as follows:

"(f)(1) Within 5 days after an emergency event, the Authority shall provide the following information to OPC and the Chairpersons of the Advisory Neighborhood Commissions ("ANC") and Ward Councilmembers representing areas that include affected properties:

"(A) A description of the emergency event, including, where available, the cause of the emergency event;

"(B) A list of ANCs with affected properties;

"(C) An estimate of the total number of affected properties;

"(D) A list of actions taken by the Authority in response to the emergency event;

"(E) A list of actions the Authority plans to take in response to the emergency event; and

"(F) Information, including a best point of contact, for owners of affected properties to report damage to or seek relief from the Authority.

"(2) Within 30 days after the end of an emergency event, the Authority shall provide a report to OPC and the Chairpersons of the ANCs and Ward Councilmembers representing areas that include affected properties that includes the following:

"(A) Information on affected properties, including:

"(i) The number of affected properties;

"(ii) A list of ANCs with affected properties;

"(B) Information on the emergency event, including:

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“(i) For emergency events stemming from an extreme weather event:

“(I) The duration and amount of rainfall; and

“(II) An approximate number of affected properties experiencing any sewer system back-ups.

“(ii) For emergency events resulting in a major service interruption, the average amount of time affected properties were without service; and

“(iii) For emergency events resulting in the issuance of a Tier 1 public notice pursuant to the Environmental Public Agency (“EPA”) Public Notification Rule, the length of time between the Authority becoming aware of the emergency event requiring a Tier 1 public notice and the Authority’s issuance of the Tier 1 public notice to residents affected by the emergency event;

“(C) A list of all actions taken by the Authority in response to the emergency event, including:

“(i) Relief the Authority has offered to owners of affected properties; and

“(ii) Outreach by the Authority to owners of affected properties and, for events resulting in the issuance of a Tier 1 public notice pursuant to the EPA Public Notification Rule, potentially affected properties; and

“(D) A list of planned actions to address the cause of the emergency event, if any.

“(3) For the purposes of this subsection, the term:

“(A) “Affected property” means a property where the owner or tenant has reported to the Authority, or the Authority has otherwise identified, that an emergency event affected the property.

“(B) “Emergency event” means an event resulting in a major service interruption, the issuance of a Tier 1 public notice pursuant to the EPA Public Notification Rule, or an extreme weather event.

“(C) “Extreme weather event” means an event in which the duration and intensity of rainfall causes an exceedance of the District’s sewer system.

“(D) “Major service interruption” means an unplanned interruption in water and sewer service lasting at least 24 hours and impacting at least 50 properties.

“(E) “Outreach” includes emails, text messages, and phone calls, social media posts, emergency alerts, media advisories and press releases, and other similar efforts to communicate with property owners.”.

(c) Section 216 (D.C. Official Code § 34-2202.16) is amended as follows:

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

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(A) Paragraph (1) is amended by striking the phrase “notice and public hearing” and inserting the phrase “notice, public comment period, and public hearing” in its place.

(B) New paragraphs (2A) and (2B) are added to read as follows:

“(2A)(A) The Authority shall accept public comments on any establishment or adjustment of retail water and sewer rates from the date of publication of the notice of the proposed rulemaking to the date that is 5 days after the public hearing held pursuant to paragraph (1) of this subsection.

“(B) No more than 15 days after the end of the public comment period described in subparagraph (A) of this paragraph, but before the Board committee with jurisdiction over the ratemaking process makes recommendations to the full Board for the final rate proposal, the Authority shall:

“(i) Transmit to the Board a report responding to comments received during the public comment period; and

“(ii) Publish the report on the Authority website in a manner accessible to the public.

“(2B)(A) The Authority shall provide a method for the public to remotely attend and participate in public hearings held pursuant to paragraph (1) of this subsection.

“(B) Notice required under paragraph (1) of this subsection shall include information on how the public may remotely attend and participate in the public hearing.”.

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

“(b-2) At least 45 days before the public hearing held pursuant to subsection (b)(1) of this section, the Authority shall transmit a copy of the Independent Review of the Proposed Rates Report and the Cost of Service study to the Mayor and the Council and publish both the report and study on the Authority’s website in a manner accessible to the public.”.

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

“(f)(1) The Authority shall treat as timely challenges to a residential customers’ bill made in writing and received by the Authority within 20 calendar days after the date the bill is rendered.

“(2) If a residential customer’s challenge to a bill is timely, the Authority shall suspend the residential customer’s obligation to pay the disputed bill until the customer has received the result of the Authority’s investigation of the challenge in writing.

“(3) Where a residential customer contacts the Authority regarding billing in any manner other than in writing, the Authority shall inform the customer of the requirement that a challenge to a residential customer’s bill must be made in writing and received within 20 calendar days after the date the bill is rendered to be considered timely.

“(4) The Authority shall include on the front of a residential customers’ bill the specific date by which a challenge under paragraph (1) of this section must be received by the Authority to be considered timely.

ENROLLED ORIGINAL

“(g) The Authority shall include the following information on residential customers’ bills and the Authority’s website:

“(1) A local customer assistance telephone number and e-mail address for the Authority, with the hours of operation noted; and

“(2) The address and customer assistance telephone numbers for the Office of the People’s Counsel.”.

(d) Section 216b(d) (D.C. Official Code § 34-2202.16b(d)) is amended as follows:

(1) The existing text is designated as paragraph (1).

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

“(2) Within 60 days after the end of each fiscal year, the Authority shall transmit to the Mayor and the Council and publicly post on the Authority’s website a report that includes the following information from the preceding fiscal year:

“(A) The average impervious area charge for residential customers:

“(i) District-wide; and

“(ii) By ward; and

“(B) Efforts made by the Authority to publicize the availability of financial assistance through the Clean Rivers Impervious Area Charge Assistance Fund, established by section 113a of the District Department of the Environment Establishment Act of 2005, effective September 11, 2019 (D.C. Law 23-16; D.C. Official Code § 8-151.13a), including a description of the total amount of expenditures by the Authority on such efforts.”.

Sec. 3. The Lead Service Line Priority Replacement Assistance Act of 2004, effective December 7, 2004 (D.C. Law 15-205; D.C. Official Code § 34-2151 *et. seq.*), is amended as follows:

(a) Section 6019a (D.C. Official Code § 34-2158) is amended as follows:

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

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

“(a)(1) Except as provided in paragraphs (2) and (4) of this subsection, the District of Columbia Water and Sewer Authority (“DC Water”) shall not replace the portion of a water service line that is on public property unless it also replaces the portion of the lead water service line that is on private property, if any, subject to the consent of the property owner.”.

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

(i) The lead-in language is amended by striking the phrase “a lead water service line that is on public property” and inserting the phrase “a water service line that is on public property” in its place.

(ii) Subparagraph (C) is amended to read as follows:

“(C) The replacement is necessary to repair a damaged or leaking water service line and, prior to commencing work to replace any portion of the water service line, DC Water requests the consent of the private property owner, in writing via hand delivery to the

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property, to replace the portion of the lead water service line on private property, including documentation describing the health risks created to occupants by a partial lead water service line replacement.”.

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

“(2A) In cases where DC Water replaces the portion of the water service line on public property pursuant to subsection (a)(2)(C) of this section:

“(A) If DC Water has not received a response from the private property owner to replace the portion of the lead water service line on private property as of 14 days after delivery of the request described in subsection (a)(2)(C) of this section, DC Water shall request the consent of the private property owner by telephone and e-mail, if DC Water possesses that contact information; and

“(B) DC Water shall complete the lead water service line replacement on private property if the private property owner provides consent within 30 days after DC Water’s request under subsection (a)(2)(C) of this section.”.

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

“(d) For the purposes of this act, the term “lead water service line” means a water service line containing any lead and shall include a:

“(1) Brass water service line; or

“(2) Galvanized water service line.”.

(b) Section 6019b (D.C. Official Code § 34-2159) is amended to read as follows:

(1) Subsection (a) is amended by striking the phrase “portion of a lead water service line located on their private property if the portion of the water service line on public property is not a lead water service line, whether in whole or in part.” and inserting the phrase “eligible portion of the lead water service line.” in its place.

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

“(f)(1) DC Water shall publish on its website a list of approved contractors for residential property owners to use for the replacement of the eligible portion of a lead water service line. The list shall be updated at least once per fiscal year.

“(2) If a residential property owner seeks to use a contractor not on the list required by paragraph (1) of this subsection, the residential property owner shall first receive written approval from DC Water to use that contractor. If a residential property owner does not receive written approval from DC Water to use a contractor and the contractor is not on the list required by paragraph (1) of this subsection, any replacement costs incurred by the residential property owner for work completed by the contractor shall not be eligible for financial assistance under the Program.”.

(3) Subsection (g)(1) is amended to read as follows:

“(g)(1) The property owner shall be responsible for securing and contracting with a contractor for the replacement of the eligible portion of a lead water service line. When the contractor completes the replacement of the eligible portion of the lead water service line, a copy

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of the invoice for the replacement of the eligible portion of the lead water service line shall be provided to DC Water.”.

(4) New subsections (j) and (k) are added to read as follows:

“(j) Within 60 days after the end of each fiscal year, DOEE shall transmit to the Mayor and the Council and publicly post on the DOEE website a report that includes the following information for the lead water service line replacement payment assistance program (“Program”) established pursuant to this section, for the preceding fiscal year:

“(1) The number of property owners that submitted an application for financial assistance, broken down by:

“(A) The categories described under subsection (b)(1) of this section; and

“(B) The Ward and Advisory Neighborhood Commission in which the property is located;

“(2) The number of property owners approved by DOEE for financial assistance, broken down by:

“(A) The categories described under subsection (b)(1) of this section; and

“(B) The Ward and Advisory Neighborhood Commission in which the property is located;

“(3) The most common reasons for denial of an application for payment assistance under the Program; and

“(4) Efforts made by DOEE to publicize the availability of payment assistance through the Program, including a description of the total amount of expenditures by DOEE on such efforts.

“(k) For the purposes of this section, the term “eligible portion of the lead water service line” shall mean the portion of the lead water service line located on private property, or any portion of the lead water service line remaining on public property from prior work to remove a lead water service line.”.

(c) A new section 6019d is added to read as follows:

“Sec. 6019d. Reporting.

“Within 60 days after the end of each fiscal year, the District of Columbia Water and Sewer Authority (“DC Water”) shall transmit to the Mayor and the Council and publicly post on the DC Water website a report that includes the following information for the preceding fiscal year:

“(1) For the lead water service line replacements under section 6019a(a)(2):

“(A) The number of times that DC Water replaced a damaged or leaking water service line on public property and requested the consent of the private property owner to replace the portion of the lead water service line on private property;

“(B) The number of private property owners that provided consent, did not provide consent, or did not respond to DC Water’s request for consent within 30 days after delivery of the request described in section 6019a(a)(2)(C); and

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“(C) The number of locations, broken down by Ward and Advisory Neighborhood Commission, where DC Water replaced the portion of the lead water service line on public property but did not replace the portion of the lead water service line on private property; and

“(2) For the lead water service line replacement payment assistance program (“Program”) established by section 6019b:

“(A) The number of contractors who submitted an invoice to DC Water under section 6019b(g)(1), broken down by:

“(i) Whether or not DC Water paid the contractor the amount of the discount; and

“(ii) The Ward and Advisory Neighborhood Commission in which the property is located;

“(B) The most common reasons that DC Water declined to pay a contractor the amount of the discount submitted under section 6019b(g)(1);

“(C) As of September 30 of the preceding fiscal year, the number of residential property owners with lead water service lines located on their private property where the portion of the water service line on public property is not a lead water service line;

“(D) The average number of days DC Water took to provide financial assistance to a contractor under the Program, from the date the contractor provided DC Water with an invoice to the date that DC Water paid the contractor the amount of the discount for which the residential property owner was approved; and

“(E) A description of efforts made by DC Water to publicize the availability of financial assistance through the Program, including a description of the total amount of expenditures by DC Water on such efforts.”.

Sec. 4. Section 113a of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51, D.C. Official Code § 8-151.13a), is amended by adding a new subsection (e) to read as follows:

“(e) Within 60 days after the end of each fiscal year, DOEE shall transmit to the Mayor and the Council and publicly post on the DOEE website a report that includes the following information for financial assistance programs established pursuant to section 216b of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective October 30, 2018 (D.C. Law 22-168; D.C. Official Code § 34-2202.16b), for the preceding fiscal year:

“(1) The total amount of funding remaining at the end of the fiscal year in the Fund;

“(2) The number of nonprofit organizations that applied for financial assistance, the number of nonprofit organizations that received financial assistance, and the total amount of funding provided to nonprofit organizations;

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“(3) Not including any emergency relief, the number of residential customers that applied for financial assistance, the number of residential customers that were approved for financial assistance, and the total amount of funding provided to residential customers, broken down by Customer Assistance Program income limits;

“(4) The number of residential customers that requested emergency relief, the number of residential customers that received emergency relief, and the total amount of funding provided to residential customers for emergency relief;

“(5) Broken down by nonprofit and residential customer applicants, the average number of days DOEE took to process applications for financial assistance, from the date DOEE received the application, to:

“(A) For approved applications, the date that DOEE notified the applicant that they qualify or assistance; and

“(B) For denied applications, the date that DOEE notified the applicant that the applicant did not qualify for financial assistance; and

“(6) Efforts made by DOEE to publicize the availability of financial assistance through the Fund, including a description of the total amount of expenditures by DOEE on such efforts.”.

Sec. 5. Applicability

(a) The amendatory subsection (d)(1) within section 3(a)(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 for 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. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 7. Effective date.

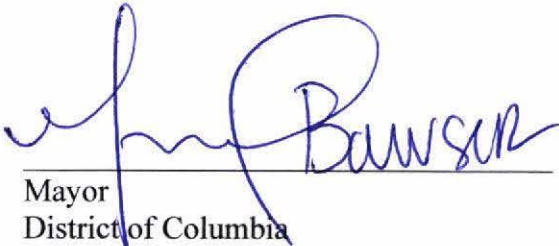
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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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 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-578

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend the Performance Parking Pilot Zone Act of 2008 to allow the Mayor to set temporary parking rates in a performance parking zone for a set duration of time when anticipating a special event, to remove the limit of the amount the Mayor may increase curbside parking fees during any one month period, to raise the limit on the amount the Mayor may increase parking fees in a performance parking zone over a 3-month period, to remove the cap on the maximum hourly rate the Mayor may set in a performance parking zone, to allow the Mayor to adjust parking rates in performance parking zones in real time based on demand, and to require the Mayor to publish data on curbside usage on a public website, and to require the Mayor to make a property ineligible for residential parking permits when it is a condition of a zoning order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Performance Parking and RPP Exclusion Amendment Act of 2020”.

TITLE I. PERFORMANCE PARKING ZONES

Sec. 101. The Performance Parking Pilot Zone Amendment Act of 2008, effective November 25, 2008 (D.C. Law 17-279; D.C. Official Code § 50-2531 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 50-2531) is amended as follows:

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

(A) Paragraph (3) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(B) Paragraph (4) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(5) Set temporary heightened curbside parking fees in anticipation of special events in or around a performance parking zone that may significantly increase demand for parking, including sporting events, festivals, parades, and concerts; provided, that the heightened fees shall begin no sooner than 12:00 a.m. the day the special event begins and end no later than 11:59 p.m. on the day the special event concludes; provided further, that the Mayor shall provide

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7-days' notice of the temporary heightened curbside parking fees and their exact duration, which may be withdrawn if circumstances change, to the affected Ward Councilmember, the affected Advisory Neighborhood Commission, and to the public via posts online and signage in the performance parking zone.”.

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

(A) The lead in language is amended by striking the phrase “parking fees” and inserting the phrase “parking fees, other than temporary heightened curbside parking fees as described in subsection (d)(5) of this section” in its place.

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

“(2) Except for fees in loading zones, not increase any fee more than 2 times per month, unless the Mayor elects to change the fees in real time based on demand;”.

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

“(2A) Except for fees in loading zones, not increase fees by more than \$5 in a 3-month period; and”.

(D) Paragraph (3) is amended by striking the phrase “loading zones” and inserting the phrase “loading zones and temporary heightened curbside parking fees as described in subsection (d)(5) of this section” in its place.

(3) Subsection (f) is amended by striking the phrase “and electronic displays” and inserting the phrase “electronic displays, and information on applications the District government or uses to enable electronic payment for parking” in its place.

(4) Subsection (h) is amended to read as follows:

“(h) The Mayor shall publish a public website that includes the following: performance parking zone boundaries, rules or regulations, information about how to use new parking fee technologies, data on curbside usage broken down by location and time of day for each performance parking zone, if technically feasible, and contact information for the project management team.”.

(b) Section 4 (D.C. Official Code § 50-2533) is repealed.

(c) Section 8 (D.C. Official Code § 50-2537) is repealed.

Sec. 102. Section 2(a)(2) of the Residential Parking Protection Pilot Act of 2010, effective October 26, 2010 (D.C. Law 18-240; D.C. Official Code § 50-2551(a)(2)), is amended by striking the phrase “similar to the program in Mount Pleasant required by section 8 of the Performance Parking Pilot Zone Act of 2010, effective November 25, 2008 (D.C. Law 17-279; D.C. Official Code § 50-2537); and” and inserting the phrase “; and” in its place.

TITLE II. RPP EXCLUSION

Sec. 201. RPP exclusion.

(a) Notwithstanding section 2(a)(3) of the Residential Parking Protection Pilot Act of 2010, effective October 26, 2010 (D.C. Law 18-240; D.C. Official Code § 50-2551(a)(3)), when

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a condition of a zoning variance or special exception states that residents of the property subject to the variance or special exception, or part of that property, are not to receive residential parking permits, the Mayor shall designate the property or its relevant part, including its future residents, as ineligible to obtain residential parking permits for the duration of the zoning order.

(b) Before entering into a purchase and sales agreement or lease, an owner of a property that has been designated as ineligible to obtain residential parking permits pursuant to subsection (a) of this section shall:

(1) Provide written notice of the designation to a buyer or residential tenant; and

(2) Require the buyer or residential tenant to acknowledge receipt of the notice required by paragraph (1) of this subsection in writing.

(c) Upon designating a property pursuant to subsection (a) of this section, the Mayor shall record with the recorder of deeds a restrictive covenant identifying any such property as ineligible for a residential parking permit.

(d)(1) Failure of a property owner to provide written notice of a residential tenant's ability to obtain a residential parking permit associated with the property shall be grounds for the tenant to be released from obligations under the rental agreement.

(2) Failure of a property owner to provide written notice of a buyer's inability to obtain a residential parking permit associated with the property shall be considered a material breach of the purchase and sales agreement.

TITLE III. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE

Sec. 301. Applicability

(a) Section 201 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 for 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. 302. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

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Sec. 303. 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 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-579

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to require the Department of General Services to provide the Council with an annual account of green space owned by the District, and to require the Mayor to include the square footage of green space at a real property in proposed surplus resolutions transmitted to the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Surplus Green Space Retention Amendment Act of 2020".

Sec. 2. An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 10-801) is amended as follows:

(1) Subsection (a) is amended by adding a new paragraph (4) to read as follows:

“(4) Within 180 days after the effective date of the Surplus Green Space Retention Amendment Act of 2020, passed on 2nd reading on December 1, 2020 (Enrolled version of Bill 23-661), and on an annual basis thereafter, the Department of General Services shall transmit to the Council a report on green space in the District, which shall include:

“(A) The total square footage of green space owned by the District, broken down by ward and by the District agency that owns the real property;

“(B) The square footage of green space that the District gained or lost over the preceding year, broken down by ward and by the District agency that owns the real property; and

“(C) A summary of measures taken over the preceding year to increase access to green space for District residents.”.

(2) Subsection (a-1)(2)(A) is amended by striking the phrase “by the Mayor,” and inserting the phrase “by the Mayor, the square footage of green space on the real property,” in its place.

(b) Section 1a (D.C. Official Code § 10-801.01) is amended to read as follows:

“Sec. 1a. Definitions.

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“For the purposes of this act, the term:

“(1) “Green space” means an area of grass, trees, or other vegetation that is located on real property and accessible to the public.


“(2) “Real property” means land titled in the name of the District or in which the District has a controlling interest and includes all structures of a permanent character erected thereon or affixed thereto, any natural resources located thereon or thereunder, all riparian rights attached thereto, or any air space located above or below the property or any street or alley under the jurisdiction of the Mayor.”.

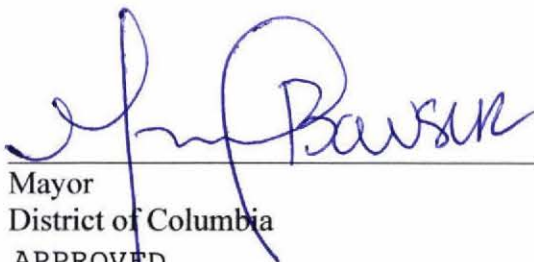
Sec. 3. Fiscal impact statement.

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, 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 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-580

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend the Healthy Public Buildings Assessment Act of 2016 to require the Department of General Services to expand the frequency and scope of testing for environmental risks in public buildings, to improve transparency and increase testing for environmental hazards that impact human health in District-owned buildings undergoing demolition, excavation, substantial renovation, or construction, and to produce an annual report on the environmental risks identified and their remediation; and to amend the Safe Fields and Playgrounds Act of 2018 to expand lead testing and transparency of lead test results for synthetic public playground surfaces, to publish warranties for recently installed and new synthetic surfaces, to conduct a thorough analysis of all playground surface materials currently or potentially available to ensure their safety and durability; and to require community outreach regarding the replacement of playground and field surfaces.

BE IT ENACTED BY THE COUCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Public Facilities Environmental Safety Amendment Act of 2020”.

Sec. 2. The Healthy Public Buildings Assessment Act of 2016, effective April 1, 2017 (D.C. Law 21-237; D.C. Official Code § 10-711 *et. seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 10-711 *et. seq.*) is amended as follows:

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

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

“(1) “Construction” means the building, modernization, or renovation of District facilities; except, that the term “construction” does not include modernization or renovation projects that do not rise to the level of a substantial renovation, as defined in paragraph (5A) of this section.”.

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

“(5A) “Substantial renovation” means the reconstruction of 50% or more of a public building.”.

(b) Section 3 (D.C. Official Code § 10-712) is amended to read as follows:

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

(A) The lead-in language is amended by striking the phrase “for, at a minimum,” and inserting the phrase “every 10 years, at a minimum, for” in its place.

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(B) Paragraph (11) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(C) Paragraph (12) is amended by striking the period and inserting a semicolon in its place.

(D) New paragraphs (13), (14), (15), (16), and (17) are added to read as follows:

- “(13) Groundwater quality;
- “(14) Dust;
- “(15) Gas and diesel emissions;
- “(16) Polychlorinated biphenyls; and
- “(17) Volatile organic compounds.”.

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

“(b-1) If DGS determines that any of the environmental risks listed in subsection (a) of this section are potential hazards at a publicly owned site that is undergoing or will undergo demolition, construction, excavation, or substantial renovation:

“(1) DGS shall promptly take any steps necessary to safeguard the public from those potential hazards and as soon as practicable conduct appropriate assessments to determine whether each environmental risk exceeds the threshold level established under subsection (b)(2) of this section and publish the complete results of that testing on the DGS website within 10 business days of receiving the test results; and

“(2) If test results are found to be in excess of a threshold level established under subsection (b)(2) of this section, DGS shall:

“(A) Effectively isolate the area where the environmental risk is located to safeguard the public until effective remediation occurs;

“(B) Within 10 business days of receiving the test results, provide any impacted Advisory Neighborhood Commission with and publish on the DGS website a notice of potential environmental risks that includes:

- “(i) The potential environmental risks found;
- “(ii) The full testing results for each of those environmental risks;
- “(iii) The threshold levels at which remediation measures for that

risk will be taken; and

“(iv) The planned timeline for remediation.

“(C) Coordinate with other relevant agencies to conduct a public meeting to share the assessment results with the affected community within 20 business days; and

“(D) Repeat the appropriate testing after remediation measures have been taken until the environmental conditions identified do not exceed established threshold levels.”.

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

“(d-1) DGS shall publish online and submit to the Council an annual report by July 1st of each year that describes, for each publicly owned site that has underwent or is undergoing

ENROLLED ORIGINAL

demolition, excavation, substantial renovation, or construction during the reporting period, at a minimum:

- “(1) Any potential hazards identified at each site;
- “(2) The testing methods employed to assess whether the conditions pose an environmental hazard;
- “(3) The test results for each potential hazard identified;
- “(4) The threshold levels at which remediation measures will be taken;
- “(5) Any remediation measures taken; and
- “(6) How testing results and remediation strategies have been communicated to the public.”.

Sec. 3. Section 4 of the Safe Fields and Playgrounds Act of 2018, effective April 11, 2019 (D.C. Law 22-293; D.C. Official Code § 10-171.03), is amended by adding new subsections (e), (f), (g), and (h) to read as follows:

“(e)(1) DGS shall conduct lead testing of all public playground surfaces composed, in whole or in part, of synthetic materials every 3 years using testing practices recommended by ASTM International or a similar testing standards organization.

“(2) If lead testing of a public playground surface conducted pursuant to this subsection identifies lead in excess of published threshold levels, DGS shall close the affected playground surface to the public within 24 hours of receiving the test results. DGS shall not reopen the affected playground surface until the lead is remediated and a subsequent test determines that the level of lead present is below published threshold levels.

“(3) Within 10 business days of receiving a lead test result resulting in the closure of a playground surface under this section, DGS shall publish notice on the DGS website and post conspicuous signage at the playground surface that clearly communicates the reason for the closure of the space, any planned remediation efforts, and contact information for a DGS employee responsible for addressing questions about the remediation.

“(4) Within 20 business days of receiving a lead test result resulting in the closure of a playground surface under this section, DGS shall coordinate with other relevant agencies to conduct a community meeting to explain the lead testing procedure, the test results, the remediation process, any potential health risks caused by the elevated lead levels, which resulted in the closure, and the anticipated date that the closed playground surface will reopen.

“(f) Within 8 months of the applicability date of the Public Facilities Environmental Safety Amendment Act of 2020, passed on 2nd reading on December 1, 2020 (Enrolled version of Bill 23-665), DGS shall publish on the DGS website the warranty and certificate of compliance with regulatory standards for all existing public synthetic fields and playgrounds that contain synthetic materials installed within the previous 5 years shall continue to publish on the DGS website the warranty and certificate of compliance with regulatory standards for all newly installed public synthetic fields and playgrounds.

ENROLLED ORIGINAL

“(g) Within 10 months after the applicability date of the Public Facilities Environmental Safety Amendment Act of 2020, passed on 2nd reading on December 1, 2020 (Enrolled version of Bill 23-665), the Mayor shall transmit to the Council a report that details the result of an analysis of all materials currently available on the market for use in public field and playground surfaces to ensure the District is using the safest and most durable materials for public recreational spaces. The report shall include:

“(1) A list of all currently available synthetic materials and non-synthetic materials on the market deemed safe for use by DGS in public recreational spaces;

“(2) An analysis of the synthetic materials and non-synthetic materials identified in paragraph (1) of this subsection that identifies whether the material contains any known environmental health hazards or poses a health risk if the material is ingested, inhaled, or comes into contact with a person’s skin or eyes;

“(3) A comparison of the synthetic materials and non-synthetic materials identified in paragraph (1) of this subsection that includes the advantages and disadvantages associated with each material, including cost, durability, maintenance requirements, and accessibility; and

“(4) Comparative lead test results for installed synthetic and non-synthetic public field and playground surfaces to determine the expected level of naturally occurring lead solely based on environmental factors as they exist in the District.

“(h) Prior to the replacement of any public field and playground surface, DGS shall, in coordination with other relevant agencies, conduct community outreach and engagement to:

“(1) Explain the available options for replacement;

“(2) Obtain input on the materials to be used; and

“(3) Explain the factors impacting the decision.”.

Sec. 4. 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. 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).

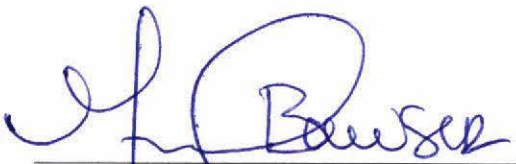
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Sec. 6. Effective date.

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 § 1-206.03(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-581

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend the District of Columbia Revenue Act of 1937 to require the Mayor to design and issue motor vehicle identification tags that celebrate the Washington Mystics 2019 Women’s National Basketball Championship, design and issue motor vehicle identification tags that celebrate the Washington Nationals 2019 Major League Baseball World Series, and design and issue tags with the legend “End Gun Violence;” and to amend the Neighborhood Engagement Achieves Results Amendment Act of 2016 to make a conforming amendment.

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

Sec. 2. Title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01 *et seq.*), is amended as follows:

(a) New sections 2i, 2j, and 2k are added to read as follows:

“Sec. 2i. Issuance of Washington Mystics motor vehicle identification tags.

“(a) The Mayor shall design and make available for issue one or more Washington Mystics motor vehicle identification tags to demonstrate support for the Washington Mystics basketball team and celebrate the Washington Mystics 2019 Women’s National Basketball Association Championship.

“(b)(1) A resident ordering a Washington Mystics tag shall pay a one-time application fee and a display fee each year thereafter. The application fee shall be \$25, and the display fee shall be \$20, or such other amount as may be established by the Mayor by rule.

“(2) The application fee and annual display fee shall be deposited into the General Fund of the District of Columbia.

“Sec. 2j. Issuance of Washington Nationals motor vehicle identification tags.

“(a) The Mayor shall design and make available for issue one or more Washington Nationals motor vehicle identification tags to demonstrate support for the Washington Nationals baseball team and celebrate the Washington Nationals 2019 Major League Baseball World Series Championship.

ENROLLED ORIGINAL

“(b)(1) A resident ordering a Washington Nationals tag shall pay a one-time application fee and a display fee each year thereafter. The application fee shall be \$25, and the display fee shall be \$20, or such other amount as may be established by the Mayor by rule.

“(2) The application fee and annual display fee shall be deposited into the General Fund of the District of Columbia.

“Sec. 2k. Issuance of End Gun Violence motor vehicle identification tags.

“(a) The Mayor shall design and make available for issue one or more motor vehicle identification tags to demonstrate support for ending gun violence in the District. The identification tags shall display the phrase “End Gun Violence”.

“(b)(1) A resident ordering an End Gun Violence identification tag shall pay a one-time application fee and a display fee each year thereafter. The application fee shall be \$25, and the display fee shall be \$20, or such other amount as may be established by the Mayor by rule.

“(2) The application fee and annual display fee shall be deposited into the Neighborhood Safety and Engagement Fund, established by section 103 of the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2413).”

(b) Section 3 (D.C. Official Code § 50-1501.03) is amended as follows:

(1) Subsection (a)(1) is amended by adding new subparagraphs (M), (N), and (O) to read as follows:

“(M) Any person ordering a Washington Mystics identification tag shall pay the fees set forth in section 2i(b)(1).

“(N) Any person ordering a Washington Nationals identification tag shall pay the fees set forth in section 2j(b)(1).

“(O) Any person ordering an End Gun Violence identification tag shall pay the fees set forth in section 2k(b)(1).”

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

(A) Paragraph (9) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(B) Paragraph (10) is amended by striking the period and inserting a semicolon in its place.

(C) New paragraphs (11), (12), and (13) are added to read as follows:

“(11) The fees collected for the Washington Mystics identification tags under section 2i shall be deposited into the General Fund of the District of Columbia;

“(12) The fees collected for the Washington Nationals identification tags under section 2j shall be deposited into the General Fund of the District of Columbia; and

“(13) The fees collected for the End Gun Violence identification tags under section 2k shall be deposited in the Neighborhood Safety and Engagement Fund, established by section 103 of the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2413).”

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Sec. 3. Section 103(b) of the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2413(b)), is amended to read as follows:

“(b) Funds from the following sources shall be deposited into the Fund:

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

“(2) All fees collected pursuant to section 2k(b)(1) of Title IV of the District of Columbia Revenue Act of 1937, passed on 2nd reading on December 1, 2020 (Enrolled version of Bill 23-666).”.

Sec. 4. 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 for 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 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-582

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To accept the dedication of Lot 252 in Square 620 for the widening of First Street, N.W., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act be cited as the “Dedication of Lot 252 in Square 620 for the First Street, N.W., Right-of-Way, S.O. 19-48848, Act of 2020”.

Sec. 2. (a) Pursuant to sections 302 and 401 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 §§ 9-203.02 and 9-204.01) (“Act”), and notwithstanding the requirements set forth in sections 303 and 421 of the Act (D.C. Official Code §§ 9-203.03 and 9-204.21), the Council accepts the dedication of Lot 252 in Square 620 for the widening of the First Street, N.W. right of way from 60 to 90 feet, and designates the dedicated land as a portion of First Street, N.W., as shown on the Surveyor’s plat filed in S.O. 19-48848.

(b) Acceptance of this street dedication is contingent upon the execution of a Horizontal Public Use Agreement between the owner of Lot 252 and the District Department of Transportation (“DDOT”) governing the design review, construction, inspection, and acceptance of First Street, N.W. The dedication plat shall not be recorded until DDOT has confirmed that the public space improvements have been constructed to DDOT’s standards and all statutory warranties have been provided.

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.

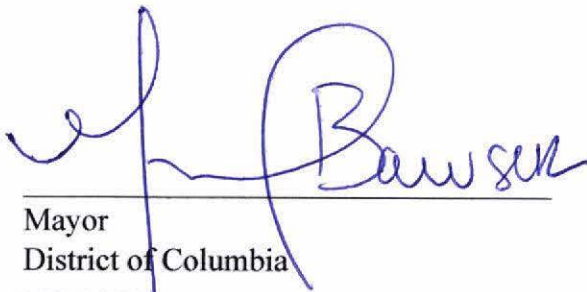
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-583

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To order the closing of a portion of Potomac Avenue, S.E., adjacent to Reservation 248 and Square S-744, in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Closing of a Portion of Potomac Avenue, S.E., Adjacent to Reservation 248 and Square 744-S, S.O. 19-46967, Act of 2020”.

Sec. 2. Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds that the portion of Potomac Avenue, S.E., between First Street, S.E., and former Canal Street, S.E., as shown on the Surveyor’s plat filed in S.O. 19-46967, is unnecessary for street purposes and orders it closed with title to the land to vest as shown on the Surveyor’s plat.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

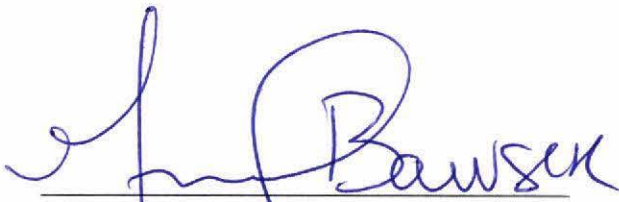
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED

January 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-584

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Omnibus Kenilworth Courts Redevelopment Act of 2020”.

Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*) (“Act”), the Council of the District of Columbia finds that the public alley in Square 5116, as shown on the Surveyor’s plat filed in S.O. 16-23580, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor’s plat.

(b) Pursuant to section 302 of the Act (D.C. Official Code § 9-203.02) and notwithstanding the requirements set forth in sections 303 and 304 of the Act (D.C. Official Code §§ 9-203.03 and 9-203.04), the Council accepts the dedication of land for street purposes and further orders the removal of building restriction lines on Square 5116 along 45th Street, N.E., and Quarles Street, N.E., as shown on the Surveyor’s plat filed in S.O. 16-23580.

Sec. 3. (a) The alley closing ordered in section 2(a) is contingent upon the satisfaction of all of the conditions proposed by Washington Gas as set forth in S.O. 16-23580.

(b) The Department of Consumer and Regulatory Affairs (“DCRA”) shall not issue any valid certificate of occupancy for improvements upon Square 5116 until the District Department of Transportation (“DDOT”) certifies to DCRA that the public space improvements for the dedicated streets have been constructed to DDOT standards, warranties provided, and DDOT has agreed to accept the improvements.


ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

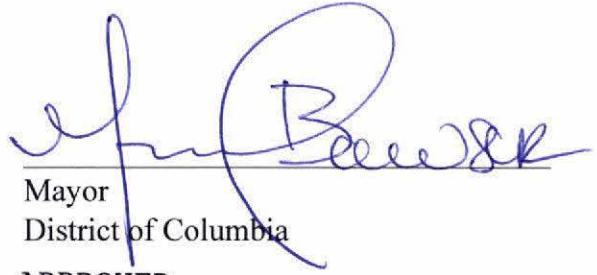
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-585

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to extend the time limit for the disposition of certain District-owned real property located at 3012 Georgia Avenue, N.W., known for tax and assessment purposes as Lot 0849 in Square 2890, comprising a portion of the site of the former Bruce Monroe School.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Bruce Monroe Extension of Disposition Authority Amendment Act of 2020”.

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended by adding a new subsection (d-8) to read as follows:

“(d-8) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of a portion of the District-owned real property located at 3012 Georgia Avenue, N.W., known for tax and assessment purposes as Lot 0849 in Square 2890, for a mixed-use development that provides affordable housing, residential market-rate housing, commercial or community amenity space, and any ancillary uses allowed under applicable law, pursuant to the Bruce Monroe Disposition Approval Resolution of 2016, effective December 20, 2016 (Res. 21-721; 64 DCR 10453), and as extended by the Bruce Monroe Disposition Extension Resolution of 2018, effective November 13, 2018 (Res. 22-643; 65 DCR 13002), is extended to December 20, 2023.”.

Sec. 3. Applicability.

This act shall apply as of December 20, 2020.

Sec. 4. Fiscal impact statement.

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


ENROLLED ORIGINAL

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-586

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend the Washington Metropolitan Area Transit Regulation Compact to prohibit the use of enforcement quotas for the Metro Transit Police Department, and to create a multijurisdictional Civilian Complaint Board to review complaints against Metro Transit Police Department members.

BE IT ENACTED BY THE COUCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Washington Metropolitan Area Transit Authority Police Accountability Amendment Act of 2020”.

Sec. 2. Section 76 of Article XVI of Title III of the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1996 (80 Stat. 1324; D.C. Official Code § 9-1107.01(76)), is amended as follows:

(a) Subsection (f) is amended by adding a new paragraph (1A) to read as follows:

“(1A) prohibit the use of enforcement quotas to evaluate, incentivize, or discipline members, including with regard to the number of arrests made or citations or warnings issued;”.

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

“(i)(1) The Authority shall establish a Metro Transit Police Complaints Board to review complaints filed against the Metro Transit Police.

“(2) The Metro Transit Police Complaints Board shall be comprised of 8 members: 2 civilian members appointed by each Signatory pursuant to the Signatory’s applicable laws, and 2 civilian members appointed by the federal government.

“(3) Members of the Metro Transit Police Complaints Board shall not be Authority employees and shall have no current affiliation with any law enforcement agency.

“(4) Members of the Metro Transit Police Complaints Board shall serve without compensation but may be reimbursed for necessary expenses incurred as incidental to the performance of their duties.

“(5) The Metro Transit Police Complaints Board shall appoint a Chairperson and Vice-Chairperson from among its members.

“(6) A majority of the appointed members shall constitute a quorum. No action by the Metro Transit Police Complaints Board shall be effective unless the majority includes at least one member from each Signatory.

ENROLLED ORIGINAL

“(7) The Metro Transit Police Complaints Board shall meet at least monthly and keep minutes of its meetings.

“(8) The Metro Transit Police Complaints Board, through its Chairperson, may employ qualified persons or utilize the services of qualified volunteers, as necessary, to perform its work, including the investigation of complaints.

“(9) The duties of the Metro Transit Police Complaints Board shall include:

“(A) Adopting rules and regulations governing its meetings, minutes, internal processes, and implementation of this subsection;

“(B) With respect to the Metro Transit Police, reviewing:

“(i) The number, type, and disposition of complaints received, investigated, sustained, or otherwise resolved;

“(ii) The race, national origin, gender, and age of the complainant and the subject officer or officers;

“(iii) The proposed and actual discipline imposed on an officer as a result of any sustained complaint;

“(iv) All use of force incidents, serious use of force incidents, and serious physical injury incidents; and

“(v) Any in-custody death; and

“(C) Making policy recommendations to the Signatories.

“(10) All complaints against members of the Metro Transit Police that allege abuse or misuse of police powers shall be received by or transmitted to the Metro Transit Police Complaints Board. All complaints shall be reduced to writing and signed by the complainant. Examples of complaints include:

“(A) Harassment;

“(B) Use of force;

“(C) Use of language or conduct that is insulting, demeaning, or humiliating;

“(D) Discriminatory treatment based upon a person’s race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, physical disability, matriculation, political affiliation, source of income, or place of residence or business;

“(E) Retaliation against a person for filing a complaint; and

“(F) Failure to wear or display required identification or to identify oneself by name and badge number when requested to do so.

“(11) If the Metro Transit Police receives a complaint containing subject matter that is covered by paragraph (10) of this subsection, the Metro Transit Police shall transmit the complaint to the Metro Transit Police Complaints Board within 3 business days after receipt.

“(12) To be timely, a complaint must be received by the office within 90 days from the date of the incident that is the subject of the complaints. The Board (or its staff) may extend the deadline for good cause.

ENROLLED ORIGINAL

“(13) If a complaint alleges misconduct that is not within the authority of the Board to review, the Board shall refer the allegation to the Metro Transit Police Chief or the Authority’s General Manager, as appropriate, for further processing.

“(14) The Metro Transit Police Complaints Board shall have timely and complete access to information and supporting documentation specifically related to the Metro Transit Police Complaints Board’s duties and authority under paragraphs (9) and (10) of this subsection, and may make reasonable requests for access to information and supporting documentation of a police department located within the Washington Metropolitan Area Transit Zone where an alleged incident occurred; provided that:

“(A) The Metro Transit Police Complaints Board shall keep confidential the identity of persons, other than the subject or subjects of a complaint, named in any documents transferred from the Metro Transit Police.

“(B) The disclosure or transfer of any public record, document, or information from the Metro Transit Police to the Metro Transit Police Complaints Board shall not constitute a waiver of any privilege or exemption that otherwise could be asserted by the Metro Transit Police to prevent disclosure to the general public or in a judicial or administrative proceeding.

“(15) The Metro Transit Police Complaints Board shall have the authority to dismiss, conciliate, mediate, investigate, adjudicate, provide policy training, participate in rapid resolution, or refer for further action to the Metro Transit Police a complaint received under paragraph (10) of this subsection.

“(16)(A) If deemed appropriate by the Metro Transit Police Complaints Board, and if the parties agree to participate in a conciliation process, the Metro Transit Police Complaints Board may attempt to resolve a complaint by conciliation.

“(B) The conciliation of a complaint shall be evidenced by a written agreement signed by the parties, which may provide for oral apologies or assurances, written undertakings, or any other terms satisfactory to the parties. No oral or written statements made in conciliation proceedings may be used as a basis for any discipline or recommended discipline against a subject police officer or officers or in any civil or criminal litigation.

“(17) If the Metro Transit Police Complaints Board refers the complaint to mediation, the Board shall schedule an initial mediation session with a mediator. The mediation process may continue as long as the mediator believes it may result in the resolution of the complaint. No oral or written statement made during the mediation process may be used as a basis for any discipline or recommended discipline of the subject police officer or officers or in any civil or criminal litigation, except as otherwise provided by the rules of the court or the rules of evidence.

“(18) If the Metro Transit Police Complaints Board refers a complaint for investigation, the Board shall assign an investigator to investigate the complaint. When the investigator completes the investigation, the investigator shall summarize the results of the

ENROLLED ORIGINAL

investigation in an investigative report that, along with the investigative file, shall be transmitted to the Board, which may order an evidentiary hearing.

“(19) The Metro Transit Police Complaints Board may, after an investigation, assign a complaint to a complaint examiner, who shall make written findings of fact regarding all material issues of fact, and shall determine whether the facts found sustain or do not sustain each allegation of misconduct. If the complaint examiner determines that one or more allegations in the complaint is sustained, the Metro Transit Police Complaints Board shall transmit the entire complaint file, including the merits determination of the complaint examiner, to the Metro Transit Police for appropriate action.

“(20) Employees of the Metro Transit Police shall cooperate fully with the Metro Transit Police Complaints Board in the investigation and adjudication of a complaint. An employee of the Metro Transit Police shall not retaliate, directly or indirectly, against a person who files a complaint under this subsection.

“(21) When, in the determination of the Metro Transit Police Complaints Board, there is reason to believe that the misconduct alleged in a complaint or disclosed by an investigation of a complaint may be criminal in nature, the Metro Transit Police Complaints Board shall refer the matter to the appropriate authority for possible criminal prosecution, along with a copy of all of the Metro Transit Police Complaints Board’s files relevant to the matter being referred; provided, that the Metro Transit Police Complaints Board shall make a record of each referral, and ascertain and record the disposition of each matter referred and, if the appropriate authority declines in writing to prosecute, the Metro Transit Police Complaints Board shall resume its processing of the complaint.

“(22) Within 60 days before the end of each fiscal year, the Metro Transit Police Complaints Board shall transmit to the Board of Directors of the Washington Metropolitan Area Transit Authority and make public an annual report of its operations, including any policy recommendations.”.

Sec. 3. Applicability.

This act shall apply after the enactment of concurring legislation by the State of Maryland and the Commonwealth of Virginia, and approval by the United States Congress.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

ENROLLED ORIGINAL

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 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-587

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To symbolically designate the 1800 block of Bruce Place, S.E., as Harold "Ike" Foster Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Harold "Ike" Foster Way Designation Act of 2020".

Sec. 2. Pursuant to sections 401, 403a, and 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03a, and 9-204.23), the Council symbolically designates the 1800 block of Bruce Place, S.E., as "Harold "Ike" Foster Way".

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, 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 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-588

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend the Specialty Drug Copayment Limitation Act of 2016 to impose a limit on the amount that a person must pay in copayment or coinsurance through a health benefit plan for a prescription for insulin.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Insulin and Diabetes Device Affordability Amendment Act of 2020”.

Sec. 2. The Specialty Drug Copayment Limitation Act of 2016, effective April 7, 2017 (D.C. Law 21-248; D.C. Official Code § 48-855.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 48-855.01) is amended as follows:

(1) New paragraphs (3A) and (3B) are added to read as follows:

“(3A) “Diabetes device” means a legend device or non-legend device used to cure, diagnose, mitigate, prevent or treat diabetes or low blood sugar. The term includes a blood glucose test strip, glucometer, continuous glucometer, lancet, lancing device, or insulin syringe.

“(3B) “Diabetic ketoacidosis device” means a device that is a legend or non-legend device and used to screen for or prevent diabetic ketoacidosis. The term includes diabetic ketoacidosis devices prescribed and dispensed once during a policy year.”.

(2) A new paragraph (9A) is added to read as follows:

“(9A) “Prescription insulin drug” means a prescription drug that contains insulin and is used to control blood glucose levels to treat diabetes.”.

(b) Section 3 (D.C. Official Code § 48-855.02) is amended by striking the phrase “Washington-Baltimore metropolitan area” and “inserting the phrase “Washington-Arlington-Alexandria, DC-VA-MD-WV metropolitan area” in its place.

(c) Section 4 (D.C. Official Code § 48-855.03) is amended by striking the phrase “January 1, 2018” and inserting the phrase “January 1, 2018; except, that section 3a shall apply on January 1, 2022.” in its place.

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

“Sec. 3a. Insulin copayment or coinsurance limitation.

“(a) A health insurer that provides coverage for prescription insulin drugs pursuant to the terms of a health benefits plan the insurer offers shall limit the total amount that an insured is

ENROLLED ORIGINAL

required to pay for a 30-day supply of covered prescription insulin drugs at an amount not to exceed \$30, regardless of the quantity or type of covered prescription insulin drug used to fill the insured's prescription.

“(b) A health insurer that provides coverage for diabetes devices and diabetic ketoacidosis devices pursuant to the terms of a health benefits plan offered by the insurer, shall limit the total amount that an insured is required to pay for a 30-day supply of all medically necessary covered diabetes devices and diabetic ketoacidosis devices that are in accordance with the insured's diabetes treatment plan at an amount not to exceed \$100.

“(c) Pursuant to subsections (a) and (b) of this section, prescription insulin drugs, diabetes devices, and diabetic ketoacidosis devices shall be covered without being subject to a deductible and any cost sharing paid by an insured shall be applied toward the insured's deductible obligation.

“(d) Nothing in this section prevents an insurer from reducing an insured's copayment or coinsurance by an amount greater than the amount specified in subsections (a) and (b) of this section.

“(e) On July 1 of each year, the limit on a required copayment or coinsurance an insured is required to pay under subsections (a) and (b) of this section shall increase by a percentage equal to the percentage change from the preceding year in the medical care component of the Consumer Price Index for All Urban Consumers, Washington-Arlington-Alexandria, DC-VA-MD-WV metropolitan area, as published by the Bureau of Labor Statistics of the United States Department of Labor.

“(f) This section shall apply as of January 1, 2022.”.

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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-589

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend the Office on Ex-Offender Affairs and the Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006 to require the Office on Returning Citizen Affairs to assess the needs of children in the District of Columbia whose parents are incarcerated.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Helping Children Impacted by Parental Incarceration Amendment Act of 2020”.

Sec. 2. Section 3(b)(2) of the Office on Ex-Offender Affairs and the Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1302(b)(2)), is amended by adding new subparagraphs (N) and (O) to read as follows:

“(N) By December 1, 2021, coordinate with youth-serving government agencies, non-government entities, and individuals to conduct and submit to the Council a comprehensive needs assessment for children in the District who have experienced the incarceration of a parent. The assessment shall:

“(i) Examine the impact on children resulting from parental incarceration;

“(ii) Identify the social, emotional, economic, educational, housing, health, mental health, and other needs of children impacted by parental incarceration;

“(iii) Estimate the number of children who are currently, or have been, impacted by parental incarceration in total and by ward; and

“(iv) Specify the gaps between existing services available in the community and the identified needs of children impacted by parental incarceration.

“(O) By March 1, 2022, coordinate with youth-serving government agencies, non-government entities, and individuals to submit a strategic plan to the Council that outlines how the District can specifically meet the social, emotional, economic, educational, housing, health, mental health, and other needs of children whose parents are incarcerated. The strategic plan shall include:

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“(i) The timeline and resources necessary to meet the identified needs; and

“(ii) Recommendations for any policy or legislative reforms necessary to meet the needs of children impacted by parental incarceration.”.

Sec. 3. 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. 4. Fiscal impact statement.

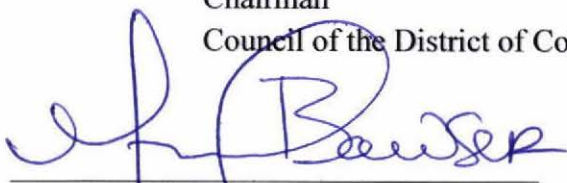
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 13, 2021

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AN ACT

D.C. ACT 23-590

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend the Fiscal Year 2021 Budget Support Act of 2020; the Washington Convention Center Authority Act of 1994, the Commission on the Arts and Humanities Act, Title 47 of the District of Columbia Official Code, the District of Columbia Traffic Act, 1925, the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, Title 25 of the District of Columbia Official Code, and An Act To establish a code of law for the District of Columbia to clarify provisions supporting the Fiscal Year 2021 budget; and to authorize the Chief Financial Officer to impose a fee or processing cost related to a payment made by credit card or other electronic payment method.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2021 Budget Support Clarification Amendment Act of 2020".

Sec. 2. Section 2192 of the Fiscal Year 2021 Budget Support Act of 2020, effective December 3, 2020 (D.C. Law 23-149; 67 DCR 10493), is amended as follows:

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

“(a)(1) Capital project DHA21C (“DHA21C”) shall be administered by the Office of the Chief Financial Officer (“OCFO”), with available project allotments advanced to the District of Columbia Housing Authority (“Authority”) on a quarterly basis for the encumbrances and expenditures planned for that quarter; provided, that the requirements of subsection (b) of this section are met.

“(2) DHA21C funds shall be used by the Authority to fund capital-eligible construction, renovation, or rehabilitation subprojects that:

“(A) Increase the longevity of public housing units;

“(B) Prevent existing tenants from being displaced; or

“(C) Increase the availability of public housing units for existing District of Columbia residents listed on the Authority's waitlist.

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“(3) DHA21C funds shall not be used to fund the Authority’s operating costs, renovation, or rehabilitation of any unit set to be demolished, sold, or otherwise removed from the Authority inventory, or any administrative or overhead costs not specifically attributable to a subproject.”.

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

“(b)(1) Each fiscal year that DHA21C funds are available, the Authority shall submit to the Mayor, the Council, and the OCFO a proposed spending plan, which shall include:

“(A) Documentation that planned encumbrances and expenditures are capital eligible; and

“(B) Information on each subproject for which the Authority proposes to use DHA21C funds, including, at a minimum:

“(i) The proposed location of the subproject;

“(ii) A detailed proposed scope of the subproject;

“(iii) A detailed proposed line-item budget for the subproject;

“(iv) A detailed proposed timeline for the subproject; and

“(v) A statement of whether the implementation of the proposed subproject will require the relocation of tenants and, if relocation is required, a detailed proposed relocation plan.

“(2) In the event of significant delays or changes in planned encumbrances and expenditures for any subproject during the fiscal year, the Authority shall update its spending plan and provide additional documentation as needed to minimize unencumbered and unexpended transfers, avoid causing the District to incur unnecessary debt service costs, and ensure that all subproject encumbrances and expenditures are capital eligible.”.

Sec. 3. Section 203a of the Washington Convention Center Authority Act of 1994, effective December 3, 2020 (D.C. Law 23-149; D.C. Official Code § 10-1202.03a), is amended as follows:

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

(1) The lead-in language is amended as follows:

(A) Strike the phrase “the Washington Convention and Sports Authority shall” and insert the phrase “the Washington Convention and Sports Authority (“Events DC”) shall” in its place.

(B) Strike the phrase “a District resident shall” and insert the phrase “a District resident shall, at the time of application for assistance under this section” in its place.

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

“(1) Demonstrate loss of income due to the public health emergency;”.

(3) Paragraph (2) is amended to read as follows:

“(2)(A) Be ineligible for:

“(i) Unemployment insurance; or

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“(ii) COVID-19 relief; or

“(B) Be a returning citizen, as defined by section 2(5) of the Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1301(5)), whose incarceration ended on March 11, 2020 or later; and”.

(4) A new paragraph (3) is added to read as follows:

“(3) Provide a:

“(A) Signed certification that the resident’s loss of income stems from the public health emergency; and

“(B) Proof of residency and eligibility for relief, as determined by Events DC and consistent with rules and standards for COVID-19 relief programs administered by Events DC.”.

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

“(2) COVID-19 relief” means federal monetary unemployment assistance provided under the Coronavirus Aid, Relief, and Economic Security Act, approved March 27, 2020 (134 Stat. 281; 15 U.S.C. § 9001 *et seq.*), which shall include tax credits but shall not include federal Economic Impact Payments or other stimulus relief for which eligibility is not contingent on the recipient’s employment status.”.

Sec. 4. Section 3(9)(A)(i) of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-202(9)(A)(i)), is amended by striking the phrase “exclusive of District funds” and inserting the phrase “exclusive of District funds other than sponsorships provided by Events DC” in its place.

Sec. 5. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1803.03 is amended by adding a new subsection (b-5) to read as follows:

“(b-5) Capital Gains from a Qualified Opportunity Fund. – The capital gains deduction for investing in a qualified opportunity fund shall apply to an individual, estate, or trust in the same manner as set forth in § 47-1803.03(a)(20).”.

(b) Section 47-2002.02(2) is amended as follows:

(1) Subparagraph (B) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(2) Subparagraph (C) is amended by striking the period and inserting the phrase “; or” in its place.

(3) A new subparagraph (D) is added to read as follows:

“(D) Spirituous or malt liquors, beers, and wine sold by an alcoholic beverage licensee acting under authority of §§ 25-112(h)(1), 25-113(a)(3)(C), or 25-113.01(f) or (g).”.

(c) Section 47-2202.01(2) is amended as follows:

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(1) Subparagraph (B) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(2) Subparagraph (C) is amended by striking the period and inserting the phrase “; or” in its place.

(3) A new subparagraph (D) is added to read as follows:

“(D) Spirituous or malt liquors, beers, and wine sold by an alcoholic beverage licensee acting under authority of §§ 25-112(h)(1), 25-113(a)(3)(C), or 25-113.01(f) or (g).”.

Sec. 6. Section 6(j)(3)(F) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(j)(3)(F)), is amended by striking the phrase “described in section 125(3)(C) of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 115; D.C. Official Code § 47-2002(3)(C))” and inserting the phrase “described in D.C. Official Code §§ 47-2002(a)(4B) and 47-2002.02(2)(C)” in its place.

Sec. 7. The Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code §§ 22-1716 to 22-1718 and 36-601.01 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 36-601.12) is amended as follows:

(1) The section heading is amended to read as follows:

“Sec. 4. Lottery, Gambling, and Gaming Fund.”.

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

“(a) There is established as an enterprise fund the Lottery, Gambling, and Gaming Fund (“Fund”), which shall be administered by the Chief Financial Officer. Revenue from the following sources shall be deposited into the Fund or a division of the Fund, as established by the Chief Financial Officer:

“(1) All funds generated by gambling activities operated or licensed by the Chief Financial Officer; and

“(2) All fees collected pursuant to sections 406 through 408.”.

(3) Subsection (c) is amended by striking the word “gambling” and inserting the phrase “gambling and gaming” in its place.

(b) A new Title IV is added to read as follows:

“TITLE IV. GAME OF SKILL MACHINES.

“Sec. 401. Definitions

“For purposes of this title, the term:

“(1) “ABC Board” means the Alcoholic Beverage Control Board, established by D.C. Official Code § 25-201.

“(2) “ABRA” means the Alcoholic Beverage Regulation Administration, established by D.C. Official Code § 25-202.

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“(3) “CFO” means the Chief Financial Officer of the District of Columbia.

“(4) “Centralized accounting system” means the accounting system linked by a communications network as described in sections 409 and 413.

“(5) “Distributor” means a person licensed under this title to:

“(A) Buy or lease game of skill machines, or any major components or parts of a game of skill machine, from manufacturers for sale or lease and distribution to retailers; or

“(B) To maintain or service a retailer’s game of skill machine, or any major component or part of a game of skill machine.

“(6) “Game of skill machine” means a mechanical or electronic gaming device that rewards the winning player or players with cash, a gift card, or a voucher that can be redeemed for cash. A mechanical or electronic gaming device shall not be considered a game of skill machine if:

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

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

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

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

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

“(7) “Game of skill machine gross revenue” means the total of cash or cash equivalents received from a game of skill machine minus the total of:

“(A) Cash or cash equivalents paid to players as a result of a game of skill machine;

“(B) Cash or cash equivalents paid to purchase annuities to fund prizes payable to players over a period of time as a result of a game of skill machine; and

“(C) The actual cost paid by the license holder for personal property distributed to a player as a result of a game of skill machine, excluding travel expenses, food, refreshments, lodging, and services.

“(8) “Licensed establishment” means an on-premises retail establishment licensed by the ABC Board to sell, serve, and allow for the consumption of alcoholic beverages.

“(9) “Licensed premises” means the physical location of a licensed establishment that is authorized by the Office to offer game of skill machines.

“(10) “Licensee” means a person who possesses a game of skill manufacturer, distributor, or retailer license issued by the Office.

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“(11) “Manufacturer” means a person that is licensed under this title that manufactures or assembles game of skill machines for sale or lease to distributors or provides to distributors major components or parts of game of skill machines for the repair or maintenance of game of skill machines.

“(12) “Office” means the Office of Lottery and Gaming.

“(13) “Retailer” means a person that is licensed under this title to offer game of skill machines on its licensed premises.

“Sec. 402. Authorization of game of skill machines.

“The operation of game of skill machines shall be lawful in the District if conducted in accordance with this title and the rules issued pursuant to this title.

“Sec. 403. Game of skill machine license requirements; prohibition.

“(a) No person may carry out a function of a manufacturer, distributor, or retailer after March 31, 2021, unless the person has obtained the applicable license or licenses required by this title, or by rules issued pursuant to this title.

“(b)(1) The Office shall issue the following categories of game of skill machine licenses:

“(A) Manufacturer;

“(B) Distributor; and

“(C) Retailer.

“(2) The Office shall not grant a license listed in paragraph (1) of this subsection until it has determined that each person that possesses 10% or greater beneficial or proprietary interest in the applicant has been approved for licensure in accordance with this title and rules issued pursuant to this title; provided, that the Office shall not be required to make such a determination with respect to a person that is an institutional investor unless the institutional investor possesses 25% or greater beneficial or proprietary interest in the applicant.

“(c)(1) An applicant for an initial manufacturer or distributor license shall be subject to District and national criminal history background checks.

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

“(3) In the case of an application for license renewal, the Office may require additional background checks.

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

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

“(f)(1) A retailer shall display its license as required by section 410(e) and shall make the license immediately available for inspection upon request by an employee of the Office, the Metropolitan Police Department, or ABRA.

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

“Sec. 404. License prohibitions; suspensions and revocation of licenses.

“(a) An applicant convicted of a disqualifying offense shall not be licensed. The Office shall define disqualifying offenses by a rule issued pursuant to this title.

“(b) No employee of the Office or ABRA or member of the ABC Board, or immediate family member of an employee of the Office or ABRA or member of the ABC Board, may be an applicant for, have an interest in, or obtain a license issued pursuant to this title.

“(c) Failure of an applicant or licensee to notify the Office of a change to the information provided in its application for license or renewal within 10 days after the change may result in the Office suspending or revoking the licensee’s license, denying the applicant’s license, and issuing a fine.

“(d)(1) The Office shall not grant a license pursuant to this title, and shall revoke a license previously granted, if evidence satisfactory to the Office exists that the applicant or licensee has:

“(A) Knowingly made a false statement of a material fact to the Office;

“(B) Had a license revoked by a governmental authority responsible for regulation of games of skill;

“(C) Been convicted of a felony and has not received a pardon or been released from parole or probation for at least 5 years; or

“(D) Been convicted of a gambling-related offense or a theft or fraud offense.

“(2) The Office may deny a license to an applicant or suspend or revoke a license of a licensee if the applicant or licensee:

“(A) Has not demonstrated, to the satisfaction of the Office, financial responsibility sufficient to adequately meet the requirement of the proposed activity;

“(B) Is not the true owner of the licensed business or has not disclosed the existence or identity of another individual or entity that has an ownership interest in the business; or

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“(C) Is an entity that sells more than 10% of a licensee’s voting interests, more than 10% of the voting interests of an entity that controls the licensee, or sells a licensee’s assets to an individual or entity not already determined by the Office to have met the qualifications of a licensee pursuant to this title.

“Sec. 405. Conflicts of interest.

“(a) Before issuing, authorizing the transfer to a new owner of, or renewing a license, the Office shall determine that the applicant is not disqualified because of a conflicting interest in another license.

“(b) In making a determination regarding a conflicting interest, the following standards shall apply:

“(1) No licensee under a distributor’s license shall hold a license in another license issued under this title; except, that the holder of a distributor’s license may also hold a manufacturer’s license.

“(2) No licensee under a manufacturer’s license shall hold another license issued under this title; except, that the holder of a manufacturer’s license may also hold a distributor’s license.

“Sec. 406. Manufacturer licensure.

“(a)(1) A person may not, after March 31, 2021, manufacture a game of skill machine in the District or manufacture and cause to be delivered into the District a game of skill machine, unless the person has a valid manufacturer’s license issued under this title.

“(2) A manufacturer may, after March 31, 2021, only sell or lease game of skill machines for use in the District to persons having a valid distributor’s license.

“(b) A person applying for a manufacturer’s license shall do so on a form prescribed by the Office. The form shall require:

“(1) The name of the applicant;

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

“(3) A report of the applicant’s financial activities, including evidence of financial stability, such as bank statements, business and personal income and disbursement schedules, and tax returns; and

“(4) Such other information as the Office may require by rule.

“(c) In considering whether to approve an application for a manufacturer’s license, the Office may consider, among such other evidence as may come before the Office, evidence of the applicant’s licensure, conduct, and activities in another jurisdiction.

“(d) An applicant for a manufacturer’s license shall pay a nonrefundable application fee of \$10,000 with the application.

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“(e) A manufacturer’s license shall be renewed annually; provided, that the licensee has continued to comply with all statutory and regulatory requirements and pays upon submission of its renewal application a \$5,000 renewal fee.

“Sec. 407. Distributor licensure.

“(a) A person may not, after March 31, 2021, engage in any of the following activities unless the person has a valid distributor’s license issued by the Office:

“(1) Buy or lease from a manufacturer a game of skill machine for distribution in the District;

“(2) Sell, lease, or distribute a game of skill machine in the District or market for sale, lease, or distribution a game of skill machine in the District; or

“(3) Repair, replace, maintain, or service a game of skill machine or a major component or part of a game of skill machine in the District or market the repair, replacement, or maintenance of a game of skill machine or a major component or part of a game of skill machine in the District.

“(b) A licensed distributor may sell, lease, or distribute a game of skill machine, or repair, replace, maintain, or service a game of skill machine or any major component or part of a game of skill machine in the District to a licensed establishment that possesses a game of skill machine endorsement from the ABC Board pursuant to D.C. Official Code § 25-113.01(e), and after March 31, 2021, a retailer’s license from the Office. No distributor may give anything of value, including a loan or financing agreement, to a licensed establishment as an incentive or inducement to locate a game of skill machine in the establishment; provided, that a distributor may provide funding to a licensed establishment for the payment of winnings to players of the distributor’s game of skill machines in the licensed establishment.

“(c) A person applying for a distributor’s license shall do so on a form prescribed by the Office. The form shall require:

“(1) The name of the applicant;

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

“(3) A report of the applicant’s financial activities, including evidence of financial stability, such as bank statements, business and personal income and disbursement schedules, and tax returns; and

“(4) Such other information as the Office may require by rule.

“(d) In considering whether to approve an application for a distributor’s license, the Office may consider, among such other evidence that may come before the Office, evidence of the applicant’s licensure, conduct, and activities in another jurisdiction.

“(e) An applicant for a distributor’s license shall demonstrate that the equipment, system, or device that the applicant plans to offer to retailers conforms to standards established pursuant to this title, the rules issued pursuant to this title, and other applicable law.

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“(f) An applicant for a distributor’s license shall pay a nonrefundable application fee of \$10,000 with the application.

“(g) A distributor’s license shall be renewed annually; provided, that the licensee has continued to comply with all statutory and regulatory requirements and pays upon submission of its renewal application a \$5,000 renewal fee.

“(h) A distributor shall submit to the Office, at such times as are established by the Office by rule, a list of all models and versions of game of skill machines sold, delivered, or offered to a retailer. All such equipment shall be tested and approved by an independent testing laboratory approved as provided in section 409.

“Sec. 408. Retailer licensure.

“(a) A person may not offer or allow for play a game of skill machine at the location in the District unless the location:

“(1) Is a licensed establishment;

“(2) Possesses a game of skill machine endorsement from ABRA in accordance with D.C. Official Code § 25-113.01(e), and, after March 31, 2021, a retailer’s license from the Office; and

“(3) Has entered into a written use agreement with a licensed distributor (or before April 1, 2021, with a distributor) for the placement or installation of a game of skill machine or machines on the licensed premises.

“(b) A person shall apply for a retailer’s license on a form prescribed by the Office. The form shall require:

“(1) The name of the applicant;

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

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

“(4) Any other information the Office considers necessary.

“(c) An applicant for a retailer’s license shall pay a nonrefundable application fee of \$300 with the application.

“(d) A retailer’s license shall be renewed annually; provided, that the licensee continued to comply with the statutory and regulatory requirements and pays upon submission of its renewal application a \$300 renewal fee.

“(e) The Office may require a retailer to be bonded, in such amounts and in such manner as determined by the Office.

“(f) Game of skill machines shall not be offered or allowed to be played in the District other than at an establishment licensed as a retailer.

“Sec. 409. Minimum requirements of game of skill machines.

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“(a)(1) No model or version of a game of skill machine shall be offered for distribution or play in the District unless the model or version of the game of skill machine has first been tested and approved as a game of skill machine pursuant to this title and the rules issued pursuant to this title; except, that:

“(A) A model or version of a game of skill machine for which an endorsement was approved by the ABC Board under D.C. Official Code § 25-401 before October 1, 2020, shall not be subject to testing or approval under this section unless required by the Office by rule; provided, that each such game of skill machine shall be required to comply with subsection (b)(12) of this section.

“(B) A model or version of a game of skill machine may be approved by the Office before January 1, 2021, if it meets the requirements of subsection (b)(1) through (12) of this section, regardless of whether the Office has issued minimum standard rules pursuant to subsection (b) of this section, and the game of skill machine shall not be required to come into compliance with the minimum standard rules issued by the Office pursuant to subsection (b) of this section until such date as shall be set forth by the Office in such rules.

“(2) The Office, or the applicant at the direction of the Office, shall utilize the services of an Office-approved independent outside testing laboratory to test and assess the model or version of the game of skill machine.

“(3) The applicant shall be responsible for paying the costs associated with testing the model or version of the game of skill machines.

“(b) Except as otherwise provided in subsection (a)(1)(A) and (B) of this section, every game of skill machine offered in the District shall meet the minimum standards established by the Office by rule. The minimum standards shall include the following:

“(1) The game of skill machine shall conform to all requirements of federal law and regulations, including the Federal Communications Commission’s Class A emissions standards.

“(2) The game of skill machine shall display an accurate representation of the game outcome.

“(3) The game of skill machine shall not automatically alter pay tables or any function of the game of skill machine based on an internal computation of a hold percentage or have a means of manipulation that affects the random selection process or probabilities of winning a game.

“(4) The game of skill machine shall not be negatively affected by static discharge or other electromagnetic interference.

“(5) The game of skill machine shall be capable of displaying the following during idle status: “power reset”; “door open”; or “door closed”.

“(6) The game of skill machine shall be able to detect and display the game’s complete play history and winnings for the previous 10 games.

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“(7) The theoretical payback percentage of a game of skill machine shall not be capable of being changed without making a hardware or software change in the machine itself.

“(8) The game of skill machine shall be designed so that the replacement of parts or modules required for normal maintenance does not necessitate replacement of the electromechanical meters.

“(9) The game of skill machine shall contain a non-resettable meter, which shall be located in a locked area of the machine that is accessible only by a key.

“(10) The game of skill machine shall be capable of storing the meter information required by paragraph (9) of this subsection for a minimum of 180 days after a power loss to the machine.

“(11) The game of skill machine shall have accounting software that keeps an electronic record that includes:

“(A) Total cash or other value inserted into the game of skill machine;

“(B) The value of winning tickets awarded to players by the game of skill machine;

“(C) The total credits played on the game of skill machine;

“(D) The total credits awarded by the game of skill machine; and

“(E) The payback percentage credited to players of the game of skill machine.

“(12) The game of skill machine shall be connected to a centralized accounting system in accordance with section 413 for the purposes set forth in section 413; except, that a game of skill machine that has been approved for operation or distribution in the District by ABRA or the Office before the date designated by the Office pursuant to section 413(a)(2)(B) shall be allowed until the date designated by the Office pursuant to section 413(a)(2)(B) to come into compliance with this paragraph.

“(c) The Office may issue rules to establish additional licensing and registration requirements for the purposes of preserving the integrity and security of game of skill machines in the District, including by prohibiting game of skill machines that approximate the look or feel of a gambling device.

“Sec. 410. Registration; display of registration sticker, license, and warning sign; locations of game of skill machines.

“(a) After March 31, 2021, no distributor shall distribute a game of skill machine to a retailer or allow the continued distribution of its game of skill machine at a retailer’s licensed establishment, and no retailer shall allow the distribution of a game of skill machine to the retailer or allow the installation or operation of a game of skill machine at its licensed establishment, unless:

“(1) The game of skill machine is registered with the Office; and

“(2) A registration sticker issued by the Office is affixed to and maintained on the game of skill machine.

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“(b) The Office shall issue to a distributor or retailer, after approval of an application for registration of a game of skill machine filed by the distributor or retailer with the Office, a registration sticker for placement on the registered game of skill machine. The registration fee for each game of skill machine shall be \$100. If the registration sticker is damaged, destroyed, lost, or removed, the retailer shall pay the Office \$75 for a replacement registration sticker.

“(c)(1) A distributor shall not distribute more than 5 game of skill machines to a licensed establishment at any time.

“(2) A retailer shall not allow more than 5 game of skill machines to be operated or located on a licensed premises at any time.

“(d) A retailer shall locate its game of skill machines for play only in specific locations approved by ABRA within the retailer’s licensed establishment.

“(e) A retailer shall post a warning sign and, after March 31, 2021, its retailers license, both maintained in good repair and in a place clearly visible at the point of entry to the designated areas where the game of skill machines are located. The warning sign shall include:

“(1) The minimum age required to play a game of skill machine;

“(2) The contact information for the District’s gambling hotline; and

“(3) The contact information for the Office of Lottery and Gaming for purposes of filing a complaint against the manufacturer, distributor, or retailer.

“(f) Failure to display the registration sticker, license, or warning sign may result in the Office revoking or suspending the license or issuing a fine against the licensed establishment pursuant to section 415.

“Sec. 411. Cash award.

“(a) A game of skill machine shall not directly dispense cash awards to a player. If, at the conclusion of the game, a player is entitled to a cash award, the game of skill machine shall dispense a ticket or voucher to the player. The ticket or voucher shall indicate:

“(1) The total amount of the cash award;

“(2) The time of day that the cash award was issued in a 24-hour format showing hours and minutes, the date, the terminal serial number, and the sequential number of the ticket or voucher; and

“(3) An encrypted validation number from which the validity of the cash award may be determined.

“(b) A retailer shall allow a player to take the ticket or voucher to the owner of the licensed establishment or the owner’s designee, who shall be located at the licensed establishment, for payment of the cash award.

“Sec. 412. Game of skill machine use by minors prohibited.

“(a) A licensee shall not permit a person under the age of 18 to use or play a game of skill machine.

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“(b) The Office may suspend or revoke a license and issue a fine, in accordance with section 415, against a licensee that knowingly allows a person under the age of 18 to use or play a game of skill machine.

“Sec. 413. Centralized accounting system.

“(a)(1) Within 365 days after the effective date of this title, the Office shall procure a centralized accounting system for games of skill machines, which shall be linked to a communications network. All games of skill machines registered in the District shall connect to the centralized accounting system through the communications network. The centralized accounting system shall be administered by the Office and shall allow for the accounting, reporting, monitoring, and reading of game of skill machine activities by the District for the purposes of assisting the Office in determining compliance with, and enforcing, the provisions of this title and the rules issued pursuant to this title. The centralized accounting system shall also allow for game of skill machines to be activated and deactivated remotely by the Office.

“(2) When the Office is satisfied with the operation of the centralized accounting system, it shall:

“(A) Certify the effective status of the system; and

“(B) Notify all retailers of the date by which the distributor’s and retailer’s game of skill machines must be linked to the centralized accounting system, which date shall not be less than 90 days after the date of the effective status of the centralized accounting system.

“(b) The centralized accounting system shall not provide for the monitoring or reading of personal or financial information concerning patrons of game of skill machines.

“(c) An employee or agent of a contractor or subcontractor of the Office who is engaged in building, operating, maintaining, or contracting to build, operate, or maintain the centralized accounting system, and the immediate family members of such employee or agent, shall be prohibited from obtaining a license under this title.

“(d) Unless a retailer’s license is canceled, suspended, or revoked, nothing in this section shall authorize the Office to limit or eliminate a registered game of skill from the centralized accounting system.

“Sec. 414. Insurance.

“The Office may require by rule, issued pursuant to this title, that a distributor maintain liability insurance on the game of skill machines that it places in licensed establishments or that a retailer maintain liability insurance on the game of skill machines that are located in its licensed establishment.

“Sec. 415. Penalties.

“(a) In the event of a violation of this title or a rule issued pursuant to this title, the Office may:

“(1) Impose a fine of not more than \$50,000;

“(2) Revoke a licensee’s license; or

“(3) Suspend the licensee’s license for up to one year.

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“(b) A person that has been fined or whose application has been denied, revoked, or suspended pursuant to this section shall have a right to a hearing before the Office and, in the event of the Office’s affirmation of the fine, denial, revocation, or suspension, the right to appeal the decision of the Office to the Superior Court of the District of Columbia.

“(c) The Office shall notify ABRA within 48 hours after the Office suspends or revokes a retailer’s license.

“Sec. 416. Authority of the Office.

“(a) The Office may enforce the provisions of this title with respect to licensees and with respect to any individual or entity not holding a license and offering a game of skill machine in violation of the provisions of this title or rules issued pursuant to this title.

“(b) Subject to subsection (c) of this section, the Office and the Metropolitan Police Department may issue citations for civil violations of this title as set forth in rules issued pursuant to this title.

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

“(d) The Office, ABRA, or Metropolitan Police Department may request and check the identification of a person who has played, is playing, or is attempting to play a game of skill machine. The Office or Metropolitan Police Department may seize evidence that substantiates a violation under this title, which may include seizing the tickets, vouchers, or cash awards issued to a person under the age of 18 and fake identification documents used by a person under the age of 18.

“(e) The Office may seize a game of skill machine license from an establishment if:

“(1) The game of skill machine license has been suspended, revoked, or canceled by the Office;

“(2) The business is no longer in existence; or

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

“Sec. 417. Investigations and inspections.

“(a) The Office may conduct investigations, searches, seizures, and perform other duties authorized by this title and rules issued pursuant to this title.

“(b) An applicant for a license and each licensee shall allow an authorized member of the Office, an ABRA investigator, or any member of the Metropolitan Police Department full opportunity to examine at any time during business hours:

“(1) The location on the premises where game of skill machines are available to play; and

“(2) The books and records of the licensee or applicant.

“Sec. 418. Unlawful acts; action by the Attorney General.

“(a)(1) No manufacturer, distributor, licensed establishment, or employee or agent of a manufacturer, distributor, or licensed establishment shall intentionally make a false or

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misleading representation concerning an individual's chances, likelihood, or probability of winning at playing a game of skill machine.

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

“(b) The Attorney General for the District of Columbia, in the name of the District of Columbia, may bring an action in the Superior Court of the District of Columbia to enjoin an individual or entity or to seek a civil penalty of up to \$50,000 for a violation of this title or rule issued pursuant to this title.

“Sec. 419. Taxation of game of skill machines.

“(a) A tax shall be imposed on all persons owning a game of skill machine located in the District for the privilege of operating a game of skill machine in the District.

“(b) The rate of tax shall be 10% of the game of skill machine gross revenue from each game of skill machine in the District.

“(c) On or before the 20th calendar day of each month, each owner of a game of skill machine located in the District shall file a return with the CFO, on forms and in the manner prescribed by the CFO, indicating the amount of game of skill machine gross revenue for the owner's game of skill machines for the preceding calendar month and the amount of tax for which the owner is liable.

“(d) All funds owed to the District under this section shall be held in trust for the District in a federally insured depository institution that maintains an office in the District until the funds are paid to the District of Columbia Treasurer.

“(e) Each owner of a game of skill machine located in the District shall keep a record of the game of skill machine gross revenue, awards, and net income of each game of skill machine in such form as the CFO may require.

“(f) An owner of a game of skill who fails to pay the tax imposed by this section shall be subject to all collection, enforcement, and administrative provisions applicable to unpaid taxes or fees, as provided in Chapters 41, 42, 43, and 44 of Title 47 of the District of Columbia Official Code.

“(g) Notwithstanding D.C. Official Code § 47-4406, the CFO may disclose the total amount of game of skill machine gross revenue collected in the periodic estimates and reports of revenues.

“Sec. 420. Deposit of license fees.

“All fees collected under sections 406 through 408 shall be deposited in the Lottery, Gambling, and Gaming Fund, established by section 4 (D.C. Official Code § 36-601.12).

“Sec. 421. Rules and regulations governing game of skill machines.

“(a) The CFO, 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 by January 2021, issue rules to implement the provisions of this title.

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- “(b) The rules issued by the CFO pursuant to subsection (a) of this section shall include:
 - “(1) Minimum standards under section 409(b);
 - “(2) Standards for conducting inspections of game of skill machines for compliance with industry standards;
 - “(3) Standards for inspecting licensed establishments for compliance with this title;
 - “(4) Minimum and maximum payment amounts for playing game of skill machines;
 - “(5) The maximum amount of allowable winnings per game;
 - “(6) Requirements relating to how fees and taxes are to be remitted;
 - “(7) The method of accounting to be used by a licensed establishment where a game of skill machine is authorized;
 - “(8) Methods of age verification;
 - “(9) Types of records that shall be required to be maintained by a licensee;
 - “(10) Posting requirements;
 - “(11) Advertising guidelines, including specific language concerning individuals under the age of 18;
 - “(12) Penalties for a violation of this title or rule issued pursuant to this title; and
 - “(13) Internal control standards for game of skill machines.”.

Sec. 8. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Chapter 1 is amended as follows:

(1) Section 25-101 is amended as follows:

(A) A new paragraph (22B) is added to read as follows:

“(22B) “Game of skill machine” has the meaning set forth in § 36-641.01(6)”.

(B) A new paragraph (53A) is added to read as follows:

“(53A) “Voucher” means a ticket issued by a game of skill machine that is redeemable for cash winnings.”.

(2) Section 25-113a is amended as follows:

(A) The section is redesignated as § 25-113.01.

(B) The section heading is amended to read as follows:

“§ 25-113.01. License endorsements.”.

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

“(e)(1) A licensee under a manufacturer’s license class A or B holding an on-site sales and consumption permit, or an on-premises retailer’s license, class C/R, D/R, C/H, D/H, C/T, D/T, C/N, D/N, C/X, or DX, shall obtain a game of skill machine endorsement from the Board in order to offer a game of skill machine on the licensed premises.

“(2)(A) A game of skill machine shall not be placed on outdoor public or private space; except, that the Board, in its discretion, may allow for the placement of a game of skill

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machine on outdoor public or private space if, in the Board’s determination, activity associated with the game of skill machine is:

- “(i) Not visible from a public street or sidewalk;
- “(ii) Adequately secured against unauthorized entrance; and
- “(iii) Accessible only by patrons from within the establishment.

“(B) Subparagraph (A) of this paragraph shall not apply to a licensee operating a passenger-carrying marine vessel in accordance with § 25-113(h).”.

(b) Section 25-401 is amended by adding a new subsection (e) to read as follows:

“(e) An applicant for a game of skill machine endorsement shall submit to the Board with its application:

“(1) A diagram of where the game of skill machines will be placed on the licensed premises; and

“(2) The name of the manufacturer and distributor of the game of skill machines and documentation reflecting that the manufacturer and distributor are licensed to do business and pay taxes in the District of Columbia.”.

(c) Section 25-508 is amended to read as follows:

“§ 25-508. Minimum fee for permits, and manager’s license, and endorsement.

“The minimum fees for permits, manager’s license, and endorsement shall be as follows:

“Tasting permit for class A licensees	\$100/year
“Importation permit	\$5
“Manager’s license	\$100/year
“On-site sales and consumption permit	\$1,000/year
“Game of skill machine endorsement	\$200”.

(d) Chapter 7 is amended as follows:

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

“§ 25-786. Game of skill machine operating requirements.”.

(2) Section 25-763 is amended by adding a new subsection (g) to read as follows:

“(g) Exterior signs advertising game of skill machines shall be prohibited on the licensed establishment.”.

(3) Section 25-765 is amended by adding a new subsection (c) to read as follows:

“(c) Advertisements related to game of skill machines shall not be placed on the interior or exterior of a window or on the exterior of a door that is used to enter or exit the licensed establishment.”.

(4) A new section 25-786 is added to read as follows:

“§ 25-786. Game of skill machine operating requirements.

“A licensee with a game of skill machine endorsement shall:

“(1) Not allow or permit a person under 18 years of age to play a game of skill machine and shall designate an employee to regularly monitor the designated area where game of

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skill machines are played to ensure that no person under 18 years of age is playing or attempting to play a game of skill machine;

“(2) Verify that each person playing a game of skill machine is lawfully permitted to do so by checking the person’s government-issued identification document upon entry into either the licensed establishment or the designated area where the game of skill machines are located and where the person seeks to cash out his or her winnings, if any; except, that the failure of a licensee to verify a person’s identification shall not be a violation of this paragraph if the person whose identification was not checked is 18 years of age or older;

“(3) Not allow or permit a person that appears intoxicated or under the influence of a narcotic or other substance to play a game of skill machine;

“(4) Not share revenue from the licensee’s sale of alcohol with a manufacturer or distributor of a game of skill machine, unless approved by the Board as an owner of the license;

“(5) Not allow or permit the placement of a game of skill machine on an outdoor public or private space that has not been approved by the Board;

“(6) Not allow or permit the placement of a game of skill machine outside of the designated areas contained on the applicant’s diagram provided as part of the license application or outside the areas approved by the Board;

“(7) Not have more than 5 game of skill machines on the licensed premises; and

“(8) Install security cameras that are operational and record for 30 days, in the areas designated for game of skill machines, near the cash register or terminal where cash winnings of game of skill machines are processed, and where the licensee’s money is stored.”.

(e) Section 25-801 is amended by adding a new subsection (h) to read as follows:

“(h) An ABRA investigator may request and check the identification of a person who has played, is playing, or is attempting to play a game of skill machine. An ABRA investigator may seize fake identification used by a person under 18 years of age and may seize such records related to a game of skill machine as the investigator considers appropriate to investigate the playing of a game of skill machine by a person under 18 years of age.”.

Sec. 9. Section 865 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1331; D.C. Official Code § 22-1704), is amended as follows:

(a) The existing text is designated as subsection (a).

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

“(b) It shall be unlawful to install or operate a game of skill machine in the District except as permitted by Title IV of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo Raffles for Charitable Purposes in the District of Columbia, passed on 2nd reading on December 1, 2020 (Enrolled version of Bill 23-964) (“Title IV”). Whoever shall install or operate a game of skill machine in the District in violation of Title IV shall be guilty of a misdemeanor and, upon conviction thereof, shall be imprisoned for not more than 180 days or fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality

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Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or both.”.

Sec. 10. Chief Financial Officer collection of fees and processing costs.

(a) For any payment made by credit card or other electronic payment method, the Chief Financial Officer may impose any fee or processing cost related to the transfer or payment method.

(b) The Office of the Chief Financial Officer may promulgate regulations to implement the provisions of this section.

Sec. 11. Repealer.

The Games of Skill Machines Consumer Protection Amendment Act, effective December 3, 2020 (D.C. Law 23-149; 67 DCR 10493), is repealed.

Sec. 12. Applicability.

This act shall apply as of October 1, 2020.

Sec. 13. Fiscal impact statement.

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

Sec. 14. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 13, 2021

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AN ACT

D.C. ACT 23-591

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Displaced Workers Right to Reinstatement and Retention Amendment Act of 2020”.

Sec. 2. The Displaced Workers Protection Act of 1994, effective April 26, 1994 (D.C. Law 10-105; D.C. Official Code § 32-101 *et seq.*), is amended as follows:

(a) A new title heading is added to read as follows:

“TITLE I. DISPLACED WORKERS PROTECTION”

(b) Existing sections 2, 3, and 4 (D.C. Official Code §§ 32-101 through 32-103) are designated as Title I.

(c) A new Title II is added to read as follows:

“TITLE II. PROTECTIONS FOR WORKERS DISPLACED BY COVID-19

“Sec. 201. Definitions.

“For the purposes of this title, the term:

“(1) “Change in controlling interest or identity of an employer” includes any combination of the following events that causes either a change in the entity or entities holding a controlling interest in an employer, or a change in the identity of an employer, after February 29, 2020; provided, that the business operations conducted by the new employer consist of the same or similar operations as those conducted by the employer existing on or before February 29, 2020:

“(A) Any sale, assignment, transfer, contribution, or other disposition of a controlling interest in an employer by consolidation, merger, or reorganization of the employer, or of any entity or entities that maintains any ownership interest in the employer; or

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“(B) Any purchase, sale, lease, reorganization or restructuring, or relocation of the operation of an employer.

“(2) “Contractor” means an individual or company, other than an employer, that employs 25 or more individuals and who has hired individuals to work as:

“(A) Food service workers in a hotel, restaurant, cafeteria, apartment building, hospital, nursing care facility, or similar establishment;

“(B) Persons to perform janitorial or building maintenance services in an office building, institution, or similar establishment;

“(C) Nonprofessional employees to perform health care or related services in a hospital, nursing care facility, or similar establishment; or

“(D) Persons to perform security services in an office building, institution, or similar establishment; provided that special police officers who are armed, and employees hired to perform security services for District of Columbia Public Schools or a public charter school shall not be included.

“(3) “Covered establishment” means any of the following businesses in the District, a:

“(A) Hotel;

“(B) Restaurant, as defined in D.C. Official Code § 25-101(43), and any other establishment licensed by the District in the business of preparing or serving food to the public;

“(C) Tavern, as defined in D.C. Official Code § 25-101(52);

“(D) Brew pub, as defined in D.C. Official Code § 25-101(12)

“(E) Nightclub, as defined in D.C. Official Code § 25-101(33);

“(F) Club, as defined in D.C. Official Code § 25-101(15);

“(G) Event or entertainment establishment or venue at which live performing arts, sporting events, or other entertainment events are held; or

“(H) Business engaged in the sale of goods to consumers, but not including wholesalers.

“(4)(A) “Eligible employee” means an individual who was employed to work at a covered establishment or for a contractor, and who ceased working at the covered establishment or for the contractor for reasons other than voluntary resignation or termination for cause, and

(i) If the individual was a hotel worker, the individual’s last date of employment for the employer was between December 1, 2019, and the last day of the public health emergency declared by Mayor’s Order in response to the COVID-19 pandemic; or

(ii) If the individual was not a hotel worker, the individual’s last date of employment for the contractor or employer was between March 1, 2020, and the last day of the public health emergency declared by Mayor’s Order in response to the COVID-19 pandemic.

“(B) The term “eligible employee” does not include an individual:

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“(i) Employed in an executive, administrative, or professional capacity as defined by the Secretary of Labor under section 13(a)(1) of the Fair Labor Standards Act of 1938, approved June 25, 1938 (52 Stat. 1067; 29 U.S.C. § 213(a)(1));

“(ii) Who received severance from the individual’s employer or contractor when the individual’s employment ceased and whose employer or contractor has written, verifiable proof of the severance; or

“(iii) Whose employer or contractor could have terminated the individual for demonstrable just cause when the individual previously worked for the employer or contractor.

“(5) “Employer” means any entity, including a for-profit or nonprofit firm, partnership, proprietorship, sole proprietorship, limited liability company, association, corporation, or any receiver or trustee of an entity, including the legal representative of a deceased individual or receiver or trustee of an individual, who directly or indirectly or through an agent or any other person, including through the services of a temporary services or staffing agency or similar entity:

“(A) Employs or exercises control over the wages, hours, or working conditions of an employee at a covered establishment;

“(B) Is not a contractor;

“(C) If the entity operates a hotel, the entity employed 50 or more individuals at a hotel on December 1, 2019; and

“(D) If the entity does not operate a hotel, the entity employed 50 or more individuals at a covered establishment other than a hotel on March 1, 2020.

“(6) “Hotel” means a hotel, motel, or similar establishment in the District, which provides lodging to transient guests.

“(7) “Hotel worker” means an individual who is employed by an employer to work at a hotel.

“(8) “New employer” means an employer created as a consequence of a change in controlling interest or identity of an employer.

“(9) “Retained employee” means any individual, except individuals employed in an executive, administrative, or professional capacity, as defined by the Secretary of Labor under section 13(a)(1) of the Fair Labor Standards Act of 1938, approved June 25, 1938 (52 Stat. 1067; 29 U.S.C. § 213(a)(1)), who was working for an employer at a covered establishment when a change in controlling interest or identity of an employer occurred or when an employer was required to give notice of a change in controlling interest or the identity of the employer pursuant to section 203(c)(4).

“Sec. 202. Right to reinstatement.

“(a)(1) Beginning February 1, 2021, as positions become available with the contractor or in the employer’s operation at a covered establishment, the contractor or employer shall offer each eligible employee reinstatement to the employee’s previous position or to a position

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performing the same or substantially similar duties, and that requires essentially the same skills, as those performed by the eligible employee before the eligible employee ceased working for the contractor or at the covered establishment.

“(2)(A) A contractor or an employer shall make the offer of reinstatement in writing, to the employee’s last known address by registered mail, or by email, text, or other method that is documented and retained.

“(B) If the offer of reinstatement is made by email, text, or other same-day delivery, a contractor or employer shall give a deadline that is no less than 3 calendar days from the date the offer of reinstatement is sent for an eligible employee to accept or decline the offer.

“(C) If the offer of reinstatement is made by registered mail, non-registered mail, or some other method that does not provide for a same-day delivery, a contractor or employer shall give a deadline that is no less than 3 calendar days from the date the offer of reinstatement is received for an eligible employee to accept or decline the offer.

“(D) If the eligible employee accepts the offer of reinstatement, the eligible employee shall report to work no later than 7 days, or later if requested by the employer, from the date the offer of reinstatement is received.

“(3) If more than one eligible employee is entitled to reinstatement to a particular position, the contractor or employer may make simultaneous, conditional offers of reinstatement to eligible employees for the same position; provided, that the contractor or employer makes offers of reinstatement based on seniority within job classifications, unless the employer is offering reinstatement to positions at a restaurant, tavern, brew pub, nightclub, or club.

“(4) A contractor or employer shall not hire a new employee for a position until all eligible employees have either not responded to an offer of reinstatement by the deadline indicated in the offer or have declined the offer of reinstatement.

“Sec. 203. Changes in controlling interest or employer.

“(a) This section shall not apply to:

“(1) Eligible employees otherwise covered by section 3 of Title I; or

“(2) Eligible or retained employees who work at restaurants, taverns, brew pubs, nightclubs, or clubs unless the change in controlling interest or identity of an employer would have no demonstrable change to its operations.

“(b) Except as provided in subsection (a) of this section, the requirements of section 202 shall apply to a new employer.

“(c)(1) A new employer shall retain any:

“(A) Eligible employee reinstated pursuant to section 202 for a 90-day transition period beginning on the date the eligible employee is reinstated; and

“(B) Retained employee who agrees to remain employed by the new employer for a 90-day transition period beginning on the date of the change in controlling interest or identity of the employer.

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“(2) Except as provided in paragraph (5) of this subsection, the new employer shall not discharge a retained employee or an eligible employee reinstated pursuant to section 202 during the 90-day transition period without cause.

“(3) At the end of the 90-day transition period, the new employer shall perform a written performance evaluation for each retained employee and each eligible employee reinstated pursuant to section 202, and if the retained employee’s or eligible employee’s performance during the 90-day transition period was satisfactory, the new employer shall offer the retained employee or eligible employee continued employment under the terms and conditions established by the new employer.

“(4)(A) Beginning on February 1, 2021, an employer that anticipates a change in controlling interest or the identity of the employer shall, no later than 15 calendar days before the anticipated date of the change in controlling interest or the identity of the employer, provide the following notice:

“(i) To all parties to the transaction that results in the change in controlling interest or the identity of the employer, notice of the name, last known address, date of hire, position, and text or telephone contact information of each eligible employee;

“(ii) To retained employees and eligible employees, notice that the employer is experiencing or anticipates a change in controlling interest or identity of the employer and of an employee’s right to reinstatement or retention under this section; and

“(iii) To any labor organization that represents the employer’s retained employees or eligible employees, the notices specified in sub-subparagraphs (i) and (ii) of this subparagraph.

“(B) The new employer shall provide the notice required pursuant to subparagraph (A)(ii) of this paragraph by:

“(i) Posting the notice on the premises of the covered establishment in the same place and manner as other statutorily-required notices, unless the covered establishment is no longer operating; and

“(ii) By texting, emailing, or mailing to the last known address the notice to all eligible employees.

“(5) If at any time, a new employer determines that fewer employees are required to work at the covered establishment than the number required before the change in controlling interest or identity of the employer, the new employer shall retain employees by seniority within job classification; provided, that if the new employer is a restaurant, tavern, brew pub, nightclub, or club, the new employer shall not be required to utilize seniority.

“Sec. 204. Retaliation prohibited.

“(a) No contractor or employer may terminate, refuse to reinstate or employ, or otherwise take an adverse action against any eligible employee or retained employee because the eligible employee or retained employee asserted rights under or participated in proceedings related to this

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title, or because the eligible employee or retained employee opposed any practice the individual reasonably believes, in good faith, to be proscribed by this title.

“(b) If it is established that an employee engaged in conduct protected by subsection (a) of this section, and the contractor or employer thereafter terminated, refused to reinstate or employ, or otherwise took adverse action against such person within 60 days after such protected activity, then a rebuttable presumption shall arise that the contractor or employer’s action was taken in violation of subsection (a) of this section. In such a case, the contractor or employer may rebut the presumption by producing credible evidence that the sole reason for the adverse action was a legitimate business reason. The contractor or employer’s asserted business reason may be rebutted by a showing of pretext.

“Sec. 205. Enforcement.

“An eligible employee or retained employee may, on their own behalf or on behalf of other eligible employees or retained employees similarly situated, bring an action to enforce this title in the Superior Court of the District of Columbia and upon prevailing shall be awarded:

“(1) Back pay for each day the violation continues at a rate of compensation not less than the higher of:

“(A) The average regular rate of pay received by the eligible employee or retained employee during the last 3 years of the eligible employee or retained employee’s employment in the same occupation classification; or

“(B) The final regular rate received by the eligible employee or retained employee;

“(2) The costs of benefits the employer would have incurred for the eligible employee or retained employee under the employer’s benefit plan;

“(3) If it is established that a contractor or employer violated this title with malice or with reckless indifference, an affected eligible employee or retained employee treble damages, and, in addition, may be awarded compensatory or punitive damages; and

“(4) Reasonable attorney fees and costs of the suit, including expert witness fees.

“Sec. 206. Relationship to employment contracts and agreements.

“The requirements of this title shall not diminish the obligation of a contractor or an employer to comply with the provisions of any contract, including any individual contractual arrangement or any collective bargaining agreement that provides greater or equal rights to employees than the rights afforded under this title.

“Sec. 207. Applicability.

“(a) Except as provided in subsection (b) of this section, this title shall expire on June 30, 2023.

“(b) Sections 204 and 205 shall expire on June 30, 2024.”.


ENROLLED ORIGINAL

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 of 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)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C Official Code § 1-206.22(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-592

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

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.

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

Sec. 2. Section 7(g)(1) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 949; D.C. Official Code § 51-107(g)(1)), is amended as follows:

(a) Subparagraph (K) is amended as follows:

(1) Sub-subparagraph (i) is amended by striking the phrase “March 15, 2009” and inserting the phrase “March 18, 2020” in its place.

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

“(ii) There is a state “off” indicator pursuant to this subparagraph for weeks of unemployment commencing November 29, 2020, or the latest date for which 100% federal sharing is available under any federal law, including section 4105 of the Families First Coronavirus Response Act, approved March 18, 2020 (Pub. L. No. 116-127; 134 Stat. 195) (“Families First Act”), or any subsequent amendment to the Families First Act.”.

(b) Subparagraph (L) is amended as follows:

(1) Sub-subparagraph (i) is amended by striking the phrase “March 15, 2009” and inserting the phrase “March 18, 2020” in its place.

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

“(iii) There is a state “off” indicator pursuant to this subparagraph for weeks of unemployment commencing November 29, 2020, or the latest date for which 100% federal sharing is available under any federal law, including section 4105 of the Families First Act, or any subsequent amendment to the Families First Act.”.


ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), 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 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-593

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend, on a temporary basis, the Public Space Maintenance Temporary Act of 2020 to clarify the authority of the Mayor to enter into an agreement with a Business Improvement District corporation for the maintenance and improvement of public space during a public health emergency and for 30 days thereafter; and to amend the Commission on the Arts and Humanities Act to clarify the definition of District funds for purposes of determining the eligibility of a nonprofit corporation to be a member of the National Capital Arts Cohort.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Public Space Maintenance and Arts Clarification Temporary Amendment Act of 2020”.

Sec. 2. Section 2 of the Public Space Maintenance Temporary Act of 2020, enacted on November 2, 2020 (D.C. Act 23-464; 67 DCR 13238), is amended as follows:

(a) Subsection (a) is amended by striking the phrase “improve public space including sidewalks, streets, parks, plazas, signage, and public art, within the boundaries of the BID” and inserting the phrase “improve a District-owned asset or public space including sidewalks, streets, parks, plazas, signage, and public art, within or partially within the boundaries of the BID” in its place.

(b) Subsection (b) is amended by striking the phrase “improving public space” and inserting the phrase “improving a District-owned asset or public space” in its place.

(c) Subsection (c) is amended by striking the phrase “in public space” both times it appears and inserting the phrase “on a District-owned asset or in public space” in its place.

Sec. 3. Section 3(9)(A)(i) of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-202(9)(A)(i)), is amended by striking the phrase “exclusive of District funds” and inserting the phrase “exclusive of District funds other than sponsorships provided by Events DC” in its place.

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-594

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend, on a temporary basis, the District of Columbia Housing Finance Agency Act to extend the District of Columbia Housing Finance Agency’s Reverse Mortgage Insurance and Tax Payment Program, and to include condominium fees and homeowners association fees as approved uses of the financial assistance provided by the program.

BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Reverse Mortgage Insurance and Tax Payment Program Extension Temporary Amendment Act of 2020”.

Sec. 2. Section 307a of the District of Columbia Housing Finance Agency Act, effective October 30, 2018 (D.C. Law 22-168; D.C. Official Code § 42-2703.07a), is amended as follows:

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

(1) Paragraph (1) is amended by striking the phrase “property taxes and property insurance debts” and inserting the phrase “property taxes, property insurance debts, condominium fees, and homeowners association fees” in its place.

(2) Paragraph (3) is amended to read as follows:

“(3) The program shall run for 36 months, with a 6-month planning period and a 30-month implementation period, subject to available funds.”.

(b) Subsection (e) is repealed.

(c) Subsection (f)(1) is amended as follows:

(1) Subparagraph (A) is amended by striking the phrase “pay property taxes or insurance premiums” and inserting the phrase “pay property taxes, insurance premiums, condominium fees, or homeowners association fees” in its place.

(2) Subparagraph (B) is amended by striking the phrase “balances of property taxes and insurance premiums” and inserting the phrase “balances of property taxes, insurance premiums, condominium fees, and homeowners association fees” in its place.

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

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

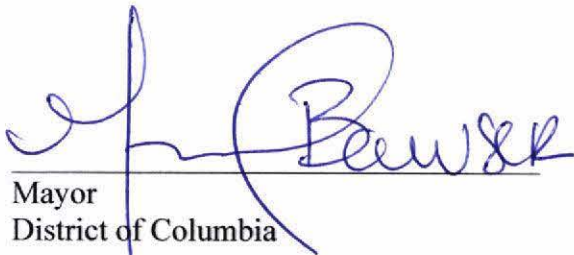
Sec. 4. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-595

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend, on a temporary basis, the Freedom of Information Act of 1976 to adjust the tolling period for FOIA requests.

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

Sec. 2. The Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*), is amended as follows:

(a) Section 202 (D.C. Official Code § 2-532) is amended as follows:

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

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

(i) Strike the phrase "Except as provided in paragraph (2) of this subsection" and insert the phrase "Except as provided in paragraphs (2) and (3) of this subsection" in its place.

(ii) Strike the phrase "Sundays, and" and insert the phrase "Sundays, days of the Initial COVID-19 closure, and" in its place.

(B) Paragraph (2)(A) is amended by striking the phrase "Sundays, and" and inserting the phrase "Sundays, days of the Initial COVID-19 closure, and" in its place.

(C) A new paragraph (3) is added to read as follows:

"(3)(A) For requests made during the Initial COVID-19 closure, a public body shall within 45 days (except Saturdays, Sundays, and legal public holidays) of the end of the Initial COVID-19 closure either make the requested public record accessible or notify the person making such request of its determination not to make the requested public record or any part thereof accessible and the reasons therefor.

"(B) If the public record requested during the Initial COVID-19 closure is a body-worn camera recording recorded by the Metropolitan Police Department, the Metropolitan Police Department, upon request reasonably describing the recording, shall within 60 days (except Saturdays, Sundays, and legal public holidays) of the receipt of any such request either make the requested recording accessible or notify the person making such request of its

ENROLLED ORIGINAL

determination not to make the requested recording or any part thereof accessible and the reasons therefor.”.

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

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

“(1) In unusual circumstances, the time limits prescribed in subsection (c)(1) and (2) of this section may be extended by written notice to the person making such request setting forth the reasons for extension and expected date for determination. Except for an unusual circumstance set forth in paragraph (2)(D) of this subsection, such extension shall not exceed 10 days (except Saturdays, Sundays, days of the Initial COVID-19 closure, and legal holidays) for records requested under subsections (c)(1) of this section and 15 days (except Saturdays, Sundays, days of the Initial COVID-19 closure, and legal holidays) for records requested under subsection (c)(2) of this section. For an unusual circumstance set forth in paragraph (2)(D) of this subsection, such extension shall not exceed 45 days (except Saturdays, Sundays, and legal holidays) after the end of the COVID-19 closure.

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

“(D) The need to conduct an on-site review of records that could present a significant risk to health or safety during a COVID-19 closure.

(b) Section 207(a) (D.C. Official Code § 2-537(a)) is amended by striking the phrase “Sundays, and” and inserting the phrase “Sundays, days of the initial COVID-19 closure, and” in its place.

(c) Section 209 (D.C. Official Code § 2-539) is amended by adding a new subsection (c) to read as follows:

“(c) For the purposes of this title, the term:

“(1) “COVID 19 closure” means:

“(A) 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); or

“(B) A period of time during which a public body is closed due to the COVID-19 coronavirus disease, as determined by the personnel authority of the public body.

“(2) “Initial COVID-19 closure” means March 11, 2020 through January 15, 2021.”.

Sec. 3. Repealer.

Section 808 of the Coronavirus Support Temporary Amendment Act of 2020, effective October 9, 2020 (D.C. Law 23-130; 67 DCR 8622), is repealed.

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-596

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend, on an emergency basis, the District of Columbia Housing Finance Agency Act to extend the District of Columbia Housing Finance Agency’s Reverse Mortgage Insurance and Tax Payment Program, and to include condominium fees and homeowners association fees as approved uses of the financial assistance provided by the program.

BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Reverse Mortgage Insurance and Tax Payment Program Extension Emergency Amendment Act of 2020”.

Sec. 2. Section 307a of the District of Columbia Housing Finance Agency Act, effective October 30, 2018 (D.C. Law 22-168; D.C. Official Code § 42-2703.07a), is amended as follows:

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

(1) Paragraph (1) is amended by striking the phrase “property taxes and property insurance debts” and inserting the phrase “property taxes, property insurance debts, condominium fees, and homeowners association fees” in its place.

(2) Paragraph (3) is amended to read as follows:

“(3) The program shall run for 36 months, with a 6-month planning period and a 30-month implementation period, subject to available funds.”.

(b) Subsection (e) is repealed.

(c) Subsection (f)(1) is amended as follows:

(1) Subparagraph (A) is amended by striking the phrase “pay property taxes or insurance premiums” and inserting the phrase “pay property taxes, insurance premiums, condominium fees, or homeowners association fees” in its place.

(2) Subparagraph (B) is amended by striking the phrase “balances of property taxes and insurance premiums” and inserting the phrase “balances of property taxes, insurance premiums, condominium fees, and homeowners association fees” in its place.


ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-597

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To approve, on an emergency basis, Modification Nos. 11, 12, and 13 to Contract No. DCAM-18-CS-0054, between the Department of General Services and Turner Construction Company, increasing the aggregate Contract amount to \$91,497,060.76, and to authorize payment to Turner Construction Company for construction management at risk services received and to be received under the these modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification Nos. 11, 12 and 13 to Contract No. DCAM-18-CS-0054 with Turner Construction Company Approval and Payment Authorization Emergency Act of 2020.”

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 11, 12, and 13 to Contract No. DCAM-18-CS-0054 between the District’s Department of General Services and Turner Construction Company and authorizes payment to Turner Construction Company in the aggregate amount of \$91,497,060.76 for construction management at risk services received and to be received under these modifications.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 6, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

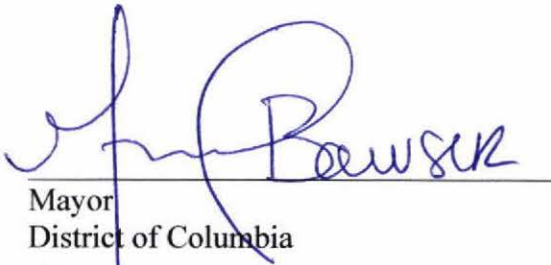
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-598

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Extreme Risk Protection Order Implementation Working Group Second Emergency Amendment Act of 2020”.

Sec. 2. Title X of the Firearms Control Regulations Act of 1975, effective May 10, 2019 (D.C. Law 22-314; D.C. Official Code § 7-2510.01 *et seq.*), is amended by adding a new section 1013 to read as follows:

“Sec. 1013. Extreme Risk Protection Order Implementation Working Group.

“(a) There is established an Extreme Risk Protection Order Implementation Working Group (“Working Group”), which shall be composed of the following individuals:

“(1) District government members, or their designees:

Public Safety; “(A) The Chairperson of the Council’s Committee on the Judiciary and

“(B) The Deputy Mayor for Public Safety and Justice;

“(C) The Deputy Mayor for Health and Human Services;

“(D) The Attorney General for the District of Columbia;

“(E) The Chief of the Metropolitan Police Department;

“(F) The Gun Violence Prevention Director in the Office of the City

Administrator; “(G) The Executive Director of the Office of Neighborhood Safety and

Engagement; “(H) The Director of the Department of Youth Rehabilitation Services;

“(I) The Chief Medical Examiner;

“(J) The Director of the Department of Forensic Sciences;

“(K) The Director of the Office of Victim Services and Justice Grants;

“(L) The Executive Director of the Criminal Justice Coordinating Council;

and

ENROLLED ORIGINAL

- “(M) The Director of the Department of Behavioral Health; and
- “(2) Community members and organizations, or their designees:
 - “(A) Everytown for Gun Safety;
 - “(B) Moms Demand Action for Gun Sense in America, D.C. Chapter;
 - “(C) The Giffords Law Center to Prevent Gun Violence;
 - “(D) The Coalition to Stop Gun Violence;
 - “(E) Brady: United Against Gun Violence;
 - “(F) The D.C. Appleseed Center for Law & Justice;
 - “(G) The D.C. Coalition Against Domestic Violence;
 - “(H) The D.C. Behavioral Health Association;
 - “(I) The Council for Court Excellence;
 - “(J) The American Foundation for Suicide Prevention, National Capital

Area Chapter; and

“(K) One representative from each of the District’s violence interruption contractors with the Office of Neighborhood Safety and Engagement and the Office of the Attorney General’s Cure the Streets program.

“(b) The Working Group may also request the participation of other subject matter experts, as well as designees of the following:

- “(1) The Chief Judge of the Superior Court of the District of Columbia; and
- “(2) The United States Attorney for the District of Columbia.

“(c) The Chairperson of the Council’s Committee on the Judiciary and Public Safety and the Deputy Mayor for Public Safety and Justice shall serve as the co-chairs of the Working Group.

“(d) The duties of the Working Group shall include:

- “(1) Improving public awareness of extreme risk protection orders;
- “(2) Improving the coordination of District and federal agencies regarding the filing, adjudication, and execution of extreme risk protection orders;
- “(3) Facilitating the education of behavioral and mental health professionals about extreme risk protection orders;
- “(4) Advancing the development of District government policies and procedures to govern extreme risk protection orders, such as written directives of the Metropolitan Police Department; and
- “(5) Reviewing and incorporating best practices from other jurisdictions concerning extreme risk protection order laws, policies, and procedures.

“(e) This section shall expire on January 1, 2023.”.


Sec. 3. Fiscal impact statement.

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


ENROLLED ORIGINAL

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-599

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend, on an emergency basis, due to congressional review, 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.

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

Sec. 2. 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 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 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. 3. Fiscal impact statement.

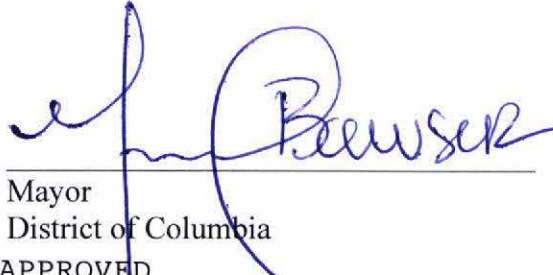
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

ENROLLED ORIGINAL

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-600

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend, on an emergency basis, due to congressional review, the Legalization of Marijuana for Medical Treatment Initiative of 1999 to eliminate the limit on the number of plants that a cultivation center may grow.

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

Sec. 2. Section 7(e)(2) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.06(e)(2)), is repealed.


Sec. 3. Applicability.
This act shall apply as of January 1, 2021.

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


Sec. 5. Effective date.
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-601

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Human Care Agreement No. CW79329 Approval and Payment Authorization Emergency Act of 2020”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 17, 18, and 19 to Human Care Agreement No. CW79329 with MBI Health Services, LLC, to provide mental health rehabilitative services and authorizes payment in the not-to-exceed amount of \$3.101 million for the goods and services received and to be received under these modifications for the period from September 6, 2020, through September 5, 2021.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-602

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

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

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

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. NFPHC-WC-21-CPC-00009 ("Contract") between the Not-for-Profit Hospital Corporation ("Hospital") and Manufacturers Alliance Insurance Company to provide workers' compensation insurance to the Hospital and authorizes payment for the services received and to be received under the Contract in the amount of \$1,558,062.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-603

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

To amend, on an emergency basis, due to congressional review, Title 29 of the District of Columbia Official Code to authorize remote meetings of members of foreign corporations and associations; to amend the Condominium Act of 1976 to authorize condominium unit owners' associations to conduct virtual meetings and to clarify voting and quorum requirements for such meetings during a period of time for which the Mayor has declared a public health emergency; and to amend the Coronavirus Support Temporary Amendment Act of 2020 to repeal an obsolete provision.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Common Interest Community Virtual Meeting Congressional Review Emergency Amendment Act of 2020".

Sec. 2. Section 29-936 of the District of Columbia Official Code is amended as follows:

- (a) The existing text is designated as subsection (a).
- (b) A new subsection (b) is added to read as follows:

“(b) During a period of time for which a public health emergency has been declared 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), regardless of whether remote regular and special meetings of members are authorized by the articles or bylaws, members may participate in regular and special meetings of members remotely.”.

Sec. 3. Section 303 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.03), is amended by adding new a subsection (f) to read as follows:

“(f) Notwithstanding any language contained in this act or in the condominium instruments, during 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):

ENROLLED ORIGINAL

“(1) The executive board may authorize unit owners to submit votes by electronic transmission up to 7 days before the scheduled date of any meeting of the unit owners, and unit owners who submit votes during such period shall be deemed to be present and voting in person at such meeting.

“(2)(A) Meetings of the unit owners’ association, board of directors, or committees may be conducted or attended by telephone conference, video conference, or similar electronic means. If a meeting is conducted by telephone conference, video conference, or similar electronic means, the equipment or system used must permit any unit owner in attendance to hear and be heard by, and to communicate what is said by, all other unit owners participating in the meeting. Any unit owner, board member, or committee member attending such meeting shall be deemed present for quorum purposes.

“(B) A link or instructions on how to access an electronic meeting shall be included in the notice required under subsection (a) of this section.

“(C) Any matters requiring a vote of the unit owners’ association at an annual or regular meeting may be set by the executive board for a vote, and a ballot may be delivered with the notice required under subsection (a) of this section. The executive board may set a reasonable deadline for a ballot to be returned to the association.”.

Sec. 4. Section 507(d) of the Coronavirus Support Temporary Amendment Act of 2020, effective October 9, 2020 (D.C. Law 23-130; 67 DCR 8622), is repealed.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

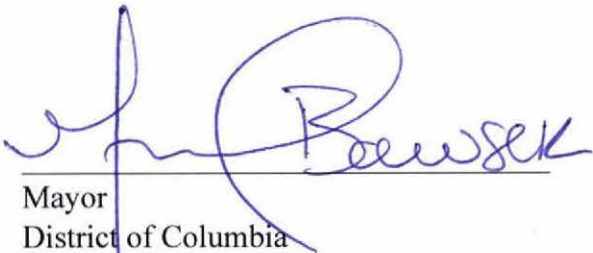
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-604

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Kenilworth Courts Redevelopment Emergency Act of 2020".

Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*) ("Act"), the Council of the District of Columbia finds that the public alley in Square 5116, as shown on the Surveyor's plat filed in S.O. 16-23580, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

(b) Pursuant to section 302 of the Act (D.C. Official Code § 9-203.02), and notwithstanding the requirements set forth in sections 303 and 304 of the Act (D.C. Official Code §§ 9-203.03 and 9-203.04), the Council accepts the dedication of land for street purposes and further orders the removal of building restriction lines on Square 5116 along 45th Street, N.E., and Quarles Street, N.E., as shown on the Surveyor's plat filed in S.O. 16-23580.

Sec. 3. (a) The alley closing ordered in section 2(a) is contingent upon the satisfaction of all of the conditions proposed by Washington Gas as set forth in S.O. 16-23580.

(b) The Department of Consumer and Regulatory Affairs ("DCRA") shall not issue any valid certificate of occupancy for improvements upon Square 5116 until the District Department of Transportation ("DDOT") certifies to DCRA that the public space improvements for the dedicated streets have been constructed to DDOT standards, warranties provided, and DDOT has agreed to accept the improvements.

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

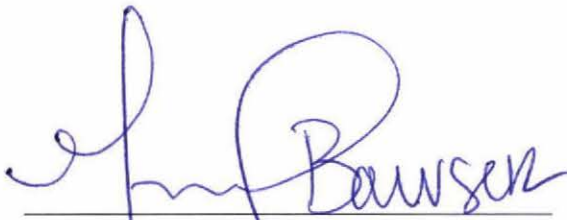
The Council adopts the fiscal impact statement in the committee report for the Omnibus Kenilworth Courts Redevelopment Act of 2020, passed on 2nd reading on December 15, 2020 (Enrolled version of Bill 23-883), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-605

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 13, 2021

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Displaced Workers Right to Reinstatement and Retention Emergency Amendment Act of 2020”.

Sec. 2. The Displaced Workers Protection Act of 1994, effective April 26, 1994 (D.C. Law 10-105; D.C. Official Code § 32-101 *et seq.*), is amended as follows:

(a) A new title heading is added to read as follows:

“TITLE I. DISPLACED WORKERS PROTECTION”

(b) Existing sections 2, 3, and 4 (D.C. Official Code §§ 32-101 through 32-103) are designated as Title I.

(c) A new Title II is added to read as follows:

“TITLE II. PROTECTIONS FOR WORKERS DISPLACED BY COVID-19

“Sec. 201. Definitions.

“For the purposes of this title, the term:

“(1) “Change in controlling interest or identity of an employer” includes any combination of the following events that causes either a change in the entity or entities holding a controlling interest in an employer, or a change in the identity of an employer, after February 29, 2020; provided, that the business operations conducted by the new employer consist of the same or similar operations as those conducted by the employer existing on or before February 29, 2020:

“(A) Any sale, assignment, transfer, contribution, or other disposition of a controlling interest in an employer by consolidation, merger, or reorganization of the employer, or of any entity or entities that maintains any ownership interest in the employer; or

“(B) Any purchase, sale, lease, reorganization or restructuring, or relocation of the operation of an employer.

ENROLLED ORIGINAL

“(2) “Contractor” means an individual or company, other than an employer, that employs 25 or more individuals and who has hired individuals to work as:

“(A) Food service workers in a hotel, restaurant, cafeteria, apartment building, hospital, nursing care facility, or similar establishment;

“(B) Persons to perform janitorial or building maintenance services in an office building, institution, or similar establishment;

“(C) Nonprofessional employees to perform health care or related services in a hospital, nursing care facility, or similar establishment; or

“(D) Persons to perform security services in an office building, institution, or similar establishment; provided that special police officers who are armed, and employees hired to perform security services for District of Columbia Public Schools or a public charter school shall not be included.

“(3) “Covered establishment” means any of the following businesses in the District, a:

“(A) Hotel;

“(B) Restaurant, as defined in D. C. Official Code § 25-101(43), and any other establishments licensed by the District in the business of preparing or serving food to the public;

“(C) Tavern, as defined in D. C. Official Code § 25-101(52);

“(D) Brew pub, as defined in D. C. Official Code § 25-101(12)

“(E) Nightclub, as defined in D. C. Official Code § 25-101(33);

“(F) Club, as defined in D. C. Official Code § 25-101(15);

“(G) Event or entertainment establishment or venue at which live performing arts, sporting events, or other entertainment events are held; or

“(H) Business engaged in the sale of goods to consumers, but not including wholesalers.

“(4)(A) “Eligible employee” means an individual who was employed to work at a covered establishment or for a contractor, and who ceased working at the covered establishment or for the contractor for reasons other than voluntary resignation or termination for cause, and

(i) If the individual was a hotel worker, the individual’s last date of employment for the employer was between December 1, 2019, and the last day of the public health emergency declared by Mayor’s Order in response to the COVID-19 pandemic; or

(ii) If the individual was not a hotel worker, the individual’s last date of employment for the contractor or employer was between March 1, 2020, and the last day of the public health emergency declared by Mayor’s Order in response to the COVID-19 pandemic.

“(B) The term “eligible employee” does not include an individual:

“(i) Employed in an executive, administrative, or professional capacity as defined by the Secretary of Labor under section 13(a)(1) of the Fair Labor Standards Act of 1938, approved June 25, 1938 (52 Stat. 1067; 29 U.S.C. § 213(a)(1));

ENROLLED ORIGINAL

“(ii) Who received severance from the individual’s employer or contractor when the individual’s employment ceased and whose employer or contractor has written, verifiable proof of the severance; or

“(iii) Whose employer or contractor could have terminated the individual for demonstrable just cause when the individual previously worked for the employer or contractor.

“(5) “Employer” means any entity, including a for-profit or nonprofit firm, partnership, proprietorship, sole proprietorship, limited liability company, association, corporation, or any receiver or trustee of an entity, including the legal representative of a deceased individual or receiver or trustee of an individual, who directly or indirectly or through an agent or any other person, including through the services of a temporary services or staffing agency or similar entity:

“(A) Employs or exercises control over the wages, hours, or working conditions of an employee at a covered establishment;

“(B) Is not a contractor;

“(C) If the entity operates a hotel, the entity employed 50 or more individuals at a hotel on December 1, 2019; and

“(D) If the entity does not operate a hotel, the entity employed 50 or more individuals at a covered establishment other than a hotel on March 1, 2020.

“(6) “Hotel” means a hotel, motel, or similar establishment in the District, which provides lodging to transient guests.

“(7) “Hotel worker” means an individual who is employed by an employer to work at a hotel.

“(8) “New employer” means an employer created as a consequence of a change in controlling interest or identity of an employer.

“(9) “Retained employee” means any individual, except individuals employed in an executive, administrative, or professional capacity as defined by the Secretary of Labor under section 13(a)(1) of the Fair Labor Standards Act of 1938, approved June 25, 1938 (52 Stat. 1067; 29 U.S.C. § 213(a)(1)), who was working for an employer at a covered establishment when a change in controlling interest or identity of an employer occurred or when an employer was required to give notice of a change in controlling interest or the identity of the employer pursuant to section 203(c)(4).

“Sec. 202. Right to reinstatement.

“(a)(1) Beginning February 1, 2021, as positions become available with the contractor or in the employer’s operation at a covered establishment, the contractor or employer shall offer each eligible employee reinstatement to the employee’s previous position or to a position performing the same or substantially similar duties, and that requires essentially the same skills, as those performed by the eligible employee before the eligible employee ceased working for the contractor or at the covered establishment.

ENROLLED ORIGINAL

“(2)(A) A contractor or an employer shall make the offer of reinstatement in writing, to the employee’s last known address by registered mail, or by email, text, or other method that is documented and retained.

“(B) If the offer of reinstatement is made by email, text, or other same-day delivery, a contractor or employer shall give a deadline that is no less than 3 calendar days from the date the offer of reinstatement is sent for an eligible employee to accept or decline the offer.

“(C) If the offer of reinstatement is made by registered mail, non-registered mail, or some other method that does not provide for a same-day delivery, a contractor or employer shall give a deadline that is no less than 3 calendar days from the date the offer of reinstatement is received for an eligible employee to accept or decline the offer.

“(D) If the eligible employee accepts the offer of reinstatement, the eligible employee shall report to work no later than 7 days, or later if requested by the employer, from the date the offer of reinstatement is received.

“(3) If more than one eligible employee is entitled to reinstatement to a particular position, the contractor or employer may make simultaneous, conditional offers of reinstatement to eligible employees for the same position; provided, that the contractor or employer makes offers of reinstatement based on seniority within job classifications, unless the employer is offering reinstatement to positions at a restaurant, tavern, brew pub, nightclub, or club.

“(4) A contractor or employer shall not hire a new employee for a position until all eligible employees have either not responded to an offer of reinstatement by the deadline indicated in the offer or have declined the offer of reinstatement.

“Sec. 203. Changes in controlling interest or employer.

“(a) This section shall not apply to:

“(1) Eligible employees otherwise covered by section 3 of Title I; or

“(2) Eligible or retained employees who work at restaurants, taverns, brew pubs, nightclubs, or clubs unless the change in controlling interest or identity of an employer would have no demonstrable change to its operations.

“(b) Except as provided in subsection (a) of this section, the requirements of section 202 shall apply to a new employer.

“(c)(1) A new employer shall retain any:

“(A) Eligible employee reinstated pursuant to section 202 for a 90-day transition period beginning on the date the eligible employee is reinstated; and

“(B) Retained employee who agrees to remain employed by the new employer for a 90-day transition period beginning on the date of the change in controlling interest or identity of the employer.

“(2) Except as provided in paragraph (5) of this subsection, the new employer shall not discharge a retained employee or an eligible employee reinstated pursuant to section 202 during the 90-day transition period without cause.

“(3) At the end of the 90-day transition period, the new employer shall perform a written performance evaluation for each retained employee and each eligible employee reinstated pursuant to section 202, and if the retained employee’s or eligible employee’s performance

ENROLLED ORIGINAL

during the 90-day transition period was satisfactory, the new employer shall offer the retained employee or eligible employee continued employment under the terms and conditions established by the new employer.

“(4)(A) Beginning on February 1, 2021, an employer that anticipates a change in controlling interest or the identity of the employer, shall, no later than 15 calendar days before the anticipated date of the change in controlling interest or the identity of the employer, provide the following notice:

“(i) To all parties to the transaction that results in the change in controlling interest or the identity of the employer, notice of the name, last known address, date of hire, position, and text or telephone contact information of each eligible employee;

“(ii) To retained employees and eligible employees, notice that the employer is experiencing or anticipates a change in controlling interest or identity of the employer and of an employee’s right to reinstatement or retention under this section; and

“(iii) To any labor organization that represents the employer’s retained employees or eligible employees, the notices specified in sub-subparagraphs (i) and (ii) of this subparagraph.

“(B) The new employer shall provide the notice required pursuant to subparagraph (A)(ii) of this paragraph by:

“(i) Posting the notice on the premises of the covered establishment in the same place and manner as other statutorily-required notices, unless the covered establishment is no longer operating; and

“(ii) By texting, emailing, or mailing to the last known address the notice to all eligible employees.

“(5) If at any time, a new employer determines that fewer employees are required to work at the covered establishment than the number required before the change in controlling interest or identity of the employer, the new employer shall retain employees by seniority within job classification; provided, that if the new employer is a restaurant, tavern, brew pub, nightclub, or club, the new employer shall not be required to utilize seniority.

“Sec. 204. Retaliation prohibited.

“(a) No contractor or employer may terminate, refuse to reinstate or employ, or otherwise take an adverse action against any eligible employee or retained employee because the eligible employee or retained employee asserted rights under or participated in proceedings related to this title, or because the eligible employee or retained employee opposed any practice the individual reasonably believes, in good faith, to be proscribed by this title.

“(b) If it is established that an employee engaged in conduct protected by subsection (a) of this section, and the contractor or employer thereafter terminated, refused to reinstate or employ, or otherwise took adverse action against such person within 60 days after such protected activity, then a rebuttable presumption shall arise that the contractor or employer’s action was taken in violation of subsection (a) of this section. In such a case, the contractor or employer may rebut the presumption by producing credible evidence that the sole reason for the adverse action

ENROLLED ORIGINAL

was a legitimate business reason. The contractor or employer’s asserted business reason may be rebutted by a showing of pretext.

“Sec. 205. Enforcement.

“An eligible employee or retained employee may, on their own behalf or on behalf of other eligible employees or retained employees similarly situated, bring an action to enforce this title in the Superior Court of the District of Columbia and upon prevailing shall be awarded:

“(1) Back pay for each day the violation continues at a rate of compensation not less than the higher of:

“(A) The average regular rate of pay received by the eligible employee or retained employee during the last 3 years of the eligible employee or retained employee’s employment in the same occupation classification, or

“(B) The final regular rate received by the eligible employee or retained employee;

“(2) The costs of benefits the employer would have incurred for the eligible employee or retained employee under the employer’s benefit plan;

“(3) If it is established that a contractor or employer violated this title with malice or with reckless indifference, an affected eligible employee or retained employee treble damages, and, in addition, may be awarded compensatory or punitive damages; and

“(4) Reasonable attorney fees and costs of the suit, including expert witness fees.

“Sec. 206. Relationship to employment contracts and agreements.

“The requirements of this title shall not diminish the obligation of a contractor or an employer to comply with the provisions of any contract, including any individual contractual arrangement or any collective bargaining agreement that provides greater or equal rights to employees than the rights afforded under this title.

“Sec. 207. Applicability.

“(a) Except as provided in subsection (b) of this section, this title shall expire on June 30, 2023.

“(b) Sections 204 and 205 shall expire on June 30, 2024.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

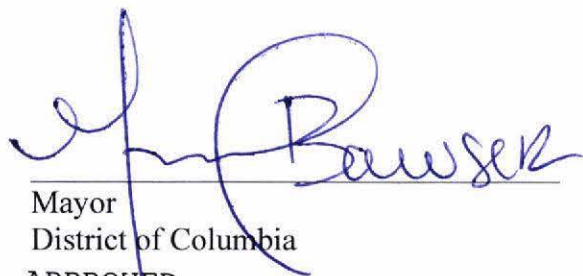
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-606

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 14, 2021

To establish the Commission on Poverty to address the needs and interests of persons in poverty, evaluate current and previous poverty-reduction programs to determine their effectiveness, hold meetings, hearings, and listening sessions to gather data and information on issues of poverty from experts and from residents in, or impacted by, poverty, and to require the Commission on Poverty to develop and submit, by a specified date, a comprehensive strategic plan for the reduction of poverty and annual updates of the plan to the Mayor and the Council; and to amend the Confirmation Act of 1978 to make a conforming amendment.

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

TITLE I. COMMISSION ON POVERTY

Sec. 101. Definitions.

For the purposes of this title, the term:

- (1) “Commission” means the Commission on Poverty established pursuant to section 102.
- (2) “Poverty” means, in reference to an individual, someone living with an annual household income of less than or equal to the income levels published in the most recent poverty guidelines issued by the United States Department of Health and Human Services.
- (3) “Poverty-reduction plan” means a comprehensive strategic plan for the reduction of poverty in the District issued by the Commission pursuant to section 106.

Sec. 102. Commission on Poverty; establishment.

(a) There is established the Commission on Poverty. The purpose of the Commission is to study issues surrounding poverty, evaluate current and previous poverty-reduction initiatives in the District and throughout the country to determine their effectiveness and, based on its research and evaluations, make comprehensive and continuing recommendations to the Mayor and the Council for strengthening and enhancing the economic status of persons in poverty in the

ENROLLED ORIGINAL

District through initiatives that will also improve individuals' educational, wellness, and housing outcomes.

(b)(1) The Commission shall be composed of 19 appointed members, who shall be appointed by the Mayor with the advice and consent of the Council pursuant to section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f) ("confirmation act"), and 8 ex-officio members. All appointed members shall be residents of the District. Among the appointed members, there shall be 8 ward representatives, one from each ward, and 11 at-large representatives.

(2) To qualify as a member appointed from a ward, a person shall:

(A) Be in poverty at the time of the appointment, or have been in poverty at sometime within the previous 3 years;

(B) Have been a resident of the ward the member represents for at least one year before the date of appointment; and

(C) Remain a resident of the ward the member is appointed to represent throughout the member's term.

(3)(A) At least 2 of the members appointed at-large shall be in poverty at the time of the appointment or have been in poverty at sometime within the previous 3 years.

(B) To qualify as a member appointed at-large who is not appointed pursuant to subparagraph (A) of this paragraph, a person shall be a resident of the District and have experience in areas of public policy or programs related to the particular interests, needs, and concerns of persons in poverty, including experience working in the following areas or with the following populations:

(i) Providing direct social services, whether through a government program, faith-based organization, community-based organization, or other organization;

(ii) Healthcare access and affordability;

(iii) People with mental illness;

(iv) Children and youth;

(v) Quality and equality in education;

(vi) Low wage workers' rights;

(vii) Adults 60 years of age or older;

(viii) The elimination of hunger;

(ix) People who are homeless;

(x) People with disabilities; or

(xi) Immigrants.

(4)(A) An appointed member of the Commission shall serve a term of 3 years; except, that of the initial members, 7 members shall be appointed for a term of 3 years, 6 shall be appointed for a term of 2 years, and 6 for a term of one year.

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(B) Upon a vacancy occurring during a term, the Mayor shall appoint a successor with the advice and consent of the Council pursuant to section 2(f) of the Confirmation Act to fill the unexpired portion of the term.

(C) An appointed member may be reappointed; except, that a member may not serve more than 2 terms, exclusive of partial terms served pursuant to subparagraph (B) of this paragraph.

(5) Appointed members of the Commission shall serve without compensation; except, that expenses incurred by the Commission as a whole, or by an individual member when the expense was duly authorized by the Chairperson of the Commission, shall be reimbursed pursuant to section 1108(d) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08(d)).

(c) The following officials, or their designees, shall serve as non-voting ex-officio members, the:

- (1) Director of the Department of Human Services;
- (2) Director of the Department of Health;
- (3) Director of the Child and Family Services Agency;
- (4) Director of the Department of Employment Services;
- (5) Chancellor of the District of Columbia Public Schools;
- (6) Superintendent of the Office of the State Superintendent of Education;
- (7) Director of the Department of Aging; and
- (8) Director of the Department of Housing and Community Development.

(d) The Commission shall elect a chairperson from among its appointed members.

(e) A quorum of the Commission shall consist of a majority of the voting members.

(f) The Commission shall develop its own operating rules and procedures.

(g) The Commission may establish committees that address specific issues or populations.

Sec. 103. Commission on Poverty; functions.

(a) The Commission shall:

(1) Serve as District leaders in advancing policies and initiatives aimed at elevating the needs of persons in poverty;

(2) Review and make comments and recommendations on existing and proposed programs, policies, administrative rules, and statutes that have an impact on poverty in the District and, in particular, on District residents living in poverty;

(3) Represent the Commission and the interests of persons in poverty before District public bodies and agencies.

(4) As required by section 106, develop a comprehensive, strategic poverty-reduction plan for the reduction of poverty in the District;

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(5) Following the adoption of the poverty-reduction plan, meet and issue annual reports on the poverty-reduction plan, which shall include updates on the implementation of the poverty-reduction plan and updates on District legislative and agency initiatives that address or intersect with poverty, which reports the Commission shall submit to the Mayor and the Council;

(6) On an ongoing basis and in preparation for issuance of its annual report, conduct studies and review the progress of programs and District agencies engaged in addressing poverty;

(7) Hold public meetings, hearings, and listening sessions as required by section 106 and in compliance with the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*);

(8) Periodically conduct forums of experts on matters affecting the health, safety, and welfare of persons in poverty;

(9) Establish and maintain a publicly accessible website, on which the Commission shall post the following content:

(A) The poverty-reduction plan;

(B) The Commission's annual reports;

(C) Notice of the Commission's meetings, hearings, and listening sessions; and

(D) Any other notices or information the Commission determines appropriate.

(10) Review and comment on proposed District legislation, including the Mayor's annual budget submission to the Council, and regulations, policies, and programs that address or may have an effect on poverty;

(11) Identify and track the adoption and progress of the Commission's recommendations in the poverty-reduction plan; and

(12) Request and receive information and data from various governmental and non-governmental sources necessary to aid the Commission in the discharge of its responsibilities.

(b) To the extent not otherwise restricted by District or federal law, the Commission shall have the authority to request directly from each department, agency, or instrumentality of the District any non-confidential information considered necessary by the Commission to fulfill its mandate; and each department, agency, or instrumentality shall provide such required non-confidential information to the Commission upon its request.

Sec. 104. Commission on Poverty; meetings and listening sessions.

(a) The Commission shall meet on a regular basis, as determined by the Chairperson, but at least 6 times annually, with 4 of those meetings being listening sessions.

(b)(1) The listening sessions shall be located in communities with a high concentration of persons in poverty. The Commission shall seek the testimony of:

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- (A) Individuals who have been impacted by poverty and related injustices;
- (B) Policy advocates;
- (C) Direct-service providers;
- (D) Community leaders; and
- (E) Faith and religious leaders.

(2) The purpose of the listening sessions shall be to:

(A) Document the material conditions of poverty and related issues in communities with high concentrations of persons in poverty and the impact of such conditions on residents and the community at large; and

(B) Assess the resources that already exist in the community, including leadership, grass-roots efforts, and overall resilience to determine how the District could assist the community in addressing poverty and its effects.

Sec. 105. Commission on Poverty; resources and staff.

(a)(1) The Commission shall have at least 3 paid staff persons, including an Executive Director.

(2)(A) The Mayor shall appoint the Executive Director.

(B) The Executive Director shall:

- (i) Be a resident of the District;
- (ii) Devote full time to the duties of the position;
- (iii) Report on a regular basis, as determined by the Chairperson, to

the Commission; and

(iv) Hire and supervise other Commission staff, as the approved budget for the Commission permits.

(3) At least one member of the staff shall have been in poverty at sometime within the 3-year period before the individual's date of hire.

(b)(1) Staff shall assist in the preparation of the poverty-reduction plan and annual reports, conduct the administrative activities of the Commission, and perform other duties, as directed by the Commission's Chairperson.

(2) The staff may retain outside consultants to assist with preparing and drafting the poverty-reduction plan and annual reports.

(c) The Mayor shall provide sufficient office space and technical and administrative support to assist the Commission and its staff in meeting the goals mandated by this title.

Sec. 106. Poverty-reduction plan.

(a) Within 365 days after at least 13 of the appointed members of the Commission have been appointed, and every 5 years thereafter, the Commission shall approve, by majority vote, a poverty-reduction plan and submit it to the Mayor and the Council.

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(b)(1) The first poverty-reduction plan shall set forth feasible, practical actions that the District, or the District in partnership with private sector or nonprofit organizations, can take to achieve at least a 50% reduction in the District’s rate of persons in poverty, as defined in the current United States Department of Health and Human Services poverty guidelines, by the year 2026. Subsequent plans shall establish 5-year goals for achieving substantial reductions in the rate of persons living in poverty.

(2) The poverty-reduction plan shall include recommendations for actions that the Mayor and the Council can take in the following areas:

(A) Bias and the relationship between poverty, race, class, and structural racism;

(B) Public and private employment practices, including government enforcement of employment and workers’ rights laws and protections;

(C) Access to safe and affordable housing;

(D) Access to adequate food and nutrition;

(E) Access to affordable and quality healthcare;

(F) Equal and equitable access to quality education and job training;

(G) Dependable and affordable transportation;

(H) Access to quality and affordable childcare;

(I) The availability of adequate income supports;

(J) Opportunities to engage in permanent, sustainable work; and

(K) Any other area the Commission considers appropriate.

(3) For each action recommended, the poverty-reduction plan shall:

(A) Identify, in measurable terms, the potential impact of the recommended action on poverty reduction;

(B) Identify the policy and fiscal actions necessary to achieve the recommendation; and

(C) Provide a timeline for implementing the recommendation, including a timeline for implementing each stage of a multi-stage recommendation.

TITLE II. CONFORMING AMENDMENT

Sec. 201. Section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)), is amended as follows:

(a) Paragraph (68) is amended by striking the word “and”.

(b) Paragraph (69) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (70) is added to read as follows:

“(70) The Commission on Poverty, established by section 2 of the Commission on Poverty Establishment Amendment Act of 2020, passed on 2nd reading on December 15, 2020 (Enrolled version of Bill 23-90).

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TITLE III. GENERAL PROVISIONS

Sec. 301. 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. 302. 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. 303. Effective date.

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 13, 2021

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-607

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 14, 2021

To amend the Air Quality Amendment Act of 2014 to provide for administrative enforcement of its indoor mold remediation standards; to amend the Office of Administrative Hearing Establishment Act of 2001 to extend its application to an appeal of a determination not to extend the timeline for indoor mold remediation; and to amend the Lead-Hazard Prevention and Elimination Act of 2008 to modify acceptable levels of lead exposure.

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

Sec. 2. The Air Quality Amendment Act of 2014, effective September 9, 2014 (D.C. Law 20-135; D.C. Official Code § 8-241.01 *et seq.*), is amended as follows:

(a) Section 303(b) (D.C. Official Code § 8-241.02(b)) is amended by striking the word “may” and inserting the word “shall” in its place.

(b) Section 304 (D.C. Official Code § 8-241.03) is amended by adding a new subsection (e) to read as follows:

“(e)(1) Housing inspectors employed by the Department of Consumer and Regulatory Affairs (“DCRA”) as of October 1, 2021, shall obtain certification from the Department of the Energy and Environment to conduct indoor mold inspections by March 31, 2022.

“(2) Housing inspectors hired by DCRA after October 1, 2021, shall obtain certification within 90 days after the housing inspector is hired.”.

(c) Section 306 (D.C. Official Code § 8-241.05) is amended by adding new subsections (c) and (d) to read as follows:

“(c) If the Director or the Department of Consumer and Regulatory Affairs (“DCRA”) determines that a property has significant indoor mold growth, the Director or DCRA shall direct the residential property owner to remediate the indoor mold in accordance with section 305(c) and issue a notice of infraction. The penalties for a notice of infraction issued pursuant to this subsection shall be as follows:

“(1) If the indoor mold growth is in an amount equal to or exceeding the standard established pursuant to section 303(a)(1), the violation shall be a class 3 infraction under 12 DCMR § 3201.1(c).

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“(2) If the indoor mold growth is in an amount below the standard established pursuant to section 303(a)(1), the violation shall be a class 4 infraction under 12 DCMR § 3201.1(d).

“(d)(1) A residential property owner may submit a written request to the Director or DCRA, whichever issued the notice of infraction, to extend the timeline for indoor mold remediation. The Director or DCRA may extend the timeline for remediation when:

“(A) The residential property owner has made good faith efforts to remediate the mold; and

“(B) Remediation of the indoor mold requires more than 30 days to complete.

“(2) The Director or DCRA shall notify the residential property owner and tenant of its decision in writing within 10 business days after receipt of a request pursuant to paragraph (1) of this subsection.

“(3) A residential property owner or tenant shall have 15 days from the receipt of DCRA or the Director’s decision to file an appeal with the Office of Administrative Hearings.

“(4) DCRA and the Director shall each maintain the following information by fiscal and calendar year:

“(A) The number of notices of violation issued by the Director or DCRA pursuant to paragraph (1) of this subsection;

“(B) The number of residential property owners for whom the Director or DCRA imposed a penalty pursuant to paragraph (2) of this subsection, and the average penalty imposed;

“(C) The number of residential property owners for whom the Director or DCRA agreed to extend the timeline for remediation, pursuant to paragraph (3) of this subsection; and

“(D) The number of residential property owners who, having received an extension, did not remediate the cause of the notice of violation by the end of the extension period.”.

(d) Section 310 (D.C. Official Code § 8-241.09) is amended by striking the period and inserting the phrase “pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*)” in its place.

Sec. 3. Section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), is amended by adding a new subsection (b-26) to read as follows:

“(b-26) This act shall apply to all appeals made pursuant to section 306(d)(3) of the Air Quality Amendment Act of 2014, effective September 9, 2014 (D.C. Law 20-135; D.C. Official Code § 8-241.05(d)(3)).”.

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Sec. 4. Section 2 of the Lead-Hazard Prevention and Elimination Act of 2008, effective March 31, 2009 (D.C. Law 17-381; D.C. Official Code § 8-231.01), is amended as follows:

(a) Paragraph (13) is amended by striking the phrase “10 micrograms” and inserting the phrase “5 micrograms” in its place.

(b) Paragraph (20) is amended by striking the phrase “one milligram per square centimeter (1.0mg/cm²)” and inserting the phrase “0.7 milligrams per square centimeter (0.7mg/cm²)” in its place.

(c) Paragraph (24) is amended as follows:

(1) Subparagraph (A) is amended as follows:

(A) Sub-subparagraph (i) is amended by striking the phrase “40 micrograms” and inserting the phrase “10 micrograms” in its place.

(B) Sub-subparagraph (ii) is amended by striking the phrase “250 µg/ft²” and inserting the phrase “100 µg/ft²” in its place.

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

(A) Sub-subparagraph (i) is amended as follows:

(i) Strike the phrase “400 µg/ft²” and inserting the phrase “100 µg/ft²” in its place.

(ii) Strike the phrase “; or” and insert a semicolon in its place.

(B) A new sub-subparagraph (iii) is added to read as follows:

“(iii) 40 µg/ft² on porch floors; or”.

(d) Paragraph (27) is amended by striking the phrase “lead-based paint or other surface coatings that contain lead equal to or in excess of one milligram per square centimeter (1.0 mg/cm²)” and inserting the phrase “lead-contaminated dust or lead-based paint” in its place.

(e) Paragraph (28) is amended by striking the phrase “lead-based paint or other surface coatings that contain lead equal to or in excess of one milligram per square centimeter (1.0 mg/cm²)” and inserting the phrase “lead-contaminated dust or lead-based paint” in its place.

(f) Paragraph (33) is amended as follows:

(1) Subparagraph (C) is amended by striking the phrase “; and” and inserting a semicolon in its place.

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

(3) New subparagraphs (E) and (F) are added to read as follows:

“(E) Per diem food expenses when the replacement housing does not include a kitchen; and

“(F) For the length of time that a tenant resides in temporary replacement housing, and calculated on a monthly basis, excess costs incurred by the tenant to travel to and from work, which shall be calculated by subtracting the amount the tenant paid to travel to and from their place of work during a given month from the amount the tenant paid to travel to and

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from work for the month immediately preceding the tenant moving into the temporary replacement housing.”.

Sec. 5. Applicability

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

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

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

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

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact 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. 7. Effective date.

This act shall take effect following approval of 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

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



Chairman
Council of the District of Columbia

UNSIGNED
Mayor
District of Columbia
January 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-608

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 14, 2021

To amend the Rental Housing Act of 1985 to enact a 2 year moratorium on voluntary agreements.

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

Sec. 2. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code 3501.01 *et seq.*), is amended by adding a new section 215a to read as follows:

“Sec. 215a. (a) Notwithstanding the requirements of section 215, tenants and housing providers shall not enter into a voluntary agreement pursuant to section 215(a) for 2 years beginning on the applicability date of the Voluntary Agreement Moratorium Amendment Act of 2020, passed on 2nd reading December 15, 2020 (enrolled version of Bill 23-878).

“(b) Subsection (a) of this section shall not affect any voluntary agreements that have already been approved by the Rent Administrator pursuant to section 215(b) prior to the applicability date of the Voluntary Agreement Moratorium Amendment Act of 2020, passed on 2nd reading December 15, 2020 (enrolled version of Bill 23-878).”.

Sec. 3. 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.

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Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-609

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 14, 2021

To amend the Prescription Drug Monitoring Program Act of 2013 to require mandatory query of the prescription drug monitoring database by prescribers and dispensers prior to prescribing or dispensing an opioid or benzodiazepine for more than 7 consecutive days, and every 90 days thereafter while the course of treatment or therapy continues, or prior to dispensing another refill after 90 days, make specified exceptions to this requirement, and to impose penalties for failing to comply with this requirement; to amend the Health Care Privatization Amendment Act of 2001 to align the enrollment process and enrollment period for the DC HealthCare Alliance align with requirements for DC Medicaid; to amend the Department of Health Care Finance Establishment Act of 2007 to limit the initial use of the Medicaid Reserve to reforming the DC HealthCare Alliance application and recertification process, and make the funding in the Medicaid Reserve non-lapsing; 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 be actively approved by resolution in Fiscal Year 2021, and that all unspent local funds of the Department of Healthcare Finance in Fiscal Year 2021 be deposited into the Medicaid Reserve; and to amend the District of Columbia Health Occupations Revision Act of 1985 to make clarifying amendments to the standard of care for certified professional midwives.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Prescription Drug Monitoring Program Query and Omnibus Health Amendments Act of 2020”.

TITLE I. PRESCRIPTION DRUG MONITORING.

Sec. 101. The Prescription Drug Monitoring Program Act of 2013, effective February 22, 2014 (D.C. Law 20-66; D.C. Official Code § 48-853.01 *et seq.*), is amended by adding a new section 4c to read as follows:

“Sec. 4c. Database Query requirement for prescribers and dispensers.

“(a)(1) Except as provided in subsection (c) of this section, a prescriber who is licensed, registered, or otherwise permitted to prescribe a controlled substance or other covered substance in the course of his or her professional practice in the District of Columbia, or the prescriber’s

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authorized delegee, shall query the District of Columbia prescription drug monitoring database before initiating a new course of treatment or therapy for a patient in the District of Columbia that includes prescribing an opioid or benzodiazepine for more than 7 consecutive days, and every 90 days thereafter while the course of treatment or therapy continues.

“(2) Nothing in this subsection shall prohibit a prescriber from making additional periodic queries of the prescription drug monitoring program database as may be required by routine prescribing practices.

“(b)(1) Except as provided in subsection (c) of this section, a dispenser who is licensed, registered, or otherwise permitted to dispense a controlled substance or other covered substance in the course of his or her professional practice in the District of Columbia, or the dispenser’s authorized delegee, shall query the District of Columbia prescription drug monitoring database before dispensing an opioid or benzodiazepine for a course of treatment that is anticipated to last for more than 7 consecutive days, and before dispensing a refill for an opioid or benzodiazepine more than 90 days after the initial fill or previous refill date.

“(2) Nothing in this section shall prohibit a dispenser from making additional periodic queries of the prescription drug monitoring program database as may be required by routine prescribing practices.

“(c) A prescriber or dispenser shall not be required to meet the provisions of subsection (a) or (b) of this section if the:

“(1) Controlled substance or other covered substance is prescribed or otherwise provided to a patient currently receiving hospice or palliative care;

“(2) Controlled substance or other covered substance is prescribed or otherwise provided to a patient during an inpatient hospital admission or at discharge;

“(3) Controlled substance or other covered substance is prescribed or otherwise provided to a patient in a nursing home or residential care facility that uses a sole source pharmacy;

“(4) Prescription drug monitoring program database is not operational or available due to a temporary technological or electrical failure or natural disaster; or

“(5) Prescriber or dispenser is unable to access the prescription drug monitoring program database due to an emergency or a disaster and documents the circumstances in the patient’s medical record.

“(d) Failure to comply with the provisions of this section shall constitute grounds for disciplinary action by the relevant health occupations board pursuant to section 514(c) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.14(c)), and the imposition of civil fines pursuant to section 104 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42, D.C. Official Code § 2-1801.04).”.

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TITLE II. D.C. HEALTHCARE ALLIANCE REFORM.

Sec. 201. The Health Care Privatization Amendment Act of 2001, effective July 12, 2001 (D.C. Law 14-18; D.C. Official Code § 7-1401 *et seq.*) is amended as follows:

(a) Section 7c (D.C. Official Code § 7-1408) is repealed.

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

“Sec. 7e. DC HealthCare Alliance application and recertification process.

“(a) The Mayor shall allow applicants and enrollees for the DC HealthCare Alliance program to complete initial application and recertification with the Department of Human Services:

“(1) In person;

“(2) Over the telephone; and

“(3) Through electronic means, including through a web-based portal.

“(b) Applicants for the DC HealthCare Alliance program shall not be required to:

“(1) Complete a face-to-face interview to establish eligibility for enrollment in the DC HealthCare Alliance program; or

“(2) Recertify their enrollment in person.

“(c) DC HealthCare Alliance program enrollees shall not be required to recertify more than once in a 12-month period.”.

Sec. 202. The Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.01 *et seq.*), is amended as follows:

(a) Section 8b (D.C. Official Code § 7-771.07b) is amended as follows:

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

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

“(1) To pay for the fiscal effect associated with section 7e; and”.

(B) Paragraph (2) is repealed.

(C) Paragraph (3) is repealed.

(D) Paragraph (4) is amended as follows:

(i) Subparagraph (B) is amended as follows:

(I) Sub-subparagraph (ii) is amended by striking the word

“and”

(II) Sub-subparagraph (iii) is amended by striking the phrase “tools;” and inserting the phrase “tools; and” in its place.

(ii) Subparagraph (C) is repealed.

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

“(d)(1) There is established as a special fund the Medicaid Reserve Fund (“Fund”).

“(2) The following monies shall be deposited into the Fund:

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“(A) All unspent local fund monies remaining in the operating budget of the Medicaid Reserve at the end of Fiscal Year 2021; and

“(B) All unspent local fund monies remaining in the operating budget of the Department of Health Care Finance at the end of Fiscal Year 2021.

“(3) Money in the Fund shall be used for operating expenses permitted under this section.

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

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

(b) A new section 11a is added to read as follows:

“Sec. 11a. Unspent local funds.

“In Fiscal Year 2021, the Chief Financial Officer shall deposit all unspent local funds at the Department of Health Care Finance into the Medicaid Reserve Fund at the end of the fiscal year.”.

Sec. 203. Section 47-362 of the District of Columbia Official Code is amended by adding a new subsection (h) to read as follows:

“(h) Notwithstanding § 47-363, local funds appropriated for the Department of Health Care Finance and the Medicaid Reserve in Fiscal Year 2021 shall not be reprogrammed to other agencies unless the Council approves the reprogramming by resolution.”.

TITLE III. CERTIFIED PROFESSIONAL MIDWIFE STANDARD OF CARE CLARIFICATIONS.

Sec. 301. 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 102(7A) (D.C. Official Code § 3-1201.02) is amended as follows:

(1) Strike the phrase “(7A)(A) “Practice of certified professional midwifery” and insert the phrase “(2D)(A) “Practice of Certified professional midwifery” in its place.

(2) Subparagraph (A) is amended as follows:

(A) Sub-subparagraph (v) is amended striking the phrase “plan of care” and inserting the phrase “plan of care that must be provided to a patient-client and included in the medical record” in its place.

(B) Sub-subparagraph (vi) is amended by striking the phrase “health care professionals;” and inserting the phrase “health care professionals in accordance with the national standard of care;” in its place.

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(C) Sub-subparagraph (vii)(II) is amended by striking the phrase “out-of-hospital setting;” and inserting the phrase “out-of-hospital setting or inpatient setting;” in its place.

(b) Section 663(a)(2) (D.C. Official Code § 3-1206.63(a)(2)) is amended by striking the phrase “American College of Nurse Midwives.” and inserting the phrase “American College of Nurse Midwives, but these practice guidelines shall not be interpreted to set, establish, define, enumerate, or otherwise lower the applicable standard of care for a certified professional midwife or certified nurse-midwife.” in its place.

Sec. 302. Section 4949(c)(2) of the Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code §7-743.09(c)(2)), is amended as follows:

(a) Subparagraph (A) is amended by striking the phrase “North American Registry of Midwives (“NARM”);” and inserting the phrase “North American Registry of Midwives (“NARM”), but these practice guidelines shall not be interpreted to set, establish, define, enumerate, or otherwise lower the applicable standard of care for a certified professional midwife or certified nurse-midwife;” in its place.

(b) Subparagraph (I) is amended by striking the word “and”.

(c) Subparagraph (J) is amended by striking the period and inserting the phrase “; and” in its place.

(d) A new subparagraph (K) is added to read as follows:

“(K) Not be interpreted to set, establish, define, enumerate, or otherwise lower the applicable standard of care for a licensed physician, licensed naturopathic physician, certified professional midwife, certified nurse-midwife, or licensed basic or advanced emergency medical technician.”.

TITLE IV. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

Sec. 401. Applicability.

(a) Sections 201 and 202(a)(1) of this act shall apply upon the date of inclusion of their 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.


ENROLLED ORIGINAL

Sec. 402. 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 § 1-301.47(a)).

Sec. 403. 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 of 1973, as amended, approved December 24, 1973, (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia

UNSIGNED
Mayor
District of Columbia
January 13, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-610

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 14, 2021

To amend, on a temporary basis, the Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020 to extend the report submission and sunset dates of the Police Reform Commission; and to amend the Comprehensive Policing and Justice Reform Congressional Review Emergency Amendment Act of 2020 to make conforming changes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Police Reform Commission Extension Temporary Amendment Act of 2020”.

Sec. 2. Section 122 of the Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020, effective December 3, 2020 (D.C. Law 23-151; 67 DCR 9920), is amended as follows:

(a) Subsection (c)(1) is amended by striking the date “December 31, 2020” and inserting the date “April 30, 2021” in its place.

(b) Subsection (d) is amended by striking the date “December 31, 2020” and inserting the date “April 30, 2021” in its place.

Sec. 3. Section 122 of the Comprehensive Policing and Justice Reform Congressional Review Emergency Amendment Act of 2020, effective October 28, 2020 (D.C. Act 23-437; 67 DCR 12993), is amended as follows:

(a) Subsection (c)(1) is amended by striking the date “December 31, 2020” and inserting the date “April 30, 2021” in its place.

(b) Subsection (d) is amended by striking the date “December 31, 2020” and inserting the date “April 30, 2021” in its place.

Sec. 4. Fiscal impact statement.

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

ENROLLED ORIGINAL

Sec. 5. Effective date.

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

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 13, 2021

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>.

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

B24-0018 Green Food Purchasing Amendment Act of 2021

Intro. 01-11-2021 by Councilmembers Cheh, Gray, Allen, Nadeau, and Pinto and referred to the Committee on Transportation and the Environment

B24-0019 Electronic Smoking Device Sales Restriction Amendment Act of 2021

Intro. 01-11-2021 by Councilmember Cheh and referred sequentially to the Committee on Judiciary and Public Safety with comments from the Committee on Health, and Committee on Business and Economic Development

B24-0020 Flavored Electronic Smoking Device Prohibition Amendment Act of 2021

Intro. 01-11-2021 by Councilmembers Cheh, Gray, Silverman, R. White, Allen, Nadeau, Pinto, Henderson, and Bonds and referred sequentially to the Committee on Judiciary and Public Safety with comments from the Committee on Health, and Committee on Business and Economic Development

PR24-0032 Board of Marriage and Family Therapy Angela Sarafin Confirmation Resolution of 2021

Intro. 01-11-2021 by Chairman Mendelson and referred to the Committee on Health

PR24-0033 Board of Marriage and Family Therapy Sheila Holt Confirmation Resolution of 2021

Intro. 01-11-2021 by Chairman Mendelson and referred to the Committee on Health

PR24-0034 Science Advisory Board Henry Swofford Confirmation Resolution of 2021

Intro. 01-11-2021 by Chairman Mendelson and referred to the Committee on Judiciary and Public Safety

PR24-0035 Science Advisory Board Peter Marone Confirmation Resolution of 2021

Intro. 01-11-2021 by Chairman Mendelson and referred to the Committee on Judiciary and Public Safety

PR24-0036 Science Advisory Board Michael Pentella Confirmation Resolution of 2021

Intro. 01-11-2021 by Chairman Mendelson and referred to the Committee on Judiciary and Public Safety

PR24-0037 Commission on Asian and Pacific Islander Community Development Tiffany Hsieh Confirmation Resolution of 2021

Intro. 01-11-2021 by Chairman Mendelson and referred sequentially to the Committee on Recreation, Libraries, and Youth Affairs

PR24-0038 Commission on Asian and Pacific Islander Community Development Ronak Desai Confirmation Resolution of 2021

Intro. 01-11-2021 by Chairman Mendelson and referred sequentially to the Committee on Recreation, Libraries, and Youth Affairs

PR24-0039 Commission on Asian and Pacific Islander Community Development Karen Kwok
Confirmation Resolution of 2021

Intro. 01-11-2021 by Chairman Mendelson and referred sequentially to the
Committee on Recreation, Libraries, and Youth Affairs

PR24-0040 Commission on Asian and Pacific Islander Community Development Elena Son
Confirmation Resolution of 2021

Intro. 01-11-2021 by Chairman Mendelson and referred sequentially to the
Committee on Recreation, Libraries, and Youth Affairs

PR24-0041 Commission on Asian and Pacific Islander Community Development John Tinpe
Confirmation Resolution of 2021

Intro. 01-11-2021 by Chairman Mendelson and referred sequentially to the
Committee on Recreation, Libraries, and Youth Affairs

PR24-0042 Commission on Asian and Pacific Islander Community Development Jennifer
Hara Confirmation Resolution of 2021

Intro. 01-11-2021 by Chairman Mendelson and referred sequentially to the
Committee on Recreation, Libraries, and Youth Affairs

PR24-0043 Commission on Asian and Pacific Islander Community Development Dana Tai
Soon Burgess Confirmation Resolution of 2021

Intro. 01-11-2021 by Chairman Mendelson and referred sequentially to the
Committee on Recreation, Libraries, and Youth Affairs

PR24-0044 Commission on Asian and Pacific Islander Community Development Benjamin
Takai Confirmation Resolution of 2021

Intro. 01-11-2021 by Chairman Mendelson and referred sequentially to the
Committee on Recreation, Libraries, and Youth Affairs

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 22, 2021
ANC Comment Deadline: March 15, 2021

Registration/License No.: ABRA-117365/MMP-00063
Registrant/Licensee: Abatin Wellness Center of the District of Columbia
Trade Name: Abatin Wellness Center of the District of Columbia
Registration/License Type: Cultivation Center
Address: 2146 Queens Chapel Road, N.E
Dispensary Contact: Benjamin Herschman: (202) 832-0872
ANC 5C Contact Email: 5C@anc.dc.gov

WARD 5

ANC 5C

SMD 5C02

Notice is hereby given that this medical cannabis cultivation center has applied for a registration renewal under Title 22-C of the D.C. Municipal Regulations for the Medical Cannabis Program. The ANC Comment Deadline for ANCs located in Ward 5 is Monday, March 15, 2021. Written comments must be filed with the ABC Board by an ANC located in Ward 5 on or before this date. The mailing address of the ABC Board is 2000 14th Street, NW, Suite 400 South, Washington D.C. 20009. The phone number for the ABC Board is (202) 442-4423.

NATURE OF OPERATION

Medical cannabis cultivation center is requesting to renew its existing registration for operations at 2146 Queens Chapel Road, N.E. until December 31, 2021.

HOURS OF OPERATION FOR CULTIVATION CENTER

Monday through Friday 7:30am – 4pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 22, 2021
 ANC Comment Deadline: March 15, 2021

Registration/License No.: ABRA-117367/MMP-00065
 Registrant/Licensee: Montana Apothecary LLC
 Trade Name: Alternative Solutions
 Registration/License Type: Cultivation Center
 Address: 2170 24th Place, N.E.
 Cultivation Center Contact: Matthew Lawson-Baker: (202) 569-1279
 ANC 5C Contact Email: 5C@anc.dc.gov

WARD 5

ANC 5C

SMD 5C02

Notice is hereby given that this medical cannabis cultivation center has applied for a registration renewal under Title 22-C of the D.C. Municipal Regulations for the Medical Cannabis Program. The **ANC Comment Deadline** for ANCs located in Ward 5 is **Monday, March 15, 2021**. Written comments must be filed with the ABC Board by an ANC located in Ward 5 on or before this date. The mailing address of the ABC Board is 2000 14th Street, NW, Suite 400 South, Washington D.C. 20009. The phone number for the ABC Board is (202) 442-4423.

NATURE OF OPERATION

Medical cannabis cultivation center is requesting to renew its existing registration for operations at 2170 24th Place, N.E.

HOURS OF OPERATION FOR CULTIVATION CENTER

Monday through Friday 6:30am – 6pm
 Saturday 6:30am – 4pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 22, 2021
Protest Petition Deadline: March 29, 2021
Roll Call Hearing Date: April 19, 2021
Protest Hearing Date: June 23, 2021

License No.: ABRA-117620
Licensee: Jiaotasidi, LLC
Trade Name: Basebowl
License Class: Retailer's Class "C" Restaurant
Address: 1201 Half Street, S.E.
Contact: Jeff Jackson: (202) 251-1566

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 19, 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 23, 2021 at 4:30 p.m.

NATURE OF OPERATION

A new Restaurant serving Japanese cuisine. Seating Capacity of 74 and a Total Occupancy Load of 74. Request to add a Sidewalk Café with 30 seats.

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

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

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 22, 2021
 ANC Comment Deadline: March 15, 2021

Registration/License No.: ABRA-117373/MMP-00231
 Registrant/Licensee: Columbia Care DC
 Trade Name: Columbia Care DC
 Registration/License Type: Cultivation Center
 Address: 6523 Chillum Place, N.W.
 Cultivation Center Contact: Joseph Raaen: (202) 765-1211
 ANC 5C Contact Email: 4B@anc.dc.gov

WARD 4

ANC 4B

SMD 4B07

Notice is hereby given that this medical cannabis cultivation center has applied for a registration renewal under Title 22-C of the D.C. Municipal Regulations for the Medical Cannabis Program. The **ANC Comment Deadline** for ANCs located in Ward 4 is **Monday, March 15, 2021**. Written comments must be filed with the ABC Board by an ANC located in Ward 4 on or before this date. The mailing address of the ABC Board is 2000 14th Street, NW, Suite 400 South, Washington D.C. 20009. The phone number for the ABC Board is (202) 442-4423.

NATURE OF OPERATION

Medical cannabis cultivation center is requesting to renew its existing registration for operations at 6523 Chillum Place, N.W.

HOURS OF OPERATION FOR CULTIVATION CENTER

Monday through Friday 7am – 4pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 22, 2021
Protest Petition Deadline: March 29, 2021
Roll Call Hearing Date: April 19, 2021

License No.: ABRA-100647
Licensee: Farmers & Distillers DC, LLC
Trade Name: Farmers & Distillers/Founding Spirits Distillery
License Class: Retailer's Class "C" Restaurant
Address: 600 Massachusetts Avenue, N.W
Contact: Stephen J. O'Brien: (202) 625-7700

WARD 2

ANC 2C

SMD 2C01

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on April 19, 2021 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests to add a Sidewalk Café endorsement with 78 seats.

CURRENT HOURS OF OPERATION INSIDE PREMISES

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

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

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

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

Sunday through Thursday 7am – 11:30pm, Friday and Saturday 7am – 1am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 22, 2021
 ANC Comment Deadline: March 15, 2021

Registration/License No.: ABRA-117377/MMP-00066
 Registrant/Licensee: Herbal Alternatives II, LLC
 Trade Name: Herbal Alternatives II
 Registration/License Type: Dispensary
 Address: 1710 Rhode Island Avenue, N.W.
 Cultivation Center Contact: Jennifer Brunenkant: (202) 618-5635
 ANC 5C Contact Email: 2B@anc.dc.gov

WARD 2

ANC 2B

SMD 2B05

Notice is hereby given that this medical cannabis dispensary has applied for a registration renewal under Title 22-C of the D.C. Municipal Regulations for the Medical Cannabis Program. The **ANC Comment Deadline** for ANCs located in Ward 2 is **Monday, March 15, 2021**. Written comments must be filed with the ABC Board by an ANC located in Ward 2 on or before this date. The mailing address of the ABC Board is 2000 14th Street, NW, Suite 400 South, Washington D.C. 20009. The phone number for the ABC Board is (202) 442-4423.

NATURE OF OPERATION

Medical cannabis dispensary is requesting to renew its existing registration for operations at 1710 Rhode Island Avenue, N.W.

HOURS OF OPERATION FOR DISPENSARY

Monday, Tuesday, Thursday and Friday 12pm – 7:30pm
 Wednesday 3pm – 7:30pm
 Saturday and Sunday 12pm – 5pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 22, 2021
Protest Petition Deadline: March 29, 2021
Roll Call Hearing Date: April 19, 2021
Protest Hearing Date: June 23, 2021

License No.: ABRA-117679
Licensee: Mi Casa Dupont, LLC
Trade Name: Mi Casa
License Class: Retailer's Class "C" Restaurant
Address: 1647 20th Street N.W.
Contact: Stephen J. O'Brien, Esq.: (202) 625-7700

WARD 2

ANC 2B

SMD 2B03

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 19, 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 23, 2021 at 1:30 p.m.**

NATURE OF SUBSTANTIAL CHANGE

New Retailer's Class "C" Restaurant featuring cuisine of northern Mexico, Tex Mex, and the American Southwest regions. Total Occupancy Load of 70 with seating for 55 patrons. Request for an Entertainment Endorsement to provide live entertainment inside the premises only. Applicant is also applying for a Sidewalk Café Endorsement with 80 seats.

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

Sunday 10am – 2am, Monday through Thursday 11am – 2am, Friday 11am – 3am,
Saturday 10am – 3am

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

Sunday 10am – 11pm, Monday through Thursday 11am – 11pm, Friday 11am – 12am,
Saturday 10am – 12am

HOURS OF LIVE ENTERTAINMENT (INSIDE PREMISES)

Sunday 10am – 12am, Monday through Friday 11am – 12am, Saturday 10am – 12am

-ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 22, 2021
 ANC Comment Deadline: March 15, 2021

Registration/License No.: ABRA-117378/MMP-00293
 Registrant/Licensee: Healing L.L.C.
 Trade Name: National Holistic Healing Center
 Registration/License Type: Dispensary
 Address: 1718 Connecticut Avenue, N.W., Level T
 Cultivation Center Contact: Michael Bobo: (202) 257-5426
 ANC 2B Contact Email: 2B@anc.dc.gov

WARD 2

ANC 2B

SMD 2B01

Notice is hereby given that this medical cannabis dispensary has applied for a registration renewal under Title 22-C of the D.C. Municipal Regulations for the Medical Cannabis Program. The **ANC Comment Deadline** for ANCs located in Ward 2 is **Monday, March 15, 2021**. Written comments must be filed with the ABC Board by an ANC located in Ward 2 on or before this date. The mailing address of the ABC Board is 2000 14th Street, NW, Suite 400 South, Washington D.C. 20009. The phone number for the ABC Board is (202) 442-4423.

NATURE OF OPERATION

Medical cannabis dispensary is requesting to renew its existing registration for operations at 1718 Connecticut Avenue, N.W.

HOURS OF OPERATION FOR DISPENSARY

Sunday through Saturday 9am – 7:30pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 22, 2021
ANC Comment Deadline: March 15, 2021

Registration/License No.: ABRA-117371/MMP-00235
Registrant/Licensee: Organic Wellness, LLC
Trade Name: Organic Wellness, LLC
Registration/License Type: Cultivation Center
Address: 1840 B Fenwick Street, N.E., 2nd Floor
Cultivation Center Contact: Derwin A. Pritchett: (410) 262-0108
ANC 5D Contact Email: 5D@anc.dc.gov

WARD 5

ANC 5D

SMD 5D01

Notice is hereby given that this medical cannabis cultivation center has applied for a registration renewal under Title 22-C of the D.C. Municipal Regulations for the Medical Cannabis Program. The **ANC Comment Deadline** for ANCs located in Ward 5 is **Monday, March 15, 2021**. Written comments must be filed with the ABC Board by an ANC located in Ward 5 on or before this date. The mailing address of the ABC Board is 2000 14th Street, NW, Suite 400 South, Washington D.C. 20009. The phone number for the ABC Board is (202) 442-4423.

NATURE OF OPERATION

Medical cannabis cultivation center is requesting to renew its existing registration for operations at 1840 B Fenwick Street, N.E., 2nd Floor.

HOURS OF OPERATION FOR CULTIVATION CENTER

Monday through Friday 6:30am – 6pm
Saturday 6:30am – 4pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 22, 2021
Protest Petition Deadline: March 29, 2021
Roll Call Hearing Date: April 19, 2021

License No.: ABRA-079370
Licensee: MDM LLC
Trade Name: Takoma Station Tavern
License Class: Retailer's Class "C" Tavern
Address: 6914 4th Street, N.W
Contact: Melvin Floreza: (202) 427-7858

WARD 4

ANC 4B

SMD 4B02

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on April 19, 2021 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Licensee is requesting to add a Sports Wagering endorsement to their operations. Licensee would like to add physical betting kiosks to the establishment. Patrons will also have ability to use personal phones to place wagers.

CURRENT HOURS OF OPERATION

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

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 22, 2021
Protest Petition Deadline: March 29, 2021
Roll Call Hearing Date: April 19, 2021
Protest Hearing Date: June 23, 2021

License No.: ABRA-117610
Licensee: Tazza Cafe, LLC
Trade Name: Tazza Cafe
License Class: Retailer's Class "D" Restaurant
Address: 600 New Hampshire Avenue, N.W.
Contact: Bernard Dietz: (703) 244-3028

WARD 2

ANC 2A

SMD 2A04

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 19, 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 23, 2021 at 1:30 p.m.

NATURE OF OPERATION

A new Retailer's Class D Restaurant with a seating capacity of 52 and Total Occupancy Load of 96. Summer Garden with seating capacity of 44.

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

Sunday through Saturday 8am - 8pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 22, 2021
Protest Petition Deadline: March 29, 2021
Roll Call Hearing Date: April 19, 2021
Protest Hearing Date: June 23, 2021

License No.: ABRA-117693
Licensee: BHG Waterfront, LLC
Trade Name: TBD
License Class: Retailer’s Class “C” Tavern
Address: 715 Wharf Street, S.W., #519 A-B
Contact: Sidon Yohannes: (202) 686-7600

WARD 6

ANC 6D

SMD 6D04

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on April 19, 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 23, 2021 at 1:30 p.m.

NATURE OF OPERATION

A new Retailer’s Class C Tavern with a seating capacity of 275 and Total Occupancy Load of 550. Summer Garden with seating capacity of 50. The applicant requests a Game of Skill endorsement to include two gaming kiosks to offer the Dragon’s Ascent electronic game of skill. Live Entertainment with Cover Charge will be included inside the establishment only.

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

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

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

Sunday through Saturday 8am – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 22, 2021
Protest Petition Deadline: March 29, 2021
Roll Call Hearing Date: April 19, 2021

License No.: ABRA-085705
Licensee: Boomerang Boat Tour LLC
Trade Name: The Boomerang Boat
License Class: Retailer’s Class “C” Marine Vessel
Address: 1300 Maine Avenue, S.W.
Contact: Stephen J. O’Brien: (202) 625-7700

WARD 6

ANC 6D

SMD 6D04

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on April 19, 2021 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Licensee is requesting to retire the first vessel and replace with a new vessel that will have a capacity of 90 passengers, an increase of 16 passengers from the current capacity of 74.

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

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

CURRENT HOURS OF LIVE ENTERTAINMENT

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 22, 2021
Protest Petition Deadline: March 29, 2021
Roll Call Hearing Date: April 19, 2021

License No.: ABRA-071793
Licensee: Partners at 723 8th SE, LLC
Trade Name: The Ugly Mug Dining Saloon/Valor Brew Pub
License Class: Retailer's Class "C" Restaurant
Address: 723 8th Street, S.E
Contact: Gaynor Jablonski: (703) 928-3225

WARD 6

ANC 6B

SMD 6B03

Notice is hereby given that this licensee has requested two Substantial Changes to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on April 19, 2021 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGES

Licensee is requesting to add Sports Wagering and Game of Skill endorsements to their operations. Licensee would like to offer Sports Wagering through mobile app and also offer physical consoles for the electronic game of skill Dragon's Ascent.

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

Sunday 12pm-1:30am, Monday through Thursday 11am – 1:30am, Friday and Saturday 11am – 3am

CURRENT HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

Sunday through Thursday 6pm – 1:30am, Friday and Saturday 6pm – 3am

CURRENT HOURS OF OPERATION FOR SIDEWALK CAFÉ

Sunday 12pm – 12:30am, and Monday through Saturday 11:30am – 12:30am

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

Sunday 12pm – 12am, and Monday through Saturday 11:30am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 22, 2021
Protest Petition Deadline: March 29, 2021
Roll Call Hearing Date: April 19, 2021
Protest Hearing Date: June 23, 2021

License No.: ABRA-117634
Licensee: Widget Wine LLC
Trade Name: Widget Wine
License Class: Retailer's Class "A" Internet
Address: 1050 Connecticut Avenue, N.W., #500
Contact: Sidon Yohannes, Esq.: (202) 686-7600

WARD 2

ANC 2B

SMD 2B06

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 19, 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 23, 2021 at 4:30 p.m.**

NATURE OF OPERATION

A new Retailer's Class "A" Internet retailer selling beer, wine, and spirits online only for off-premises consumption. This location will not be open to the public. Licensee is requesting a Tasting Permit Endorsement.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 7am – 12am

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, APRIL 14, 2021
VIRTUAL HEARING via WEBEX**

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule but reserves the right to hear items on the agenda out of turn.

TIME: 9:30 A.M.

WARD SIX

Application of:	Datis Properties, LLC
Case No.:	20437
Address:	1819 A Street S.E. (Square 1111, Lot 96)
ANC:	6B
Relief:	Special Exceptions under: <ul style="list-style-type: none"> • the residential conversion requirements of Subtitle U § 320.2 (pursuant to Subtitle X § 901.2), and from; • the rear addition requirements of Subtitle E § 205.4 (pursuant to Subtitle E §§ 205.5 and 5201; and Subtitle X § 901.2
Project:	To construct a third-story addition on the top of the existing two-story portion of the building, and a three-story rear addition, and to convert the existing, detached, three-story principal dwelling unit into a three-unit residential building in the RF-1 Zone.

WARD EIGHT

Application of:	Dawn to Dusk Child Development Center, LLC
Case No.:	20439
Address:	2907 7th Street S.E. (Square 5951, Lot 40)
ANC:	8C
Relief:	Special Exception under: <ul style="list-style-type: none"> • the use provisions of Subtitle U § 203.1(h) (pursuant to Subtitle X § 901.2)
Project:	To permit the continued daytime care use of s child development center for 47 children and 10 staff in an existing, two-story, detached building in the R-2 Zone.

BZA PUBLIC HEARING NOTICE
 APRIL 14, 2021
 PAGE NO. 2

WARD EIGHT

Application of:	Green 2336, LLC
Case No.:	20440
Address:	2336 Green Street S.E. (Square 5754, Lots 38-39 and 64)
ANC:	8A
Relief:	<p>Special Exceptions under:</p> <ul style="list-style-type: none"> the new residential conversion requirements of Subtitle U § 421.1 (pursuant to Subtitle X § 901.2) and an <p>Area Variance from:</p> <ul style="list-style-type: none"> the floor area ratio requirements of Subtitle F § 302.3 (pursuant to Subtitle X, Chapter 10)
Project:	To raze the existing building, combine the existing lots into a single lot of record, and to construct a new, detached, three-story, 16-unit apartment building in the RA-1 Zone.

WARD ONE

Application of:	Festival Center, Inc.
Case No.:	20441
Address:	1640 Columbia Road N.W. (Square 2579, Lot 34)
ANC:	1C
Relief:	<p>Area Variance from:</p> <ul style="list-style-type: none"> the floor area ration requirements of Subtitle G § 402.2 (pursuant to Subtitle X, Chapter 10)
Project:	To construct an executive meeting room and mezzanine on the first and second floors, and a addition to the third-floor in an existing, detached, commercial building in the MU-5A Zone.

BZA PUBLIC HEARING NOTICE
APRIL 14, 2021
PAGE NO. 3

PLEASE NOTE:

This public hearing will be held virtually through WebEx. Information for parties and the public to participate, view, or listen to the public hearing will be provided on the Office of Zoning website and in the case record for each application or appeal by the Friday before the hearing date.

The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11, including the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

Individuals and organizations interested in any application may testify at the public hearing via WebEx or by phone and are strongly encouraged to sign up to testify 24 hours prior to the start of the hearing on OZ’s website at <https://dcoz.dc.gov/> or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board may impose time limits on the testimony of all individuals and organizations.

Individuals and organization may also submit written comments to the Board by uploading submissions via IZIS or by email to bzsubmissions@dc.gov. Submissions are strongly encouraged to be sent at least 24 hours prior to the start of the hearing.

Do you need assistance to participate?

**Note that party status is not permitted in Foreign Missions cases.*

Do you need assistance to participate?

Amharic

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

Chinese

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

French

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

Korean

참여하시는데 도움이 필요하세요?

BZA PUBLIC HEARING NOTICE

APRIL 14, 2021

PAGE NO. 4

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

Spanish

¿Necesita ayuda para participar?

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

Vietnamese

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

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF RESCHEDULED¹ VIRTUAL PUBLIC HEARING**

TIME AND PLACE: Monday, April 5, 2021, @ 4:00 p.m.
**WebEx or Telephone -Instructions will be provided
on the OZ website by Noon of the Hearing Date²**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 20-08 (Howard University – 2020-2030 Central Campus Plan)

THIS CASE IS OF INTEREST TO ANC 1B

Howard University, (the "Applicant") filed an application (the "Application") on April 1, 2020, pursuant to the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified) requesting review and approval by the Zoning Commission for the District of Columbia (the "Commission") of its 2020- 2030 Campus Plan as required by the provisions of Subtitle Z, Section 101.8 for the following properties centered around Georgia Avenue and Howard Place N.W.:

(Sq. 0330, Lot 800; Sq. 2872, Lots 266, 267, 268, 269, 270, 217, 275, 803, 820, 822, 823, & 824; Sq. 2873, Lots 1109 & 1110; Sq. 2877, Lots 930 & 933; Sq. 2882, Lots 950, 951, 952, 953, & 1037; Sq. 2885, Lot 889; Sq. 3055, Lots 15 & 821; Sq. 3057, Lot 92; Sq. 3058, Lots 834 & 835; Sq. 3060, Lots 41, 830 & 839; Sq. 3063, Lot 801; Sq. 3064, Lots 44, 45, 826 & 837; Sq. 3065, Lots 33, 36, 829, 830, 831 & 0833; Sq. 3068, Lots 809 & 810; Sq. 3069, Lots 65 & 66; Sq. 3072, Lots 52 & 818; Sq. 3074, Lot 11; Sq. 3075, Lot 807; Sq. 3080, Lot 73; and Sq. 3094, Lot 800). (the "Property").

The Property spans numerous zone districts including the RA-2 , RA-5, MU-2, MU-4, PDR-2 and PDR-3 zones. The Property is located within the boundaries of ANC-1B.

This public hearing will be conducted in accordance with the contested case provisions of Subtitle Z, Chapter 4, which includes the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Commission on May 11, 2020, in Z.C. Case No. 20-11.

How to participate as a witness - oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ's website at <https://dcoz.dc.gov/> or by calling Donna Hanousek at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

¹ This case was previously scheduled for January 11, 2021.

² Anyone who wishes to participate in this case but cannot do so via WebEx or telephone may submit written comments to the record. (See p. 2, *How to participate as a witness - written statements.*)

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. Therefore, **it is highly recommended that all written comments and/or testimony be submitted to the record at least 24 hours prior to the start of the hearing.** The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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

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

How to participate as a witness - written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at [https://app.dcoz.dc.gov /Login.aspx](https://app.dcoz.dc.gov/Login.aspx); however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Donna Hanousek at (202) 727-0789 for further assistance.

How to participate as a party.

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

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact OZ at dcoz@dc.gov or at (202) 727-6311.

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

<https://app.dcoz.dc.gov/Help/Forms.html>.

"Great weight" to written report of ANC

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

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

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

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

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

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

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD**

NOTICE OF FINAL RULEMAKING

The Chairperson of the Construction Codes Coordinating Board (Chairperson), pursuant to the authority set forth in Section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2018 Repl.)) and Mayor's Order 2009-22, dated February 25, 2009, as amended, hereby gives notice of the adoption of the following amendments to Chapter 9 (Fire Protection Systems) of Subtitle A (Building Code Supplement of 2017), and Chapter 9 (Fire Protection Systems) of Subtitle H (Fire Code Supplement of 2017), of Title 12 (District of Columbia Construction Codes Supplement of 2017) of the District of Columbia Municipal Regulations (DCMR).

This final rulemaking is necessitated by the need to revise Section 906.1 of the District of Columbia Building Code (2017) and Section 906.1 of the District of Columbia Fire Code (2017) (together the "Codes") for fire safety reasons, since Section 906.1 in the Codes contains an exemption that would allow removal of portable fire extinguishers from residential and other occupancies contrary to model code provisions. These amendments will conform Section 906.1 to the International Building Code (2018 edition) and the International Fire Code (2018 edition) published by the International Code Council.

A Notice of Emergency and Proposed Rulemaking was adopted on May 29, 2020 and was published in the *D.C. Register* on June 5, 2020 at 67 DCR 006972. No comments were received from the public regarding the first rulemaking. The first rulemaking remained in effect for one hundred twenty (120) days after the date of adoption and expired on September 26, 2020. A Notice of Second Emergency Rulemaking was adopted on September 25, 2020 and was published in the *D.C. Register* on October 9, 2020 at 67 DCR 011723. It is in effect for one hundred twenty (120) days after the date of adoption, expiring January 23, 2021, unless earlier superseded by the publication of a final rulemaking.

Pursuant to Section 10(a) of the Act, a proposed resolution was submitted to the Council of the District of Columbia, on October 15, 2020 for a forty-five (45) day period of review. The 45-day period of review having expired on January 5, 2021, with no Council action to approve or disapprove the proposed resolution, the proposed resolution is deemed approved.

No substantive changes were made to the rules as proposed. These rules were adopted as final by the Chairperson on January 19, 2021 and will become effective upon publication in the *D.C. Register*.

Title 12 DCMR, the DISTRICT OF COLUMBIA CONSTRUCTION CODES SUPPLEMENT OF 2017, is amended as follows:

Chapter 9, FIRE PROTECTION SYSTEMS, of 12-A DCMR, BUILDING CODE SUPPLEMENT OF 2017, is amended as follows:

Section 906, PORTABLE FIRE EXTINGUISHERS, is amended as follows:

Subsection 906.1 is amended to read as follows:

Strike Section 906.1 in the International Building Code in its entirety and insert a new Section 906.1 in the Building Code in its place to read as follows:

906.1 Where required. Portable fire extinguishers shall be installed in all of the following locations:

1. In Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.

Exceptions:

1. In Group R-2 occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each *dwelling unit* is provided with a portable fire extinguisher having a minimum rating of 1-A:10-B:C.
2. In Group E occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each classroom is provided with a portable fire extinguisher having a minimum rating of 2- A:20-B:C.
3. Within 30 feet (9144 mm) distance of travel from commercial cooking equipment and from domestic cooking equipment in Group I-1; I-2, Condition 1; and R-2 college dormitory occupancies.
4. In areas where flammable or *combustible liquids* are stored, used or dispensed.
5. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 3315.1 of the *Fire Code*.
6. Where required by the *Fire Code* sections indicated in Table 906.1.
7. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the *fire code official*.

Chapter 9, FIRE PROTECTION SYSTEMS, of 12-H DCMR, FIRE CODE SUPPLEMENT OF 2017, is amended as follows:

Section 906, PORTABLE FIRE EXTINGUISHERS, is amended as follows:

Subsection 906.1 is amended to read as follows:

Strike Section 906.1 in the International Fire Code in its entirety and insert new Section 906.1 in its place in the Fire Code to read as follows:

906.1 Where required. Portable fire extinguishers shall be installed in all of the following locations:

1. In Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.

Exceptions:

1. In Group R-2 occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each *dwelling unit* is provided with a portable fire extinguisher having a minimum rating of 1-A:10-B:C.
2. In Group E occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each classroom is provided with a portable fire extinguisher having a minimum rating of 2- A:20-B:C.
3. Within 30 feet (9144 mm) distance of travel from commercial cooking equipment and from domestic cooking equipment in Group I-1; I-2, Condition 1; and R-2 college dormitory occupancies.
4. In areas where flammable or *combustible liquids* are stored, used or dispensed.
5. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 3315.1.
6. Where required by the sections indicated in Table 906.1.
7. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the *fire code official*.

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

ERRATA NOTICE

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in Section 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968, as amended (82 Stat. 1203; D.C. Official Code § 2-559 (2016 Repl.)), hereby gives notice of a correction to the Notice of Final Rulemaking and Zoning Commission Order No. 17-01 (NOFR), issued by the Zoning Commission of the District of Columbia and published in the *D.C. Register* on July 28, 2017, at 64 DCR 7254, *et seq.*

The NOFR amended Subtitles B (Definitions, Rules of Measurement, and Use Categories) and U (Use Permissions) of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016).

Among other changes, the NOFR:

- Revised Subtitle U § 203.1(f) to clarify the limits for a special exception use for a continuing care retirement community (CCRC) in the Residential zones, including adding:
 - A new subparagraph (2) to impose an eight (8)-resident limit for a special exception CCRC that is not an assisted living or skilled nursing CCRC; and
 - A new subparagraph (3) to allow ancillary uses for the further enjoyment, service, or care of the residents; and
- Revised Subtitle U § 420.1 to add a new paragraph (i) to apply the CCRC limits of Subtitle U § 203.1(f) to the Residential Apartment zones, except for the eight (8)-resident limit for non-assisted living/skilled nursing CCRCs.

The Office of Planning (OP) proposed the eight (8)-person limit for non-assisted living/skilled nursing CCRCs in the lower-density Residential House (R) and Residential Flat (RF) zones because without this limit, this CCRC type – independent living - would effectively permit an apartment house that is not allowed in these zones.¹

OP initially listed this eight (8)-person limit in subparagraph (f)**(3)** in Subtitle U § 203.1 in the Notice of Proposed Rulemaking in Z.C. Case No. 17-01 published in the June 9, 2017, *D.C. Register* (64 DCR 5444, 5445). This eight (8)-person limit was subsequently moved to subparagraph (f)**(2)** in Subtitle U § 203.1 in the NOFR because the Commission adopted OP's suggestion to delete the original subparagraph (f)(1), leading to a renumbering of the subparagraphs that moved the eight (8)-person limit from subparagraph (f)**(3)** to (f)**(2)**.

However, the NOFR inadvertently failed to update the cross-reference to the eight (8)-person limit in Subtitle U § 420.1(i), which therefore kept the original cross-reference, now erroneous,

¹ OP initially proposed to also apply the eight (8)-person limit to the lower-density RA zones (RA-1 and RA-6), but in response to the Zoning Commission's query at the public hearing, revised the cross-reference in Subtitle U § 420.1(i) so that it exempted the RA-1 and RA-6 zones from this eight (8)-person limit because these zones allow apartment houses by special exception. (Transcript of March 13, 2017, public hearing in record of Z.C. Case No. 17-01, at p. 11).

to Subtitle U § 203.1(f)~~(3)~~. As a result of this inadvertent erroneous cross-reference, Subtitle U § 420.1(i) exempts non-assisted living/skilled nursing CCRCs from the ability to allow ancillary uses but not from the 8-person limit, so that this use in the RA-1 and RA-6 zones would require a use variance even though an analogous apartment house would be permitted by special exception.

Therefore, the final rulemaking is corrected to amend Subtitle U § 420.1(i) to substitute the correct cross-reference to Subtitle U § 203.1(f)(2) to replace the erroneous cross-reference to Subtitle U § 203.1(f)(3), to read as follows (the corrections to the final rulemaking are made below, with additions are shown in **bold and underline**; deletions are shown in ~~**bold and strikethrough**~~):

Amendments to Subtitle U, USE PERMISSIONS

Subsection 420.1 of § 420, SPECIAL EXCEPTION USES (RA), of Chapter 4, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES), of Subtitle U, USE PERMISSIONS, is amended by adding back in an erroneous deletion to read as follows:

- 420.1 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any applicable provisions of each section:
 - (a) Any use or structure ...²
...
 - (i) In the RA-1 and RA-6 zones, a continuing care retirement community subject to the conditions of Subtitle U § 203.1(f), except for 203.1(f)~~(3)~~(2).

These corrections by this Errata Notice to the NOFR is non-substantive in nature and does not alter the intent, application, or purpose of the proposed rules. The rules are effective upon the original publication date of the NOFR of July 28, 2017.

Any questions or comments regarding this notice shall be addressed by mail to Victor L. Reid, Esq. Administrator, Office of Documents & Administrative Issuances, 441 4th Street, N.W., Suite 520S, Washington, D.C. 20001, email at victor.reid@dc.gov, or via telephone at (202) 727-5090.

² The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

ERRATA NOTICE

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in Section 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968, as amended (82 Stat. 1203; D.C. Official Code § 2-559 (2016 Repl.)), hereby gives notice of a correction to the Notice of Final Rulemaking (NOFR), issued by the Zoning Commission of the District of Columbia and published in the December 11, 2020, *D.C. Register* (67 DCR 14517, *et seq.*).

The NOFR amended Subtitle Z (Zoning Commission Rules of Practice and Procedure) of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016).

The NOFR added a new subsection to Subtitle Z § 702 to suspend certain types of conditions of approved Campus Plans and associated PUDs during the 2020-2021 academic year to avoid potential conflicts between the public health measures adopted by Mayor's Order 2020-067 in response to the COVID-19 pandemic and the universities' re-opening plans and conditions of approval of the campus plans and associated PUDs.

However, the NOFR inadvertently and erroneously numbered this new subsection as 702.8, effectively replacing an existing provision requiring building permits to be consistent with the plans approved by an applicable Zoning Commission order, when the new subsection should have been numbered 702.9, which had been previously deleted and included no provision other than the notation "[DELETED]". The preceding Notice of Second Emergency and Proposed Rulemaking (NOSEPR), published in the November 6, 2020, *D.C. Register* (67 DCR 13164, *et seq.*), confirmed this intent by showing that the proposed new subsection would replace the "[DELETED]" text, although it did also incorrectly number the new subsection as 702.8.

Therefore, the final rulemaking is corrected to amend the numbering of the new subsection added by the NOFR to Subtitle Z § 702.9 instead of the erroneous 702.8 published in the NOFR, to read as follows (the corrections to the final rulemaking are made below, with additions are shown in **bold and underline**; deletions are shown in ~~**bold and strikethrough**~~):

**Amendments to Subtitle Z ZONING COMMISSION RULES OF PRACTICE AND
PROCEDURE**

Section 702, VALIDITY OF APPROVALS AND IMPLEMENTATION, of Chapter 7, APPROVALS AND ORDERS, of Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is revised to correct the erroneous numbering of the new subsection added by the Notice of Final Rulemaking to read as follows:

702.1 A first-stage approval of a planned unit development (PUD) ...¹

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

...

702.8 The Zoning Administrator shall not approve a permit application unless ...

~~702.8~~ **702.9** In response to the ongoing 2020 public health emergency, the following conditions in orders approving Campus Plans and associated PUDs for universities shall be suspended for the 2020-2021 academic year to accommodate re-opening plans pursuant to Mayor’s Order 2020-067, provided that enrollment limits shall remain unchanged and in effect:

- (a) Requirements to maintain a minimum number of on-campus beds or provide housing for a minimum percentage of students;
- (b) Requirements that certain classes of students reside on campus;
- (c) Limits on housing for certain classes of students to specific locations; and
- (d) Limits on the use of classroom spaces for certain classes of students to specific locations.

702.10 For PUD cases, the Zoning Administrator shall not approve a permit application

...

...

These corrections by this Errata Notice to the NOFR is non-substantive in nature and does not alter the intent, application, or purpose of the proposed rules. The rules are effective upon the original publication date of the NOFR of December 11, 2020.

Any questions or comments regarding this notice shall be addressed by mail to Victor L. Reid, Esq. Administrator, Office of Documents & Administrative Issuances, 441 4th Street, N.W., Suite 520S, Washington, D.C. 20001, email at victor.reid@dc.gov, or via telephone at (202) 727-5090.

DISTRICT OF COLUMBIA PUBLIC SCHOOLS

NOTICE OF FINAL RULEMAKING

The Chancellor of the District of Columbia Public Schools (DCPS), pursuant to Section 103 of the District of Columbia Public Education Reform Amendment Act of 2007 (Act), effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-172(c) (2018 Repl.)), and Mayor's Order 2007-186, dated August 10, 2007, hereby gives notice of final rulemaking action to repeal Section 520 (One Year Appointment of Principals and Assistant Principals) of Chapter 5 (Administration and Management) of Title 5 (Education), Subtitle E (Original Title 5) of the District of Columbia Municipal Regulations (DCMR), and replace it with a new Section 520 (Appointment of Principals and Assistant Principals) of Chapter 5 (Administration and Management) of Title 5 (Education), Subtitle B (District of Columbia Public Schools) of the DCMR.

The purpose of the final rulemaking is to allow the Chancellor to appoint DCPS principals to two-year terms. The current DCMR provision limits DCPS principals to one-year term appointments. The proposed change is intended to promote retention of current principals and enhance recruitment of new principals by allowing for two-year, rather than one-year, appointments. The rulemaking retains the one-year term requirement for assistant principals and retains the right of principals and assistant principals who hold permanent status in another DCPS position to revert to their prior position at the conclusion of their terms.

A Notice of Proposed Rulemaking was published at 67 DCR 007505 on June 12, 2020 for a thirty (30) day public comment period. The comment period expired on July 12, 2020. No comments were received and no changes have been made in the Final Rulemaking. The rules were deemed approved by the Council of the District of Columbia on November 7, 2020, pursuant to Section 103(c)(2) of the Act (D.C. Official Code § 38-172(c)(2)). These rules were adopted as final on November 19, 2020 and will become effective on the date of publication of this notice in the *D.C. Register*.

Chapter 5, ADMINISTRATION AND MANAGEMENT, of Title 5-E DCMR, ORIGINAL TITLE 5, is amended as follows:

Section 520, ONE YEAR APPOINTMENTS OF PRINCIPALS AND ASSISTANT PRINCIPALS, is repealed in its entirety.

A new Chapter 5, ADMINISTRATION AND MANAGEMENT, of Title 5-B DCMR, DISTRICT OF COLUMBIA PUBLIC SCHOOLS, is established as follows:

A new Section 520 is established to read as follows:

520 APPOINTMENT OF PRINCIPALS AND ASSISTANT PRINCIPALS

520.1 Persons appointed to a position as Principal shall serve in a term appointment of up to two (2) years, without tenure in the position.

- 520.2 Persons appointed to a position as Assistant Principal shall serve in a term appointment of one (1) year, without tenure in the position.
- 520.3 Retention and reappointment shall be at the discretion of the Chancellor.
- 520.4 A person who is not retained in the position of Principal or Assistant Principal and who holds permanent status in another position in the D.C. Public Schools shall revert to the highest prior permanent level of employment upon his or her removal from the position of Principal or Assistant Principal; provided, that this right shall not include the right to any particular position or office previously held.

DISTRICT OF COLUMBIA PUBLIC SCHOOLS

NOTICE OF FINAL RULEMAKING

The Chancellor of the District of Columbia Public Schools (DCPS), pursuant to Section 103 of the District of Columbia Public Education Reform Amendment Act of 2007 (Act), effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-172(c) (2012 Repl. & 2018 Supp.), and Mayor's Order 2007-186, dated August 10, 2007, hereby gives notice of final rulemaking action to repeal Section 2306 (Field Trips and Student Travel) of Chapter 23 (Curriculum and Testing) of Subtitle E (Original Title 5) of Title 5 (Education) of the District of Columbia Municipal Regulations (DCMR), and establish a new Section 2306 (Field Trips and Student Travel) of Chapter 23 (Curriculum and Testing), in Title 5 (Education), Subtitle B (District Of Columbia Public Schools) DCMR.

The purpose of the final rulemaking is to codify and implement regulations governing DCPS student travel expenditures for trips that are related to the students' curriculum or for the purpose of rewarding student curricular or extra-curricular achievement, pursuant to D.C. Official Code § 38-2955 (2018 Supp.).

A Notice of Proposed Rulemaking was published at 66 DCR 8781 on July 26, 2019 for a thirty (30) day public comment period. No comments were received and no changes have been made in the Final Rulemaking. The rules were deemed approved by the Council of the District of Columbia on July 13, 2019, pursuant to Section 103(c)(2) of the Act (D.C. Official Code § 38-172(c)(2)). The rules were adopted as final on November 19, 2020 and will become effective on the date of publication of this notice in the *D.C. Register*.

Chapter 23, CURRICULUM AND TESTING, of Title 5- E DCMR, ORIGINAL TITLE 5, is amended as follows:

Section 2306, FIELD TRIPS AND STUDENT TRAVEL, is repealed in its entirety.

Title 5-B DCMR, DISTRICT OF COLUMBIA PUBLIC SCHOOLS, is amended by creating a new Chapter 23, CURRICULUM AND TESTING, as follows:

2306 FIELD TRIPS AND STUDENT TRAVEL

2306.1 The general Policy for field trips is as follows:

- (a) Field trips and student travel shall serve as a means for enhancing learning and expanding the range of educational and cultural opportunities available to DCPS students; and
- (b) Those planning and implementing field trips and student travel must ensure that these experiences:

- (1) Serve legitimate educational purposes;
- (2) Are conducted in a manner consistent with sound educational practices;
- (3) Ensure the safety and well-being of participating students at all times; and
- (4) Are evaluated periodically to determine their effectiveness in fulfilling their specified purposes.

2306.2 Field trips designed to educate or modify behavior through intimidation of students are prohibited.

2306.3 Field trips and student travel using appropriated funds must meet the following requirements:

- (a) The field trip or student travel must be a DCPS sponsored activity in accordance with applicable Chancellor's directives and policies related to field trips and student travel;
- (b) The trip sponsor shall ensure all student travel is approved prior to departure in accordance with applicable Chancellor's directives and policies related to field trips and student travel;
- (c) All travel expenditures are funded using appropriated funds as designated by the Office of the Chief Financial Officer;
- (d) The travel must be related to the students' curriculum, or for the purpose of rewarding student curricular or extra-curricular achievement, pursuant to D.C. Official Code § 38-2955(b);
- (e) When submitting a request for student travel, the trip sponsor and principal must certify in writing that the trip is either related to the students' curriculum or is for the purpose of rewarding student curricular or extra-curricular achievement. A trip sponsor is any DCPS staff member who is responsible for planning and coordinating a field trip; and
- (f) Procurement of student travel using appropriated funds shall be conducted in accordance with applicable procurement regulations, including but not limited to the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-312.01) and its implementing regulations.

2306.4 The requirements explained in § 2306.3 do not apply to expenditures using funding sources other than appropriated funds, including, but not limited to, donated funds or other deposits into a Student Activity Fund.

D.C. DEPARTMENT OF HUMAN RESOURCES**NOTICE OF PROPOSED RULEMAKING**

The Director of the D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to Mayor's Order 2008-92, dated June 26, 2008, and in accordance with the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-601.01 *et seq.* (2016 Repl.)), hereby gives notice of the intent to adopt the following rules amending Chapter 12 (Hours of Work, Legal Holidays, and Leave) of Subtitle B (Government Personnel) of Title 6 (Personnel) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the publication of this notice in the *D.C. Register*.

The proposed rules will amend the following sections in Subtitle B of Title 6, Chapter 12 of the DCMR: Section 1265 (Witness Service), and Section 1299 (Definitions). The proposed rules amend § 1265 to clarify that employees are eligible for paid court leave only if the District of Columbia, the United States, or another state or local government is a party in a judicial or administrative matter. The rulemaking also clarifies when an employee is eligible for travel reimbursement. The revision indicates when paid court leave is not applicable and when other types of leave may be used. Lastly, a new definition is added to § 1299 for "judicial proceedings". The definition is moved from § 1265.1 to § 1299 to make all definitions easier to locate. The definition of "relative" is added to § 1299 to further clarify exclusions from paid court leave.

Chapter 12, HOURS OF WORK, LEGAL HOLIDAYS, AND LEAVE, of 6-B DCMR, GOVERNMENT PERSONNEL, is amended as follows:

Section 1265, WITNESS SERVICE, is amended in its entirety to read as follows:

1265 WITNESS SERVICE

- 1265.1 An employee shall receive paid court leave pursuant to § 1263 for the time the employee spends providing testimony or to producing evidence when a court or administrative tribunal summons the employee to appear and provide testimony or to produce evidence in any judicial or administrative proceeding in which the District of Columbia, the United States, or another state or local government is a party.
- 1265.2 Notwithstanding § 1265.1, an employee providing testimony or producing evidence in his or her official capacity as a District government employee, rather than in his or her personal capacity, in a judicial or administrative proceeding shall be deemed to be on District government duty and shall receive regular pay rather than paid court leave.
- 1265.3 An employee shall be eligible for reimbursement for travel expenses incurred to provide testimony or to produce evidence in his or her official capacity as a District government employee in accordance with Chapter 40 of this subtitle.

- 1265.4 An employee may be granted leave without pay, annual leave, or compensatory leave, as appropriate, whenever a judicial or administrative body summons the employee to provide testimony or produce evidence in a proceeding in which neither the District of Columbia, the United States, nor another state or local government is a party. The employee shall not be eligible to receive paid court leave for providing testimony or producing evidence in such a proceeding.
- 1265.5 The agency head shall contact the judicial or administrative body issuing the summons for clarification when it is unclear whether the employee will be providing testimony or producing evidence in his or her personal or official capacity.
- 1265.6 Notwithstanding § 1265.1, an employee is not eligible for paid court leave:
- (a) While participating in a criminal proceeding where the employee is a named defendant; or
 - (b) Where the employee, a relative of the employee, or a private entity in which the employee has an financial interest, initiates a judicial proceeding.

Section 1299, DEFINITIONS, is amended by adding the following definition “Judicial proceeding” after the definition for “Immediate relative” and the following definition of “Relative” after the definition of “Prolonged period of time”:

Judicial or administrative proceeding – any administrative, civil or criminal action, suit, or other proceeding of a judicial nature, whether at law or in equity, before an administrative law judge, hearing examiner (or its equivalent) or judge. Proceedings of a judicial nature include, but are not limited to hearings, grand jury proceedings, and conferences conducted by a prosecuting attorney for the purpose of determining whether an information or charge should be made in a particular case.

Relative – with respect to an employee, an individual who is related to the employee as a father, mother, son, daughter, brother, sister, uncle, aunt, grandfather, grandmother, grandson, granddaughter, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

Comments on these proposed regulations should be submitted, in writing, within thirty (30) days of the date of the publication of this notice in the *D.C. Register* to the D.C. Department of Human Resources, Policy and Compliance Administration. Comments may be submitted by mail to 441 4th Street, Northwest, Suite 330S, Washington, D.C. 20001, or by e-mail to dchr.policy@dc.gov.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF SECOND PROPOSED RULEMAKING

The Director of the District Department of Transportation (DDOT), pursuant to the authority set forth in Sections 3(b), 5(a)(3)(Q), (R), and (S) (allocating and regulating on street parking and curb regulations), 6(b) and (c) (transferring certain transportation related functions to DDOT), 7 (delegating and redelegating all transportation related authority to DDOT), and 9j (rulemaking authority for the DDOT Director) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b), 50-921.04(a)(3)(Q), (R), and (S), 50-921.05(b) and (c), 50-921.06, and 50-921.18 (2014 Repl. & 2019 Supp.)), Section 1 05(a)(1) of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.05(a)(1) (2014 Repl. & 2019 Supp.)), and Mayor's Order 2019-060, dated June 20, 2019, hereby gives notice of the intent to adopt amendments to Chapter 24 (Stopping, Standing, Parking, and Other Non-Moving Violations) and Chapter 26 (Civil Fines for Moving and Non-Moving Infractions) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

A Notice of Proposed Rulemaking was published in the *D.C. Register* on September 4th, 2020 at 67 DCR 10813, with a 30-day public comment period. The District Department of Transportation received two resolutions from Advisory Neighborhood Commissions 6B and 6C.

ANC 6B Resolution

ANC 6B submitted a resolution in support of the rulemaking with the concern that the program should accommodate individuals without access to the internet or a printer.

DDOT agrees with this need and has anticipated it in the design of the program. The DDOT call center is prepared to complete applications for digital parking passes on a resident's behalf over the phone. Residents will also be able to print visitor parking passes at a library, police station, or other publicly available printer.

ANC 6C Resolution

ANC 6C submitted a resolution in support of the rulemaking with three comments. The resolution expressed concern about proper use and enforcement of the passes, that the cost of a pass may place an undue burden on those needing an in-home health aide, and that the pass be available across multiple media so that residents who qualify can take advantage of the program.

DDOT expects that enforcement operations will be improved in concert with shifting to the issuance of digital visitor parking passes. As part of the agency's efforts to digitize the visitor parking pass, DDOT and DPW are working to upgrade enforcement officers' software to facilitate automated ANC identification so enforcement officers can more easily identify if a pass is or is not valid in the ANC.

To address the ANC's concern about the rulemaking's financial burden on home health aides, this proposed rulemaking extends the maximum timeframe for which a health aide pass may be

valid from sixty (60) days to one hundred and eighty (180) days. This will decrease the frequency at which a health aide must renew a pass.

Finally, visitor parking passes will be made available in both a physical and digital format. Passes will also be available to print at home for display on the vehicle.

This second proposed rulemaking includes four (4) changes to language included in the Notice of Proposed Rulemaking, published in the *D.C. Register* on September 4th, 2020 at 67 DCR 10813.

First, DDOT amended Subsection 2414.2 to extend the term of the home health aide pass from sixty (60) days to one hundred and eighty (180) days to reduce the burden on healthcare workers having to renew permits. Secondly, DDOT amended Subsection 2414.4 to clarify that “annual” passes are valid for a “twelve (12) month period” rather than for a calendar year. This language disassociates annual passes from calendar years and allows a permit to be valid beyond the end of a calendar year, until the 12-month term is over. Third, DDOT added Subsection 2414.12 to extend the validity of annual visitor parking passes through June of 2021 to facilitate the continuation of service while DDOT converts physical visitor parking permits into digital ones. Finally, for procedural reasons, DDOT removed the proposed Subsection 2414.9 that referenced the agency’s ability to assess fees for visitor parking passes; DDOT will address the assessment of fees in a future rulemaking.

No other changes were made to the rules as proposed.

This second proposed rulemaking updates the rules regarding the issuance of annual visitor parking passes, temporary visitor parking permits, and temporary home health care provider parking permits. Among other amendments to the existing rules, this rulemaking will eliminate the requirement that the Director provide annual visitor parking passes in a physical format, allowing the Director to either continue the distribution of physical annual visitor parking passes, distribute these passes electronically, or a combination of these options.

This second proposed rulemaking effectuates the transfer of responsibility for the issuance of temporary visitor parking passes from the Metropolitan Police Department to DDOT and allow the Director to either continue the distribution of physical visitor parking passes, distribute these passes electronically, or a combination of these options.

Annual and temporary visitor parking passes issued electronically will be associated with the vehicle’s tag. Using the vehicle’s tag, parking enforcement officers will be able to determine in real-time on their handheld devices whether a vehicle has an electronic pass and is in compliance with parking regulations.

The second proposed rulemaking repeals the different treatment of certain Ward 2 ANC areas for purposes of annual visitor parking passes. This change is made because moving to a digital application for visitor parking will render the distinction between annual passes and temporary permits, for which residents of these ANCs are already eligible, largely irrelevant. Residents of all eight wards will be treated equally for purposes of visitor parking under these proposed rules.

Finally, this second proposed rulemaking updates the infraction associated with visitor permits and passes found in 18 DCMR § 2601 to comply with the new section structure. The fine amount associated with that infraction is unchanged.

The Director gives notice of intent to take final rulemaking action to adopt these amendments in not less than fifteen (15) days after the date of publication of this notice in the *D.C. Register*. This abridged notice is necessary to ensure the continuation of visitor parking services as the program migrates to a digital system. Existing annual visitor parking passes issued in 2020 will not be valid beyond December 31, 2020 without an immediate regulatory change. Passes in 2021 will be made available electronically to District residents incrementally through June of 2021. The need to act expeditiously is justified by the need to continue existing visitor parking services and conform regulations to the planned operations of the visitor parking pass program. The consequences of this lapse are mitigated by the suspension of parking enforcement, due to the public health emergency and the continued availability of temporary parking passes at police stations. Residents needing a visitor parking pass may obtain one at their local MPD station.

Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:

Chapter 24, STOPPING, STANDING, PARKING, AND OTHER NON-MOVING VIOLATIONS, is amended as follows:

Section 2414, VISITOR OR TEMPORARY PERMITS, is amended to read as follows:

2414 ANNUAL VISITOR PARKING PASSES AND TEMPORARY PARKING PERMITS

- 2414.1 The Director may issue temporary visitor parking permits to a housing unit on a residential permit parking block, for use by visitors to the housing unit; provided, that the Director may not issue temporary visitor parking permits to a housing unit that, in the aggregate, are valid for a period of time in excess of ninety (90) days per calendar year.
- 2414.2 The Director may issue a temporary home health care provider parking permit to a housing unit on a residential permit parking block, valid for a period of up to one hundred and eighty (180) days, for use by a home health care provider providing service to a resident of the housing unit as warranted by the resident's medical necessity.
- 2414.3 The issuance of a temporary home health care provider parking permit under § 2414.2 shall not count against a housing unit's ninety (90)-day per calendar year limit for temporary visitor parking permits under § 2414.1.
- 2414.4 The Director may issue one (1) annual visitor parking pass per twelve (12) month period to a housing unit located on a residential permit parking block or an ERPP

block as defined by § 2438. The annual visitor parking pass shall be valid for each day of that twelve (12) month period, for use by visitors to the housing unit.

- 2414.5 To obtain a pass or permit under this section, a resident of an eligible housing unit shall:
- (a) Submit an application, either online or over the telephone, in a format provided by DDOT; and
 - (b) Provide proof of residency at the housing unit.
- 2414.6 Each pass or permit issued under this section shall authorize the person using the pass or permit to park a vehicle only in the area designated on or by the pass.
- 2414.7 The area designated on or by the pass or permit shall be the geographic area of the ANC in which the housing unit for which the pass or permit is issued is located.
- 2414.8 Each pass or permit issued under this section may be used within the area designated on the pass even if the motor vehicle using the permit or pass displays a residential permit parking sticker for another zone.
- 2414.9 The Director may issue a permit or pass described in this section in a physical or electronic form.
- 2414.10 A person's use of a permit or pass under this section shall be valid only if:
- (a) The person using the permit or pass is visiting the housing unit for which the pass was issued;
 - (b) The vehicle using the pass or permit is parked within the geographic area designated on or by the pass or permit;
 - (c) The vehicle using the pass or permit is parked in a location where it would be valid for a vehicle with a residential permit parking sticker to be parked at that date and time; and
 - (d) In the case of a physical permit or pass only, the permit or pass is clearly displayed on the driver side of the vehicle dashboard so that the following information is visible from outside the vehicle:
 - (1) The designated geographic area within which a vehicle displaying the permit or pass is authorized to park;
 - (2) The dates or time period during which the permit or pass is valid; and

- (3) For a temporary visitor parking permit or temporary home health care provider parking permit, the license plate information of the vehicle for which the permit or pass was issued.

2414.11 The forgery, counterfeiting, sale, exchange for value, or unauthorized use or replication of a permit or pass described in this section shall be punishable by a fine of three hundred dollars (\$300).

2414.12 Notwithstanding Subsection 2414.4, any annual visitor parking permit valid through December 31, 2020, shall expire June 30, 2021.

Chapter 26, CIVIL FINES FOR MOVING AND NON-MOVING INFRACTIONS, is amended as follows:

Section 2601, PARKING AND OTHER NON-MOVING INFRACTIONS, is amended as follows:

Subsection 2601.1 is amended as follows:

Under the heading of “Residential Permit Parking”, the infraction titled “Improper use of annual visitor parking pass [§ 2414.18]” is amended to read as follows:

Improper use of visitor parking pass or permit [§ 2414.12] \$ 300.00

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than fifteen (15) days after the publication of this notice in the *D.C. Register*, with Anthony C. Willingham, Policy and Legislative Affairs Division, Office of the Director, District Department of Transportation, 55 M Street, S.E., 7th Floor, Washington, D.C. 20003. Comments may also be sent electronically to publicspace.policy@dc.gov. Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation’s web site at ddot.dc.gov.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF SECOND PROPOSED RULEMAKING****Z.C. Case No. 20-25****Office of Planning****(Text Amendment to Subtitles C, U, and X to Clarify Conforming Use Status of Lawfully Constructed Apartment Houses in the RF zones)**

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(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.) (DCAPA)), hereby gives notice of its amendment of the following provisions of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified) (specific text at end of this notice):

- Subtitle C, General Rules - § 204¹
- Subtitle U, Use Permissions - § 301
- Subtitle X, General Procedures - § 1001

Setdown

On October 27, 2020, the Office of Planning (OP) filed a petition (Petition) to the Commission proposing the text amendment to clarify that:

- Existing, legally constructed apartment houses in the RF zones are conforming uses that may be renovated and expanded as a matter-of-right, provided that there is 900 square feet of land area for each existing and new dwelling unit or that the number of existing units are not increased if there is less than 900 square feet of land area for each existing unit; and
- Variance relief from the 900 square feet per unit rule is an area variance.

Emergency & Proposed Action

At its October 29, 2020, public meeting, the Commission heard testimony from OP in favor of the Petition. At the close of the meeting, the Commission voted to grant's OP's requests to:

- Take emergency action to adopt the Petition because the Commission concluded it was necessary for the "immediate preservation of the public ... welfare," as authorized by § 6(c) of the DCAPA, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)) in order to correct the unintended consequences of an inadvertent change in the regulations on nonconforming uses adopted in the Zoning Regulations adopted by the Commission in 2016;
- Set the Petition down for a public hearing;
- Authorize an immediate publication of proposed rulemaking for the Petition; and
- Authorize a 30-day notice period prior to the public hearing by granting a waiver under Subtitle Z § 101.9 from the 40-day requirement of Subtitle Z § 502.1 for good cause because

¹ All references are made to the text adopted by the Commission in Z.C. Case No. 19-21 as published in the Notice of Final Rulemaking in the November 13, 2020, *D.C. Register* (67 DCR 13346 *et seq.*).

the conforming status of these lawfully existing apartment houses had been unintentionally affected by the amendment of the regulations on nonconforming uses as part of the 2016 rewrite of the Zoning Regulations.

VOTE (October 29, 2020): **5-0-0** Anthony J. Hood, Peter G. May, Robert E. Miller, Peter A. Shapiro, and Michael G. Turnbull to **APPROVE**

The emergency rule is effective as of the Commission's October 29, 2020 vote and will expire on February 24, 2020, which is the one hundred-twentieth (120th) day after the adoption of this rule, or upon publication of a Notice of Final Rulemaking in the *D.C. Register* that supersedes this emergency rule, whichever occurs first.

OZ published a Notice of Emergency and Proposed Rulemaking (“**NOEPR**”) in the November 13, 2020, *D.C. Register* (67 DCR 13368, *et seq.*).

The Commission received no comments in response to the NOEPR.

Public Hearing

OP submitted a December 29, 2020, report (OP Report) that supported the Petition and proposed a minor change to the Petition to clarify that Subtitle U § 301.5 applies only to apartment houses that were legally constructed as such and therefore to delete subparagraphs (a)(1) and (2) as redundant.

At its January 7, 2021, public hearing, the Commission heard testimony from OP in favor of the Petition. No entity or person appeared to testify.

“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)).)

The Commission finds persuasive OP’s recommendation that the Commission adopt the Petition 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).)

Since no ANC filed a response to the Petition, the Commission has nothing to which it may give “great weight”.

Revised Proposed Action

At the close of the meeting, the Commission voted to amend the Petition to reflect the OP Report’s proposed revisions and to authorize a Notice of Second Proposed Rulemaking with a reduced seven (7)-day comment period because the Petition has already been open for public comment for 30 days and these revisions are limited and do not change the substance of the Petition.

VOTE (January 7, 2021): **5-0-0** Robert E. Miller, Peter A. Shapiro, Anthony J. Hood, Peter G. May, and Michael G. Turnbull to **APPROVE**)

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than seven (7) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

Final rulemaking action shall be taken not less than seven (7) days from the date of publication of this notice of proposed rulemaking in the *D.C. Register*. **This proposed rulemaking completely supersedes the prior Notice of Emergency and Proposed Rulemaking in this case published in the D.C. Register on November 13, 2020.**

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>.

REVISED PROPOSED TEXT AMENDMENT

The following amendments to the Zoning Regulations are proposed for the Commission’s final consideration (additions are shown in **bold** and **underlined** text and deletions are shown in **bold** and **~~strikethrough~~** text):

I. Amendments to Subtitle C, GENERAL RULES

Subsection 204.7 of § 204, NONCONFORMING USE, of Chapter 2, NONCONFORMITIES, of Subtitle C, GENERAL RULES, is proposed to be amended, to read as follows:

204.7 Ordinary repairs, alterations, or modernizations may be made to a structure or portion of a structure devoted to a nonconforming use. Structural alterations shall

not be allowed, except those required by other municipal law or regulation; provided that structural alterations shall be permitted to a lawfully existing, nonconforming flat or apartment house located in a Residential House (R) zone, ~~or to a lawfully existing, nonconforming apartment house located in a Residential Flat (RF) zone.~~

II. Amendments to Subtitle U, USE PERMISSIONS

Subsections 301.1 and 301.5 of § 301, MATTER-OF-RIGHT USES (RF), of Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, of Subtitle U, USE PERMISSIONS, is proposed to be amended, to read as follows:

301.1 The following uses shall be permitted as a matter of right in an RF zone subject to any applicable conditions:

- (a) Any use permitted in the R zones ...²
- (b) Residential ~~flats~~ **uses** with a maximum number of principal dwelling units **per lot** as follows:

TABLE U § 301.1(b): MAXIMUM NUMBER OF PRINCIPAL DWELLING UNITS

RF Zone	Number of Principal Dwelling Units
RF-1	2
RF-2	2
RF-3	2
RF-4	3
RF-5	4

- (c) A permitted principal dwelling unit ...

...

301.5 An apartment house in an RF-1, RF-2, or RF-3 zone that **was constructed as an apartment house prior to May 12, 1958, or that was lawfully constructed as an apartment house prior to August 7, 1981, in compliance with the then-applicable zoning regulations, shall be considered a conforming use and may renovate or expand in conformance with the applicable provisions of this Title, provided that:**

- (a) The apartment house** has not been:
- (a) — Converted prior to September 6, 2016;**

² The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

- ~~(b) — Converted pursuant to Subtitle U §§ 301.2 or 320.2; or~~
- ~~(e) — Expanded ~~expanded~~ pursuant to a special exception approved by the Board of Zoning Adjustment per Subtitle U §§ 301.4, 320.2, or 320.4;~~
- (b) An apartment house with less than nine hundred square feet (900 sq. ft.) of lot area per existing dwelling unit does not increase the number of dwelling units; and
- (c) An apartment house with more than nine hundred square feet (900 sq. ft.) of lot area per existing dwelling unit may only add additional dwelling units if the apartment house has ~~may not renovate or expand so as to increase the number of dwelling units provided that there shall be~~ a minimum of nine hundred square feet (900 sq. ft.) of lot area for each existing and new dwelling unit.

III. Amendments to Subtitle X, GENERAL PROCEDURES

Paragraph (f) of § 1001.3 of § 1001, VARIANCE TYPES, of Chapter 10, VARIANCES, of Subtitle X, GENERAL PROCEDURES, is proposed to be amended, to read as follows:

1001.3 Examples of area variances are requests to deviate from:

- (a) Requirements that affect the size ...
- ...
- (f) Preconditions to the establishment of a special exception use **including, but not limited to, the minimum nine hundred square feet (900 sq. ft.) of land area per dwelling unit required by Subtitle U § 320.2(b) applicable to the conversion of a building to an apartment house as permitted by Subtitle U § 320.2;** provided, that the variance would not cause the proposed use to meet the definition of a more intense use; **and**
- (g) Notwithstanding paragraph (f) of this section, the minimum nine hundred square feet (900 sq. ft.) of land area per dwelling unit required by Subtitle U §§ 301.2(b), 301.5, and 320.2(b).

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

NOTICE OF NINTH 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: COVID-19 (COVID-19) and Mayor's Order 2020-051, Prohibition on Mass Gatherings During Public Health Emergency – COVID-19 (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 3588 (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 (July 31, 2020). 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).

After the Board adopted the seventh emergency rulemaking, Mayor Bowser issued Mayor’s Order 2020-119, dated November 23, 2020. Amongst other things, Mayor’s Order 2020-119 established new restrictions for restaurants and other licensed food establishments where alcoholic beverages are purchased and sold for on-premises consumption. In response to this new Mayor’s Order, 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), on November 24, 2020 (*See* 68 DCR 000919 (January 15, 2021)).

Since adopting the eighth emergency rulemaking, Mayor Bowser issued Mayor's Order 2020-127, dated December 18, 2020, which, among other things, orders restaurants to cease indoor dining effective Wednesday, December 23, 2020, at 10 p.m. until 5:00 a.m. on Friday, January 15, 2021. The Mayor's Order permits restaurants to continue to offer carryout and delivery services, as well as outdoor dining.

In response to Mayor's Order 2020-127, 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 2020-127 will serve to further the Mayor's and Board's objective to curb the spread of COVID-19.

Thus, on December 23, 2020, the Board adopts the Suspension of On-premises Alcohol Sales and Consumption Notice of Ninth Emergency Rulemaking, by a vote of six (6) to zero (0). These emergency rules, which shall take effect on Wednesday, December 23, 2020, at 10 p.m., and supersede the Board's previously adopted emergency rulemaking, shall remain in effect until 5:00 a.m. on Friday, January 15, 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 shall be prohibited in the District of Columbia effective Wednesday, December 23, 2020, at 10 p.m. until 5:00 a.m. on Friday, January 15, 2021. Notwithstanding the cessation of the sale, service, and consumption of alcoholic beverages for indoor consumption, ABC-licensed establishments are authorized to continue to sell alcoholic beverages for carryout and delivery, as well as for consumption on outdoor sidewalk cafés and summer gardens 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 § 810.3.

810.2 The sale, service, and consumption of alcoholic beverages for consumption on a sidewalk café or summer garden, or for carryout and delivery 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.

810.3

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 on a Board-approved outdoor sidewalk café or summer garden, including an existing rooftop patio; provided that the licensee shall:

- (a) Place outdoor 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 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;
- (c) Ensure that all outdoor dining customers are seated and place orders and are served food or alcoholic beverages at tables that have been cleaned and sanitized between parties;
- (d) 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;
- (e) Prohibit patrons from bringing their own alcoholic beverages;
- (f) Prohibit self-service buffets;
- (g) Have a menu in use containing a minimum of three (3) prepared food items available for purchase by patrons;
- (h) Require the purchase of one (1) or more prepared food items per table;
- (i) 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);

- (j) Cease outdoor sales, service, and consumption of alcoholic beverages, excluding carry-out and delivery, at 10:00 p.m., seven (7) days a week, and cease operations at midnight, seven (7) days a week, in accordance with Mayor's Order 2020-119, dated November 23, 2020;
- (k) Not have more than six (6) individuals seated at a table or a joined table outside;
- (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 on the licensed premises without first obtaining a waiver from the District of Columbia Homeland Security and Emergency Management Agency;
- (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, rail seats, 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 when waiting in line outside of the establishment and while traveling to use the restroom and 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;
- (w) Be permitted to utilize an additional location registered for alcohol carry-out and delivery. 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;

- (x) Have its own clearly delineated outdoor space and not share tables and chairs with another business;
- (y) Have no more than two (2) side flaps or walls and a roof on outdoor dining structures, tents, or canopies that are intended to seat more than one (1) party. Enclosed outdoor structures that are intended for one (1) party of six (6) guests or fewer, including single party igloos or plastic domes, shall also be permitted; and
- (z) Not operate a sidewalk café during a snow emergency.

810.4 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 § 810.3(g), provided, that patrons are seated when ordering and ordered food is delivered by the licensee to the seated patron.

810.5 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.

810.6 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.

810.7 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, seven (7) days a week.

810.8 Except as provided in § 810.3, 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.

- 810.9 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.
- 810.10 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.
- 810.11 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.
- 810.12 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.
- 810.13 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 SIXTH 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 Sixth 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).

After the Board adopted the fourth emergency rulemaking, Mayor Bowser issued Mayor’s Order 2020-119, dated November 23, 2020. Amongst other things, Mayor’s Order 2020-119 established new restrictions on restaurants and other licensed food establishments where alcoholic beverages can be purchased and sold for on-premises consumption, including (1) reducing 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) requiring 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, 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) on November 25, 2020. See 68 DCR 000926 (January 15, 2021).

Since the adoption of the fifth emergency rulemaking, Mayor Bowser issued Mayor’s Order 2020-127, dated December 18, 2020. The Mayor’s Order, among other things, prohibits indoor dining effective Wednesday, December 23, 2020, at 10 p.m. The restriction shall remain in effect until 5:00 a.m. on Friday, January 15, 2021.

In response to Mayor’s Order 2020-127, 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 2020-127 will serve to further the Mayor’s and Board’s objective to curb the spread of the Coronavirus.

Thus, on December 23, 2020, the Board adopted the *Addition of Outdoor Public and Private Space Notice of Sixth Emergency Rulemaking*, by a vote of six (6) to zero (0). These emergency rules, which shall take effect on Wednesday, December 23, 2020, at 10 p.m., and supersede the Board’s previously adopted emergency rulemaking shall remain in effect until 5:00 a.m. on Friday, January 15, 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 that have been cleaned and sanitized between parties;
- (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) Cease outdoor sale, service, and consumption of alcoholic beverages, excluding carry-out and delivery, at 10:00 p.m., seven (7) days a week, and cease outdoor operations at midnight, seven (7) days a week, in accordance with Mayor's Order 2020-119, dated November 23, 2020;
- (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 and while traveling to use the restroom and 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;
- (w) Have its own clearly delineated outdoor space and not share tables and chairs with another business;
- (x) Between 10 p.m. on December 23, 2020 and 5:00 a.m. on January 15, 2021, have no more than two (2) side flaps or walls and a roof on outdoor dining structures, tents, or canopies that are intended to seat more than one (1) party, provided that enclosed outdoor seating structures such as plastic domes or igloos that are intended for individual parties of six (6) guests or fewer shall be permitted; and
- (y) Not operate, sell, serve, or allow the consumption of alcoholic beverages on new or expanded outdoor public space during a snow emergency, effective December 23, 2020, at 10 p.m., until 5:00 a.m. on January 15, 2021.

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 two (2) sides and a roof shall be considered outdoor space;
- (b) Enclosed outdoor seating structures such as plastic domes or igloos that are intended for individual parties of six (6) guests or fewer shall be considered outdoor space;
- (c) Areas enclosed by retractable glass walls and other forms of operable walls shall be considered indoor dining; and
- (d) Temporary unlicensed rooftops and summer gardens not located on the ground floor or street level are not eligible for registration under § 1007.1.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

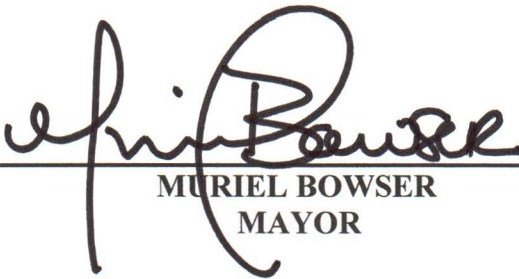
Mayor's Order 2021-007
January 19, 2021

SUBJECT: Appointments — Sustainable Energy Utility Advisory Board

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and in accordance with section 203 of the Clean and Affordable Energy Amendment Act of 2008, effective October 22, 2008, D.C. Law 17-250, D.C. Official Code § 8-1774.03, it is hereby **ORDERED** that:

1. The following persons are appointed to the Sustainable Energy Utility Advisory Board:
 - a. **ERIC JONES**, as a representative of the building management industry member, replacing Kirsten Williams, for a term to end July 13, 2021.
 - b. **WILLIE PHILLIPS**, chair of the Public Service Commission, as a member, replacing Betty Ann Kane, to serve during his incumbency as chair of the Public Service Commission.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 
 KIMBERLY A. BASSETT
 SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

DC COMMISSION ON THE ARTS AND HUMANITIES

NOTICE OF FUNDING AVAILABILITY

FY 2022 General Operating Support Grants

Request for Application (RFA) Release Date: Wednesday, January 27, 2021

The DC Commission on the Arts and Humanities (CAH) announces the availability of its General Operating Support (GOS) grants for fiscal year 2022. GOS grants are awarded on a competitive basis to arts, humanities, arts education and service organizations that are headquartered in the District of Columbia and whose sole function is to exhibit or present in the arts and humanities or arts education or to provide technical assistance for District artists, arts educators and humanities practitioners.

Allowable costs include overhead, maintenance, and administrative costs related to the organization and its programs. The number of awards and amount of each award is contingent on CAH's budget for FY 2022. Levels of funding support are determined by organizational budget range and are described in the Request for Applications (RFA) for the program. The period of performance is October 1, 2021 through September 30, 2022.

Arts, humanities, arts education and service organizations must be incorporated in the District, headquartered with a land address in DC and have 501(c)(3) status for at least one year prior to the application period and be registered as a District of Columbia nonprofit business in good standing with the DC Department of Consumer and Regulatory Affairs (DCRA), Corporation Division, the Office of Tax and Revenue (OTR), the Internal Revenue Service (IRS), and the Department of Employment Services (DOES). All eligible applications are reviewed through a competitive process. **For additional eligibility requirements, evaluation criteria, and application instructions, please review the Request for Applications (RFA), which will be available electronically beginning Wednesday, January 27, 2021 on the CAH website at <http://dcarts.dc.gov/>**

Pre-application technical assistance workshops for grant applicants will be provided by CAH. Evaluation criteria, eligibility requirements, and workshop details will be included in the RFA.

All applicants must submit their completed applications online on or before 11:59 pm on Friday, February 26, 2021. CAH will not accept applications submitted via hand delivery, mail or courier service. Late submissions and incomplete applications will not be forwarded to the review panel. Requests for reasonable accommodations should be submitted at least seven days prior to an application deadline.

CAH is an independent agency in the District of Columbia government that evaluates and initiates action on matters relating to the arts and humanities and encourages programs and the development of programs that promote progress in the arts and humanities. CAH is the designated state arts agency for the District of Columbia and is supported primarily through District government funds and in part by the National Endowment for the Arts.

For more information, please contact:

David Markey, Deputy Director (david.markey@dc.gov)
DC Commission on the Arts and Humanities
200 I (EYE) St. SE,
Washington, DC 20003
(202)724-5613

**DEPARTMENT OF BEHAVIORAL HEALTH (DBH)
ADULT SERVICES ADMINISTRATION
Notice of Funding Availability (NOFA)
RFA No. RM0 DOR012221**

District of Columbia Opioid Response (DCOR) Grant Opportunities

The District of Columbia, Department of Behavioral Health (DBH) is soliciting applications from qualified applicants for services in the program and service areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of the DBH’s intent to make funds available for the purpose described herein. The applicable Request for Application (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria, and DBH terms and conditions for applying for and receiving funding.

General Information:

Funding Opportunity Title:	District of Columbia Opioid Response (DCOR) Grant Opportunities
Funding Opportunity Number:	RM0 DOR012221
Opportunity Category:	Competitive
DBH Branch/Division Unit:	Adult Services Administration
Program Contact:	Julie Wiegandt: Julie.Wiegandt@dc.gov
Program Description:	This RFA identifies opportunities for organizations in the District to provide prevention, treatment, and recovery support services to individuals with opioid and/or stimulant use disorders.
Eligible Applicants:	Eligible applicants must have the ability to enter an agreement with DBH requiring compliance with all governing federal and District of Columbia laws and regulations, including Substance Use Disorders and Mental Health Grants (22-A DCMR Chapter 44).
Anticipated Number of Awards:	Competition 1: Up to 16 awards Competition 2: Up to 1 award Competition 3: Up to 4 awards Competition 4: Up to 1 award Competition 5: Up to 3 awards
Anticipated Amount Available:	Competition 1: Up to \$960,000 Competition 2: Up to \$200,000 Competition 3: Up to \$885,928 Competition 4: Up to \$424,883 Competition 5: Up to \$1,100,000
Floor Award Amount:	N/A

Ceiling Award Amount:	Competition 1: Up to \$960,000 total for all awards Competition 2: Up to \$200,000 Competition 3: Up to \$885,928 total for all awards Competition 4: Up to \$424,883 Competition 5: Up to \$1,100,000 total for all awards
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Funding Authorization:

Legislative Authorization:	Title II Division H of the Consolidated Appropriations Act 2020
Cost Sharing/Match Required?	No
RFA Release Date:	Friday, January 22, 2021
Pre-Application Conference (Date):	Friday, January 29, 2021
Pre-Application Conference (Times):	Competition 1: January 29, 2021 from 10:00-10:45 a.m. ET Competition 2: January 29, 2021 from 11:00-11:45 a.m. ET Competition 3: January 29, 2021 from 1:00-1:45 p.m. ET Competition 4: January 29, 2021 from 2:00-2:45 p.m. ET Competition 5: January 29, 2021 from 3:00-3:45 p.m. ET
Pre-Application Conference (WebEx):	Please find access information (web link and phone number) for each competition in Request for Application.
Letter of Intent Due Date:	Tuesday, January 26, 2021
Application Deadline Date:	Monday, February 22, 2021
Application Deadline Time:	12:00 p.m. ET
Links to Additional Information about this Funding Opportunity:	DC Grants Clearinghouse: https://communityaffairs.dc.gov/content/community-grant-program#4 DBH RFA Opportunities: https://dbh.dc.gov/page/request-applications-001

Notes:

- A. DBH reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.
- B. Awards are contingent upon the availability of funds.**
- C. Individuals are not eligible for DBH grant funding.
- D. Applicants must have a DUNS#, Tax ID#, and be registered in the federal Systems for Award Management (SAM).
- E. Contact the program manager assigned to this funding opportunity for additional information.

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)@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.

D.C. CRIMINAL CODE REFORM COMMISSION**NOTICE OF PUBLIC MEETING****WEDNESDAY, FEBRUARY 3, 2021 AT 10:00 AM
TELEPHONIC MEETING**

D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrdc.dc.gov

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, February 3, 2021 at 10am. The meeting will be telephonic and members of the public may hear the meeting by calling:

Dial-in number: 1-650-479-3208

Event number / Access code: 180 506 0172.

The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at ccrc@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Comments Received on Prior Draft Reports:
 - (A) First Draft of Report #68 – December 2020 RCC Cumulative Update.
 - (B) Advisory Group Memorandum #39 - Supplemental Materials to the First Draft of Report #67.
 - (C) Advisory Group Memorandum #40 - Statistics on District Adult Criminal Charges and Convictions.
- III. Discussion of Draft Reports and Memoranda Under Advisory Group Review:
 - (A) First Draft of Report #69 - Cumulative Update to Class Imprisonment Terms and Classification of RCC Offenses.
 - (B) Advisory Group Memorandum #41 - Supplemental Materials to the First Draft of Report #69.
- IV. Adjournment.

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

D.C. BILINGUAL PUBLIC CHARTER SCHOOL**NOTICE: FOR REQUEST FOR PROPOSAL**

D.C. Bilingual Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for vendors to provide the following services for SY20.21:

- Roof Replacement Services

Proposal Submission

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than **4:00 p.m. EST on Friday, February 5, 2020**. Proposals and full RFP request should be emailed to bids@dcbilingual.org

No phone call submission or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

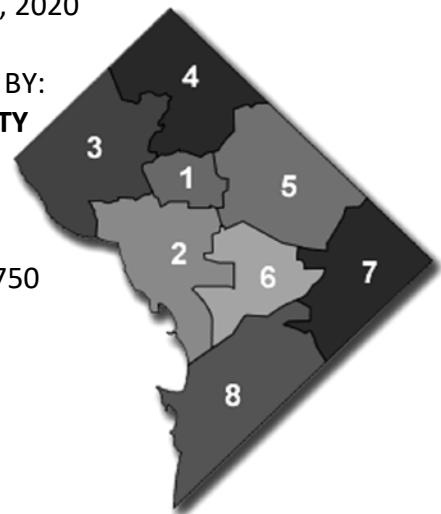
**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
As Of December 31, 2020**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	50,484	2,920	595	284	215	11,836	66,334
2	34,058	5,226	234	274	135	11,278	51,205
3	41,838	5,662	332	279	146	11,556	59,813
4	52,820	2,236	521	196	159	9,218	65,150
5	57,537	2,635	614	286	267	10,484	71,823
6	63,239	8,203	524	441	277	15,972	88,656
7	52,336	1,548	528	173	216	7,842	62,643
8	50,979	1,700	531	198	222	8,519	62,149
Totals	403,291	30,130	3,879	2,131	1,637	86,705	527,773
Percentage By Party	76.41%	5.71%	.73%	.40%	.31%	16.43%	100.00%

DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS
AS OF THE END OF December 31, 2020

COVERING CITY WIDE TOTALS BY:
WARD, PRECINCT AND PARTY

ONE JUDICIARY SQUARE
1015 HALF STREET, SE SUITE 750
WASHINGTON, DC 20003
(202) 727-2525
<http://www.dcboe.org>



D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
As Of December 31, 2020

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,771	43	14	10	8	304	2,150
22	4,319	424	21	22	16	1,094	5,896
23	3,283	202	44	25	13	795	4,362
24	2,953	247	26	38	8	812	4,084
25	4,340	404	40	19	11	1,113	5,927
35	4,046	180	56	22	22	861	5,187
36	4,817	261	59	24	22	1,045	6,228
37	4,092	187	33	19	24	903	5,258
38	3,259	150	44	19	19	797	4,288
39	4,355	174	57	22	11	996	5,615
40	3,982	189	71	12	12	931	5,197
41	4,042	205	75	24	25	1,086	5,457
42	2,014	92	26	11	6	481	2,630
43	1,985	69	21	6	9	379	2,469
137	1,226	93	8	11	9	239	1,586
TOTALS	50,484	2,920	595	284	215	11,836	66,334

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
As Of December 31, 2020

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
2	993	169	6	8	8	518	1,702
3	1,921	356	13	17	10	743	3,060
4	2,339	484	12	25	9	879	3,748
5	2,264	555	18	29	11	863	3,740
6	2,719	712	22	24	17	1,299	4,793
13	1,376	208	8	6	5	459	2,062
14	3,081	394	19	28	10	847	4,379
15	3,343	333	25	20	11	891	4,623
16	3,670	416	26	20	8	954	5,094
17	5,089	538	37	50	19	1,491	7,224
129	2,743	413	14	17	13	1,024	4,224
141	2,686	290	20	13	6	663	3,678
143	1,834	358	14	17	8	647	2,878
TOTALS	34,058	5,226	234	274	135	11,278	51,205

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
As Of December 31, 2020

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
7	1,436	374	9	18	3	564	2,404
8	2,658	589	16	12	10	849	4,134
9	1,352	474	10	9	8	493	2,346
10	2,046	367	21	12	9	714	3,169
11	3,785	666	51	45	16	1,296	5,859
12	604	169	0	4	3	235	1,015
26	3,278	328	20	23	11	903	4,563
27	2,547	225	22	10	2	567	3,373
28	2,681	391	27	20	10	815	3,944
29	1,471	155	18	8	9	413	2,074
30	1,362	179	14	7	3	316	1,881
31	2,574	293	16	10	14	570	3,477
32	2,963	277	28	12	13	645	3,938
33	3,125	249	23	13	7	708	4,125
34	4,311	352	25	27	10	1,138	5,863
50	2,396	290	13	20	8	564	3,291
136	913	63	8	8	1	273	1,266
138	2,336	221	11	21	9	493	3,091
TOTALS	41,838	5,662	332	279	146	11,556	59,813

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
As Of December 31, 2020

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,477	64	27	15	8	381	2,972
46	3,104	87	34	13	12	521	3,771
47	3,701	151	36	12	12	714	4,626
48	3,005	126	29	9	3	555	3,727
49	1,032	46	11	4	8	216	1,317
51	3,568	480	20	15	10	653	4,746
52	1,418	130	9	5	3	246	1,811
53	1,326	72	24	5	4	247	1,678
54	2,398	80	28	7	8	421	2,942
55	2,645	90	20	8	12	430	3,205
56	3,505	107	37	18	13	660	4,340
57	2,617	79	28	15	11	534	3,284
58	2,367	71	21	7	8	372	2,846
59	2,724	79	26	9	5	405	3,248
60	2,410	77	30	10	9	638	3,174
61	1,696	64	13	8	5	294	2,080
62	3,352	129	21	8	1	419	3,930
63	4,070	140	55	9	14	704	4,992
64	2,482	77	20	9	11	390	2,989
65	2,923	87	32	10	2	418	3,472
Totals	52,820	2,236	521	196	159	9,218	65,150

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
As Of December 31, 2020

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	4,987	235	64	33	24	1,066	6,409
44	3,026	206	32	20	14	667	3,965
66	4,954	128	37	21	21	735	5,896
67	2,937	109	23	8	10	433	3,520
68	2,069	173	24	11	14	410	2,701
69	2,206	79	19	10	8	299	2,621
70	1,559	64	28	3	5	271	1,930
71	2,588	78	31	14	12	409	3,132
72	4,662	169	38	20	24	787	5,700
73	2,020	107	20	11	9	372	2,539
74	5,298	290	65	26	27	1,100	6,806
75	4,376	247	41	31	20	875	5,590
76	2,039	151	20	19	19	455	2,703
77	3,195	136	32	15	13	570	3,961
78	3,204	113	47	11	13	563	3,951
79	2,278	95	22	9	12	465	2,881
135	3,224	169	42	17	12	625	4,089
139	2,915	86	29	7	10	382	3,429
TOTALS	57,537	2,635	614	267	267	10,484	71,823

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
As Of December 31, 2020

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	5,246	587	39	32	23	1,488	7,226
18	5,224	380	48	24	14	1,129	6,685
21	1,224	59	12	9	3	252	1,512
81	4,902	368	54	23	20	980	6,178
82	2,788	270	23	16	4	623	3,648
83	3,829	413	29	30	19	900	5,122
84	2,067	378	18	13	9	544	2,996
85	2,862	518	18	16	8	722	4,092
86	2,300	243	17	13	9	429	2,983
87	2,732	281	16	17	10	621	3,622
88	2,173	293	21	10	8	472	2,934
89	2,853	602	21	21	9	786	4,246
90	1,673	239	18	12	13	510	2,472
91	4,544	448	35	22	18	971	6,057
127	4,477	345	52	27	21	939	5,886
128	2,681	224	25	18	6	646	3,636
130	778	297	7	5	3	276	1,373
131	4,840	1,438	38	55	19	1,554	8,035
142	2,458	343	21	27	6	689	3,583
144	3,588	477	19	43	14	934	5,128
TOTALS	63,239	8,203	531	433	236	15,465	88,656

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
As Of December 31, 2020

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,704	121	41	12	8	330	2,216
92	1,605	46	15	3	6	231	1,906
93	1,775	53	27	6	7	266	2,134
94	2,152	63	21	8	10	328	2,582
95	1,754	60	18	8	8	281	2,129
96	2,565	74	21	8	13	384	3,065
97	1,494	59	19	7	4	242	1,825
98	2,165	58	24	7	16	316	2,586
99	1,805	60	18	7	13	331	2,234
100	2,795	48	27	7	6	375	3,258
101	1,642	60	16	5	7	210	1,940
102	2,736	83	29	6	15	367	3,236
103	3,704	90	43	14	11	571	4,433
104	3,565	102	38	12	19	570	4,306
105	2,663	81	21	8	10	454	3,237
106	2,982	71	22	6	14	437	3,532
107	1,879	67	16	5	9	280	2,256
108	1,111	31	2	0	3	135	1,282
109	978	31	4	4	1	119	1,137
110	3,968	103	24	8	12	473	4,588
111	2,727	69	36	17	7	459	3,315
113	2,336	59	25	9	8	317	2,754
132	2,231	59	21	6	9	366	2,692
TOTALS	52,336	1,548	528	173	216	7,842	62,643

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
As Of December 31, 2020

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,386	70	18	2	11	334	2,821
114	4,253	172	55	24	28	881	5,413
115	2,924	92	29	11	15	625	3,696
116	4,380	124	47	13	17	702	5,283
117	2,447	64	26	14	10	412	2,973
118	3,131	101	45	9	17	482	3,785
119	2,821	105	32	11	16	487	3,472
120	2,449	54	18	9	7	336	2,873
121	3,782	110	32	16	6	577	4,523
122	1,920	58	23	5	10	315	2,331
123	2,700	223	29	23	18	559	3,552
124	2,820	75	28	11	9	369	3,312
125	4,853	122	42	15	21	794	5,847
126	4,330	150	61	21	17	839	5,418
133	1,392	54	8	3	1	183	1,641
134	2,401	59	26	6	6	318	2,816
140	1,990	67	12	5	13	306	2,393
TOTALS	50,979	1,700	531	198	222	8,519	62,149

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION ACTIVITY

For voter registration activity between 11/30/2020 and 12/31/2020

NEW REGISTRATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Beginning Totals	401,092	29,947	3,861	2,120	1,599	85,911	524,530
Board of Elections Over the Counter	1	0	0	0	0	1	2
Board of Elections by Mail	1	0	0	0	0	0	1
Board of Elections Online Registration	70	17	2	3	1	33	126
Department of Motor Vehicle	639	55	6	4	5	248	957
Department of Disability Services	0	0	0	0	0	0	0
Office of Aging	0	0	0	0	0	0	0
Federal Postcard Application	0	0	0	0	0	0	0
Department of Parks and Recreation	0	0	0	0	0	0	0
Nursing Home Program	0	6	0	0	0	0	0
Dept. of Youth Rehabilitative Services	0	0	0	0	0	0	0
Department of Corrections	0	0	0	0	0	0	0
Department of Human Services	0	0	0	0	0	0	0
Special / Provisional	0	0	0	0	0	0	0
All Other Sources	0	0	0	0	0	0	0
+Total New Registrations	711	72	72	7	6	282	1,086

ACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Reinstated from Inactive Status	1,630	102	15	2	6	303	2,058
Administrative Corrections	425	50	0	4	35	284	798
+TOTAL ACTIVATIONS	2,055	152	15	6	41	587	2,856

DEACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Changed to Inactive Status	6	0	0	0	0	0	6
Moved Out of District (Deleted)	0	0	0	0	0	0	0
Felon (Deleted)	0	0	0	0	0	0	0
Deceased (Deleted)	248	13	1	2	1	32	297
Administrative Corrections	321	20	10	2	2	48	402
-TOTAL DEACTIVATIONS	575	33	11	4	3	80	705

AFFILIATION CHANGES	DEM	REP	STG	LIB	OTH	N-P
+ Changed To Party	150	35	14	8	3	152
- Changed From Party	-142	-43	-8	-6	-10	-147
ENDING TOTALS	403,291	30,130	3,879	2,131	1,637	86,705

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF FILING OF A
VOLUNTARY CLEANUP ACTION PLAN****313-317 Kennedy Street NW
Case No. VCP2020-070**

Pursuant to § 601 of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312, as amended April 8, 2011, D.C. Law 18-369; D.C. Official Code §§ 8-636.01), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch, is informing the public that it has received a Voluntary Cleanup Action Plan (VCAP) requesting to perform a remediation action. The applicant for the property located at The applicant for the property located at 313-317 Kennedy Street NW, Washington, DC 20011, Square 3295 and lot 806 is 1101 Connecticut Ave NW #450.

The application identifies the presence of Total Petroleum Hydrocarbon (TPH) and chlorinated solvent contamination, in soil and groundwater. The Subject Property will be redeveloped for residential building.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-4D02) for the area in which the property is located. The VCAP is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 First Street, NE, 5th Floor
Washington, DC 20002

Interested parties may also request a copy of the application by contacting the Voluntary Cleanup Program at the above address or by calling (202) 499-0437. An electronic copy of the application may be viewed at <http://doee.dc.gov/service/vcp-cleanup-sites>.

Written comments on the Voluntary Cleanup Action Plan must be received by the VCP at the address listed above within fourteen (14) business days from the date of this publication. DOEE is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP2019-070 in any correspondence related to this application.

**DEPARTMENT OF ENERGY AND ENVIRONMENT
NOTICE OF FUNDING AVAILABILITY**

2021 DOEE Urban Agriculture Infrastructure Grant

The Department of Energy and Environment (the Department) Office of Urban Agriculture (OUA) seeks eligible applicants to build the capacity of new and existing urban farms in the District of Columbia through infrastructure improvements. Funds in the amount of \$118,052 are available for this project, in individual grants up to \$25,000. This grant aims to advance sustainable urban agriculture and farming operations, particularly for the benefit of socially disadvantaged farmers.

Beginning January 22, 2021, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

Download from the Department's website, www.doe.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

Email a request to 2021UrbanAgRFAGrants@dc.gov with "Request copy of RFA 2021-2026-USA" in the subject line.

The deadline for application submissions is 3/1/2021, at 11:59 p.m. A complete electronic copy must be e-mailed to 2021UrbanAgRFAGrants@dc.gov with a time stamp before the due date and time.

There will be two information sessions. (A "waiting room" will be in place for admission, please be patient with facilitators.)

- 1) January 26, 2021, 6:00 pm. Conference Number: 866-459-6055. Participant Code: 9112782
<https://dcnet.webex.com/dcnet/j.php?MTID=mb5c9f0c9fec163fa095afcdc3116f6d3>
Meeting access code: 180 112 5239
Meeting Password: UDqDmMpm85
- 2) February 4, 2021. 6:00pm Conference Number: 866-459-6055. Participant Code: 9112782
<https://dcnet.webex.com/dcnet/j.php?MTID=m77ca39110045d258aacf495d66c8b16b>
Meeting access code: 180 014 9478
Meeting password: Eup2wfWmA37

Eligibility: The institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;
- Private Enterprises.

For additional information regarding this RFA, write to: 2021UrbanAgRFAGrants@dc.gov .

**DEPARTMENT OF ENERGY AND ENVIRONMENT
NOTICE OF FUNDING AVAILABILITY**

Energy Efficiency Enterprises DC

The Department of Energy and Environment (the Department) seeks eligible entities to support new and existing energy efficiency enterprises to meet the District's Energy Conservation Code (ECC) requirements in residential buildings. The grantee will develop and deliver industry specific training and provide capacity building and business development support to small enterprises that will enable them to deliver increasingly higher levels of energy performance in District homes.

The ECC and its requirements have created an increased need for better prepared small businesses that can deliver high energy efficiency services to residential buildings. The grantee will support and strengthen new and existing small businesses, such as architects and construction contractors, who will need to understand and implement the new requirements. The grantee will also help expand the capacity of these businesses, anticipating that future codes require increasing levels of expertise in new, specialized, energy efficiency areas. The amount available for the project for this fiscal year, ending 9/30/2021, is \$120,000.

Beginning 1/22/2021, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

Download from the Department's website, www.doe.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

Email a request to 2021EEEnterprisesDCRFA.grants@dc.gov with "Request copy of RFA 2021-2106-USA" in the subject line.

The deadline for application submissions is 2/22/2021, at 11:59 p.m. A complete electronic copy must be e-mailed to 2021EEEnterprisesDCRFA.grants@dc.gov.

Eligibility: All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;
- Government agencies
- Universities/educational institutions; and
- Private Enterprises.

For additional information regarding this RFA, write to:
2021EEEnterprisesDCRFA.grants@dc.gov.

DEPARTMENT OF ENERGY AND ENVIRONMENT
NOTICE OF FUNDING AVAILABILITY

RiverSmart Schools Small-Scale Schoolyard Conservation and Teacher Training Program

The Department of Energy and Environment (the Department) seeks eligible entities to help control, prevent, and remediate nonpoint sources of polluted runoff to District waters and the Chesapeake Bay by funding small-scale schoolyard conservation projects and training teachers to use these new schoolyard assets. The program also seeks to engage, educate, and empower District residents to become stewards of the District's waters and the Chesapeake Bay. The amount available for the project is approximately \$65,000 for a 24-month period.

Beginning 1/22/2021, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

Download from the Department's website, www.doe.dc.gov. Select the Resources tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on Read More and download this RFA and related information from the *Attachments* section.

Email a request to riversmartschools2021@dc.gov with "Request copy of RFA 2021-2107- WPD" in the subject line.

The deadline for application submissions is March 5, 2021, at 11:59 p.m. A complete electronic copy must be e-mailed to riversmartschools2021@dc.gov.

Eligibility: All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;
- Government agencies
- Universities/educational institutions; and
- Private Enterprises.

For additional information regarding this RFA, write to: riversmartschools2021@dc.gov.

**FRIENDSHIP PUBLIC CHARTER SCHOOL
NOTICE OF REQUEST FOR PROPOSALS**

Friendship Public Charter School is soliciting proposals from qualified vendors for:

- **Support services for implementation of a hybrid virtual/in-person learning plan**
- **Support services for budget planning analysis and reporting**

The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, Friday, **February 19, 2021**. No proposal will be accepted after the deadline. Questions can be addressed to: ProcurementInquiry@friendshipschools.org

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 20th 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 or by U.S. mail at 2000 14th Street, N.W., 8th 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.

**DC GREEN FINANCE AUTHORITY
(DC GREEN BANK)
NOTICE OF 2021 BOARD MEETING SCHEDULE**

DC Green Finance Authority (“DC Green Bank”) hereby announces that the DC Green Bank Board of Directors will hold its regular meetings in the calendar year 2021 in accordance with the schedule set forth below.

Location: Regular Meetings shall be conducted by videoconference.

Registration: Registration for the Annual Public Hearing and each Regular Meeting will open via registration link at www.dcgreenbank.org three (3) weeks in advance and will close 24 hours in advance thereof.

Contact for Additional Information: info@dcgreenbank.org or (202) 301-8300.

<u>Date</u>	<u>Time</u>	<u>Meeting Type</u>
February 4, 2021	12:00 pm	Regular Meeting
March 18, 2021	12:00 pm	Regular Meeting
May 20, 2021	12:00 pm	Regular Meeting
July 22, 2021	12:00 pm	Regular Meeting
September 23, 2021	12:00 pm	Regular Meeting
November 18, 2021	12:00 pm	Regular Meeting

**DEPARTMENT OF HEALTH
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

NOTICE OF MEETING

Board of Medicine
January 27, 2021

On JANUARY 27, 2021 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

The meeting will be open to the public from 8:30 am to 10:30 am to discuss various agenda items and any comments and/or concerns from the public.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will then move to Closed Session from 10:30 am until 4:45 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

Due to the COVID-19 public health emergency, the meeting will be conducted via videoconference. The public may attend the open session in the following ways:

By Microsoft Teams:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_M2JIMzBhMDItMWYzNC00NDQ4LWEwZjgtZGMxNjIxZjI4MTMx%40tthead.v2/0?context=%7b%22Tid%22%3a%228fe449f1-8b94-4fb7-9906-6f939da82d73%22%2c%22Oid%22%3a%228a6aa3de-c2c0-4658-bb37-1856738b16a3%22%7d

By Phone:

+1-202-594-9550 United States Toll (Washington D.C.)
Access code: 998 964 707#

Executive Director for the Board – Frank B. Meyers, JD (Frank.Meyers@dc.gov)

INGENUITY PREP PUBLIC CHARTER SCHOOL**NOTICE: FOR PROPOSALS**

The Ingenuity Prep Public Charter School solicits proposals for the following services:

- Strategic Planning Process

Full RFP available by request. Proposals shall be emailed as PDF documents no later than 5:00 PM on Tuesday, February 2, 2021. Contact: bids@ingenuityprep.org

**THE NOT FOR PROFIT HOSPITAL CORPORATION
BOARD OF DIRECTORS
NOTICE OF PUBLIC MEETING
LARUBY Z. MAY, BOARD CHAIR**

The monthly Governing Board meeting of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will convene at 5:30pm on Wednesday, January 27, 2021. Due to the Coronavirus pandemic, the meeting will be held via Webex.

Meeting link:

Meeting number: 132 736 6761 Password: q7aFKsw56xR

<https://unitedmedicaldc.webex.com/unitedmedicaldc/j.php?MTID=m1564261b816410de0f0ad802bd25f1b8>

Via Phone: +1-415-655-0001, Access code: 132 736 6761

Notice of a location, time change, or intent to have a closed meeting will be published in the D.C. Register, posted in the Hospital, and/or posted on the Not-For-Profit Hospital Corporation's website (www.united-medicalcenter.com).

DRAFT AGENDA

- I. DETERMINATION OF A QUORUM
- II. APPROVAL OF AGENDA
- III. READING OF APPROVAL OF MINUTES
 - November 18, 2020
- IV. CONSENT AGENDA
 - A. William Strudwick, Chief Medical Officer
 - B. Dr. Marilyn McPherson-Corder, Medical of Staff
 - C. Dr. Jacqueline Payne-Borden, Chief Nursing Officer
- V. EXECUTIVE MANAGEMENT REPORT
 - A. Colene Daniel, Chief Executive Officer
 - B. Brian Gradle, Chief Compliance Officer
- VI. HUMAN RESOURCES REPORT
 - A. Trenell Bradley, Human Resources Director
- VII. CORPORATE SECRETARY REPORT
 - A. Toya Carmichael, VP Public Relations/Corporate Secretary
- VIII. NFPH COMMITTEE REPORTS
- IX. PUBLIC COMMENTS
- X. OTHER BUSINESS
 - A. Old Business
 - B. New Business
- XI. ANNOUNCEMENTS
- XII. ADJOURN

NOTICE OF INTENT TO CLOSE. The NFPHC Board hereby gives notice that it may close meeting and move to executive session to discuss collective bargaining agreements, personnel, and discipline matters. D.C. Official Code §§2-575(b)(1)(2)(4A)(5),(9),(10),(11),(14).

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLIC HEARING REGARDING
DISPOSITION RESOLUTION PURSUANT TO D.C. OFFICIAL CODE §10-801**

Pursuant to D.C. Official Code § 10-801, the Office of the Deputy Mayor for Planning and Economic Development will conduct a public disposition hearing regarding Langston Slater, located at 33-45 P Street, NW (Square 0615, Lot 0827) (“Property”), to obtain community input on the proposed use of the Property.

The date, time, and location of the public disposition hearing is:

Date: Thursday, February 11, 2021

Time: 6:30 p.m. – 9:30 p.m.

Location: Online; See weblink below

<https://dcnet.webex.com/dcnet/onstage/g.php?MTID=e12fcd01a2ec9c1319d6d2f603f937ff8>

On March 11, 2020, the Mayor declared a Public Health Emergency in the District of Columbia. Subsequently, on March 30, 2020, the Mayor issued a Stay at Home Order for the District of Columbia, which went into effect on April 1, 2020. On May 27, 2020, the Mayor issued Mayor’s Order 2020-067, which lifted the Stay at Home Order and allowed for the reopening of certain non-essential businesses starting on May 29, 2020. On June 19, 2020, the Mayor issued Mayor’s Order 2020-075, which provided guidance for further reopening of businesses during Phase Two. On December 18, 2020 the Mayor issued Mayor’s Order 2020-127, which extended the Public Health Emergency and advised all District residents to limit their activities to essential activities and travel. All individuals are still required, if possible, to maintain a distance of at least six (6) feet from persons not in their household. In addition, indoor gatherings of more than ten (10) individuals continue to be prohibited in the District.

As such, in consideration of the health, safety, and welfare of the residents of the District of Columbia, and in consideration of the above Mayors’ Orders, in lieu of an in-person public hearing to obtain community input on the proposed disposition of the Property, pursuant to D.C. Official Code §10-801, the hearing will be held online, and community input should be submitted in writing by February 26, 2021.

Please feel free to contact Erica Dukes at 202-746-3059 or Erica.Dukes@dc.gov should you have any questions or concerns.

Please note that written comments and suggestions will be accepted by U.S. Mail or email until February 26, 2021, at:

The Office of the Deputy Mayor for Planning and Economic Development
1350 Pennsylvania Avenue, NW, Suite 317, Washington, DC 20004
Attention: Erica Dukes, Associate Director, Erica.Dukes@dc.gov

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLIC HEARING REGARDING
SURPLUS RESOLUTION PURSUANT TO D.C. OFFICIAL CODE §10-801**

Pursuant to D.C. Official Code § 10-801, the Office of the Deputy Mayor for Planning and Economic Development will conduct a public surplus hearing regarding Langston Slater, located at 33-45 P Street, NW (Square 0615, Lot 0827) (“Property”), to obtain community input on the potential public uses of the Property to inform the Mayor’s determination whether the real property is no longer required for public purposes. A summary of received comments and suggestions will be submitted to the Council of the District of Columbia pursuant to D.C. Official Code § 10-801(a-1)(2)(C).

The date, time, and location of the public surplus hearing is:

Date: Thursday, February 11, 2021

Time: 6:00 p.m. – 6:30 p.m.

Location: Online; See weblink below

<https://dcnet.webex.com/dcnet/onstage/g.php?MTID=ee2f29e267f6ae315e441b627005e6e5f>

On March 11, 2020, the Mayor declared a Public Health Emergency in the District of Columbia. Subsequently, on March 30, 2020, the Mayor issued a Stay at Home Order for the District of Columbia, which went into effect on April 1, 2020. On May 27, 2020, the Mayor issued Mayor’s Order 2020-067, which lifted the Stay at Home Order and allowed for the reopening of certain non-essential businesses starting on May 29, 2020. On June 19, 2020, the Mayor issued Mayor’s Order 2020-075, which provided guidance for further reopening of businesses during Phase Two. On December 18, 2020 the Mayor issued Mayor’s Order 2020-127, which extended the Public Health Emergency and advised all District residents to limit their activities to essential activities and travel. All individuals are still required, if possible, to maintain a distance of at least six (6) feet from persons not in their household. In addition, indoor gatherings of more than ten (10) individuals continue to be prohibited in the District.

As such, in consideration of the health, safety, and welfare of the residents of the District of Columbia, and in consideration of the above Mayors’ Orders, in lieu of an in-person public hearing to obtain community input on the proposed designation of the Property as surplus property, pursuant to D.C. Official Code § 10-801, the hearing will be held online, and community input should be submitted in writing by February 26, 2021.

Please feel free to contact Erica Dukes at 202-746-3059 or Erica.Dukes@dc.gov should you have any questions or concerns.

Please note that written comments and suggestions will be accepted by U.S. Mail or email until February 26, 2021, at:

The Office of the Deputy Mayor for Planning and Economic Development
1350 Pennsylvania Avenue, NW, Suite 317, Washington, DC 20004
Attention: Erica Dukes, Associate Director, Erica.Dukes@dc.gov

Government of the District of Columbia
Public Employee Relations Board

_____)	
In the Matter of)	
)	
National Association of Government Employees)	
)	
	Petitioner)	
	and)	
)	
American Federation of Government Employees,)	PERB Case No. 19-RC-01
Local 2978)	
)	
	Intervenor)	Certification No. 167
	and)	
)	
District of Columbia)	
Department of Forensic Sciences)	
)	
	Respondent)	
_____)	

CERTIFICATION OF REPRESENTATIVE

A representation proceeding having been conducted in the above-captioned matter by the Public Employee Relations Board, in accordance with the District of Columbia Comprehensive Merit Personnel Act of 1978, the Rules of the Board, and an Election Agreement executed by the parties, and it appearing that the majority of valid ballots have been cast for a representative for the purpose of exclusive recognition; and:

Pursuant to the authority vested in the Board by D.C. Official Code§ 1-605.02(2) and Section 515.3 of the Board Rules;

IT IS HEREBY CERTIFIED THAT:

The National Association of Government Employees has been designated by the employees of the above-named public employer in the unit described below, as their exclusive representative for the purpose of collective bargaining over terms and conditions of employment, with the named employer.

Unit Description:

All employees of the Public Health Laboratory, both professional and nonprofessional, and all other professional employees of the Department of Forensic Sciences, excluding all management officials, supervisors, confidential employees or any employees engaged in personnel work other than in a purely clerical capacity and employees engaged in administering the provisions of Title

XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978,
D.C. Law 2-139.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

Washington, D.C.
December 9, 2020

Clarene Martin
Executive Director

CERTIFICATE OF SERVICE

This is to certify that the attached Certification of Representative was served on the following parties on this day 9th day of December 2020.

via File & ServeXpress

Lateefah S. Williams
National Association of Government Employees
1020 N. Fairfax Street, Suite 200
Alexandria, VA 22314

Michael Kentoff
D.C. Office of Labor Relations and Collective Bargaining
441 4th Street NW, Suite 820 North
Washington, D.C. 20001

Hampton H. Stennis
American Federation of Government Employees
80 F Street NW
Washington, D.C. 20001

/s/ Dawan Jones
Public Employee Relations Board

Government of the District of Columbia
Public Employee Relations Board

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In the Matter of)	
)	
National Association of Government Employees)	
)	
	Petitioner)	
	and)	
)	
American Federation of Government Employees,)	PERB Case No. 19-RC-01
Local 2978)	
	Intervenor)	Opinion No. 1764
	and)	
)	
District of Columbia)	
Department of Forensic Sciences)	
)	
	Respondent)	
<hr/>)	

CERTIFICATION OF ELECTION RESULTS

The results of a secret mail ballot election in the above-captioned proceeding have been duly reported to the parties on November 20, 2020, as follows: pursuant to the Decision and Order of the Public Employee Relations Board in Opinion No. 1741, a mail-in secret ballot election was conducted for the following unit:

All employees of the Public Health Laboratory, both professional and nonprofessional, and all other professional employees of the Department of Forensic Sciences, excluding all management officials, supervisors, confidential employees or any employees engaged in personnel work other than in a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

The mail ballot election was conducted by Honest Ballot Company. Forty-four employees were eligible to vote. Honest Ballot Company mailed each eligible voter their ballot(s) on September 2, 2020. Professional employees received two ballots, one on unit preference and a second on choice of representative. Nonprofessional employees received one ballot on choice of representative. Only ballots returned to Honest Ballot Company and received by November 16, 2020, were deemed eligible. On November 20, 2020, the Board scheduled a virtual teleconference via WebEx to conduct the ballot tally and determine the outcome of the election based on the

majority of the eligible votes cast.¹ Each party, except the Department of Forensic Sciences,² had an observer present for the duration of the ballot tally.

The unit preference ballot for professional employees stated: “I desire to be included in a bargaining unit with nonprofessional employees” and offered a choice of yes or no.

The results are hereby reported as follows:

Yes	4 votes
No	0 votes
Spoiled Ballots	0 votes
Challenged Ballots	0 votes
Void Ballots	1 vote

Five professional employees of the Department of Forensic Sciences cast ballots. No ballot was challenged. One ballot was void because the voter was inadvertently identified.

Five professional and sixteen nonprofessional employees were eligible to vote on choice of representative. The ballot for choice of representative stated: “I desire to be represented for the purpose of collective bargaining on terms and conditions of employment by:” and offered a choice of the National Association of Government Employees (NAGE), the American Federation of Government Employees (AFGE), or No Union.

The results are hereby reported as follows:

National Association of Government Employees (NAGE)	20 votes
American Federation of Government Employees (AFGE)	0 votes
No Union	1 vote
Challenged Ballots	0 votes
Spoiled Ballots	0 votes
Void Ballots	0 votes

Twenty-one employees of the Department of Forensic Sciences cast ballots on choice of representative. No ballot was challenged.

¹ PERB Rule 514.1

² The Department’s Representative declined the invitation to observe the ballot tally.

Pursuant to Board Rule 515.2, “within seven (7) days after the tally of ballots has been served, any party to the election may file with the Board objections to the election procedure, or to any conduct which may have improperly affected the results of the election.” The Board did not receive any objections from the parties regarding the election.

Having received no objections concerning the conduct of the above-described election proceeding, pursuant to Board Rule 515.5, the results of the election, as reported, are hereby certified.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

**Washington, D.C.
December 9, 2020**

Clarene Phyllis Martin
Executive Director

CERTIFICATE OF SERVICE

This is to certify that the attached Certification of Election Results was served on the following parties on this day 9th day of December 2020.

via File & ServeXpress

Lateefah S. Williams
National Association of Government Employees
1020 N. Fairfax Street, Suite 200
Alexandria, VA 22314

Michael Kentoff
D.C. Office of Labor Relations and Collective Bargaining
441 4th Street NW, Suite 820 North
Washington, D.C. 20001

Hampton H. Stennis
American Federation of Government Employees
80 F Street NW
Washington, D.C. 20001

/s/ Dawan Jones
Public Employee Relations Board

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PERB Case No. 21-A-01
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At the time of the Grievant's removal, he had been employed by MPD as a Detective for approximately twenty-one (21) years.³ There were three distinct categories of events which led MPD to take disciplinary action against him, all of which will be discussed herein. First, on July 5, 2018, the Grievant interviewed the victim of a Robbery Force and Violence - Domestic Violence incident.⁴ MPD concluded that the Grievant's demeanor and attitude during the interview demonstrated irritability and a lack of compassion and appreciation of the seriousness of the allegation.⁵ MPD concluded this behavior may have been intended to dissuade the victim from cooperating with the police in filing a report.⁶ During the investigation, the Grievant failed to provide a *Miranda* warning before questioning a suspect who was in custody about the whereabouts of the victim's stolen property.⁷ Upon learning from the suspect that the stolen property was in the suspect's home, the Grievant allowed MPD members to search the residence, where they recovered the victim's property.⁸

Second, on July 30, 2018, the Grievant reported to the Sixth District substation to assist with the investigation of an Assault with a Deadly Weapon (ADW).⁹ Although the Grievant was aware of the facts of the case and the identity of a potential suspect, MPD determined that he did not recognize a sense of urgency and failed to conduct and/or ensure proper follow up of the avenues of investigation presented.¹⁰

Last, according to MPD, the Grievant failed, on four occasions, to present affidavits in a timely manner.¹¹ MPD found that he (1) failed for approximately 39 days to present an affidavit to the United States Attorney's Office (USAO) for a Simple Assault which had a named suspect, (2) failed for approximately eight days to present an affidavit to the USAO for a Threats to do Bodily Harm case which had a named suspect, (3) failed for nine business days after it was signed to present to a Judge an affidavit from the USAO for a Threats to do Bodily Harm case, and (4) failed for nine business days after it was signed to present to a Judge an affidavit from the USAO for a Simple Assault case.¹²

MPD issued a Notice of Proposed Adverse Action (Notice) on November 9, 2018.¹³ The Notice contained four Charges: (1) "Failure to obey orders or directives issued by the Chief of Police," (2) "Neglect of duty to which assigned, or required by rules and regulations adopted by the Department," (3) "Violation of General Order Series 12-.21, Attachment A, Part A-25," which prohibits "conduct prejudicial to the reputation and good order of the police for, or involving

³ Award at 2.

⁴ Award at 2-3.

⁵ Award at 2-3.

⁶ Award at 2-3.

⁷ Award at 3.

⁸ Award at 12.

⁹ Award at 3.

¹⁰ Award at 3-4.

¹¹ Award at 4-5.

¹² Award at 4-5.

¹³ Award at 2.

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failure to obey, or properly observe any of the rules, regulations, and orders relating to the discipline and performance of the force,” and (4) “Neglect of duty to which assigned, or required by rules and regulations adopted by the Department.”¹⁴ The Notice proposed termination.¹⁵

On November 14, 2018, the Grievant requested an Adverse Action Hearing.¹⁶ The Panel heard the charges on July 16 and 17, 2019.¹⁷ The Panel determined that the Grievant was guilty of all charges, with the exception of Charge No. 4, Specification No. 2 (failing for approximately eight days to present an affidavit to the USAO for a Threats to do Bodily Harm case which had a named suspect).¹⁸ The Panel recommended a total of 75 days of suspension as well as termination.¹⁹ On September 3, 2019, MPD issued a notice of termination to the Grievant.²⁰ He appealed the Panel’s decision to the Chief of Police, who denied the appeal on September 20, 2019.²¹ FOP requested that the matter be arbitrated and the parties proceeded to arbitration.²²

B. Arbitrator’s Findings

At arbitration, the Arbitrator considered the following issues:

- (1) Whether the Panel’s guilty findings are supported by substantial evidence?
- (2) Whether termination is an appropriate penalty?²³

Before the Arbitrator, FOP argued that the Supreme Court has held that physical evidence obtained pursuant to statements made in violation of *Miranda* are not fruits of the poisonous tree.²⁴ In *Patane*, the Court found that failure to give a suspect the warnings prescribed by *Miranda* does not require suppression of the physical fruits of the suspect’s unwarned voluntary statements.²⁵ Therefore, the Arbitrator concluded that the Panel’s decision to suspend the Grievant for 10 days because he directed MPD members to go to the suspect’s private residence to recover the victim’s property was not supported by facts or law.²⁶

¹⁴ Award at 2-4.

¹⁵ Award at 5.

¹⁶ Br. of MPD at 2.

¹⁷ Award at 5.

¹⁸ Award at 5.

¹⁹ Award at 5. The Panel recommended termination for both 1) the Grievant’s failure to recognize a sense of urgency and failure to conduct proper follow up of the avenues of investigation presented in an ADW case and 2) the Grievant’s failure for nine business days to present to a Judge an affidavit which was signed by the USAO for a Simple Assault case.

²⁰ Award at 5-6.

²¹ Award at 6.

²² Award at 6.

²³ Award at 6.

²⁴ Award at 12-13. *United States v. Patane*, 542 U.S. 630 (2004).

²⁵ *Id.* at 633-34.

²⁶ Award at 13.

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The Arbitrator also concluded that there was no record evidence to support the allegation that the Grievant neglected his duty by failing to recognize a sense of urgency when dealing with an ADW matter and failing to conduct and/or insure proper follow up of the avenues of investigation that were presented.²⁷ Therefore, the Arbitrator declined to sustain the Panel's decision to terminate the Grievant in connection with this matter.²⁸

With respect to the Grievant's processing of affidavits, the Arbitrator found that a person handling a case has an obligation to obtain review some time before the passage of 39 days. Therefore, the Arbitrator sustained the penalty imposed for the Grievant's failure to do so. The Arbitrator also found that the Grievant was guilty of neglect of duty for his failure to present two signed affidavits to a judge until nine days after they were signed, but he reduced the 20-day suspension and termination imposed by the panel to two 10-day suspensions.²⁹

The Arbitrator denied as unsupported by fact or law the Grievant's 10-day suspension for Charge No. 1, Specification No. 3 – failing to obtain a proper consent to search or search warrant before allowing MPD members to respond to a private residence to recover property belonging to the victim of a robbery.³⁰ He also denied as unsupported by record evidence the termination and 15-day suspension of the Grievant for Charge No. 2, Specification No. 1 and Charge No. 3, Specification No. 1 – allegedly failing to recognize the urgency of an Assault with a Deadly Weapon (ADW) matter and failing to follow up on avenues of investigation.³¹ The Arbitrator lessened from 20 days to 10 days the suspension which the Panel recommended as a penalty for Charge No. 4, Specification No. 3 – the Grievant's alleged failure to present for nine business days after it was signed an affidavit which from the USAO for a Threats to do Bodily Harm case to a Judge.³² Lastly, the Arbitrator denied as unsupported the termination which the Panel recommended as a penalty for Charge No. 4, Specification No. 4 – the Grievant's alleged failure for nine business days after it was signed to present to a Judge an affidavit from the USAO for a Simple Assault case, lowering it to a 10-day suspension.³³

The Award also reviewed the Panel's application of the 12-factor test set forth in *Douglas* (*Douglas* Factors).³⁴ Factor 4 considers the employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.³⁵ The Arbitrator found that the panel improperly assessed this factor when it concluded the *current* allegations of misconduct called the Grievant's dependability and abilities as a Detective Grade I into question, as Factor 4 is supposed to examine *prior* conduct.³⁶ Unlike the Panel, the Arbitrator

²⁷ Award at 13-16.

²⁸ Award at 17.

²⁹ Award at and 21, 24.

³⁰ Award at 12-13.

³¹ Award at 13-17.

³² Award at 19-21.

³³ Award at 19-21.

³⁴ Award at 22-24. *Douglas v. Veterans Administration*, 5 M.S.P.B. 313 (1981).

³⁵ *Id.* at 332.

³⁶ Award at 22.

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found Factor 4 to be a mitigating factor for the Grievant.³⁷ Factor 6 assesses the consistency of the penalty with those imposed on other employees for the same or similar offenses.³⁸ The Arbitrator found that, when it determined that the penalty proposed in this matter was in line with similar offenses, the Panel failed to set forth what prior similar conduct resulted in the same discipline.³⁹ Therefore, the Arbitrator concluded, it is impossible to judge whether the Panel struck "...a reasonable balance within tolerable limits of reasonableness" when recommending termination, as required under *Douglas*.⁴⁰ Lastly, when considering the notoriety of the Grievant's offense or its impact on the reputation of MPD, as required by Factor 8, the Panel found that the case at hand caused embarrassment to MPD.⁴¹ However, the Arbitrator found nothing in the record which clearly delineated "embarrassment."⁴² While the Panel mentioned newspaper articles, it did not specifically state what those articles contained – information necessary to evaluate them.⁴³

Based on his conclusions regarding the Panel's recommendations, the Arbitrator determined that the appropriate penalty was a suspension totaling 50 days.⁴⁴ The Award directed that the Grievant be reinstated with backpay, interest, and benefits from the day of his termination to the date of his full reinstatement, less interim earnings.⁴⁵ MPD seeks review of the Award.

III. Discussion

Section 1-605.02(6) of the D.C. Official Code permits the Board to modify, set aside, or remand a grievance arbitration award in only three narrow circumstances: (1) if an arbitrator was without, or exceeded his or her jurisdiction; (2) if the award on its face is contrary to law and public policy; or (3) if the award was procured by fraud, collusion or other similar and unlawful means.⁴⁶ MPD requests review on the grounds that the Arbitrator exceeded his authority and the award is contrary to law and public policy.

The issues before the Board are 1) whether, in determining the Award, the Arbitrator exceeded his authority, and 2) whether the Award is contrary to law and public policy. MPD argues that the Board should reverse the Award and affirm MPD's final decision.⁴⁷ It claims the Arbitrator exceeded his authority and violated law and public policy by 1) lowering the penalty for Charge No. 4, Specification No. 3 (failing to present a signed affidavit for a Threats to do Bodily Harm case for nine business days) from a 20-day suspension to a 10-day suspension, and 2) lowering the penalty for Charge No. 4, Specification No. 2 (failing to present a signed affidavit for a Simple Assault case for nine business days) from termination to a 10-day suspension.⁴⁸ In its Opposition

³⁷ Award at 22.

³⁸ *Douglas*, 5 M.S.P.B. at 332.

³⁹ Award at 22-23.

⁴⁰ Award at 23. 5 M.S.P.B. at 333.

⁴¹ Award at 23. *Id.*

⁴² Award at 23.

⁴³ Award at 23.

⁴⁴ Award at 25.

⁴⁵ Award at 25.

⁴⁶ D.C. Official Code § 1-605.02(6).

⁴⁷ Request at 19.

⁴⁸ Request at 2,19.

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to the Request (Opposition), FOP argues that there is no valid basis for the Board to overturn the Award.⁴⁹

A. The Arbitrator did not exceed his authority.

When determining whether an arbitrator exceeded his authority in rendering an award, the Board analyzes whether the award “draws its essence from the parties[’] collective bargaining agreement.”⁵⁰ The relevant questions in this analysis are whether the arbitrator acted outside his authority by resolving a dispute not committed to arbitration and whether the arbitrator was arguably construing or applying the contract in resolving legal and factual disputes.⁵¹

Here, the parties expressly charged the Arbitrator with the task of reviewing whether termination was an appropriate remedy. The Arbitrator determined that a case assigned pursuant to Article 19 of the collective bargaining agreement requires an arbitrator to consider evidence in the record and determine whether there is enough to support a cause for discipline, including review of the charges and analysis of the *Douglas* factors. The Arbitrator based his decision on the record and briefs provided by the parties and determined that several of the penalties the Panel imposed were inappropriately severe. He therefore lessened the total penalties imposed on the grievant from 75 days of suspension and termination to 50 days of suspension.

In its Arbitration Review Request, MPD states that it “seeks reversal of the Award in this case because...the arbitrator exceeded his authority...”⁵² MPD argues that the Arbitrator “effectively threw out” the Panel’s findings due to a perceived lack of evidence showing his guilt.⁵³ This is a mischaracterization. The Arbitrator carefully considered the Panel’s findings and determined that, while it had reached some logical, supported conclusions, it had also made some errors. For example, the Panel found the Grievant guilty of Charge No. 2, Specification No. 1 (allegedly failing to recognize the urgency of an Assault with a Deadly Weapon (ADW) matter and failing to follow up on avenues of investigation).⁵⁴ But, as the Arbitrator noted, “nowhere in its decision (Decision) does the Panel rely on or even allude to any facts to support its conclusion.”⁵⁵ MPD accuses the Grievant of failing to recognize a sense of urgency and failing to conduct/ensure proper follow-up of the avenues of investigation that were presented in an ADW matter.⁵⁶ However, as the Arbitrator stated⁵⁷, the record shows that the Grievant did, in fact, check the name of the suspect and was appraised that a canvas of his residence and vehicle had already

⁴⁹ Opposition at 19.

⁵⁰ *AFGE Local 2725 v. D.C. Housing Auth.*, 61 D.C. Reg. 9062, Slip Op. 1480 at 5, PERB Case No. 14-A-01 (2014).

⁵¹ *Mich. Family Resources, Inc. v. Serv. Emp’ Int’l Union, Local 517M*, 475 F.3d 746, 753 (2007), quoted in *FOP/DOC Labor Comm. v. DOC*, 59 D.C. Reg. 9798, Slip Op. 1271 at 7, PERB Case No. 10-A-20 (2012), and *D.C. Fire & Emergency Med. Servs. v. AFGE Local 3721*, 59 D.C. Reg. 9757, Slip Op. 1258 at 4, PERB Case No. 10-A-09 (2012).

⁵² Request at 2.

⁵³ Request at 12.

⁵⁴ Decision at 57.

⁵⁵ Award at 13.

⁵⁶ Request. at 12.

⁵⁷ Award at 16.

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been made and that no one was home.⁵⁸ Moreover, the Arbitrator emphasized⁵⁹ that the Panel did not suggest what the Grievant should have done differently.⁶⁰

MPD cites to *Stokes v. District of Columbia*⁶¹ for deferential review⁶² but the Board has repeatedly held that *Stokes* is not the correct standard to apply to an arbitrator's review of an agency's decision because an arbitrator's authority arises out of the parties' contractual agreement to submit the case to arbitration rather than the statutes creating the Office of Employee Appeals interpreted in *Stokes*. The Board has found that by submitting a matter to arbitration, "the parties also agree to be bound by the Arbitrator's decision which necessarily includes the Arbitrator's interpretation of the parties' agreement and related rules and/or regulations as well as his evidentiary findings and conclusions upon which the decision is based."⁶³ "The Board will not substitute its own interpretation for that of the duly designated arbitrator."⁶⁴ MPD presents an argument to the Board which was previously presented to the Arbitrator and rejected. MPD disagrees with the finding that substantial evidence did not exist to support the termination. Disagreement with the Arbitrator is not a sufficient reason to modify, set aside, or remand an Award.

B. The Award is not contrary to law and public policy.

MPD argues that the Award is contrary to law and public policy because the Arbitrator's decision to reduce MPD's penalty assessment for Charge No. 4 (neglect of duty to which assigned, or required by rules and regulations adopted by the Department) is a violation of the law and public policy established in *Stokes*, which holds that agencies must determine the appropriate level of discipline for employees found guilty of serious misconduct.⁶⁵ As previously stated, however, *Stokes* is not the proper standard to apply, as it concerns an abuse of discretion by the Office of Employee Appeals⁶⁶ – not the Public Employee Relations Board. MPD does not cite to any additional precedent to support its claim that the Award is contrary to law and public policy.

Overturing an arbitration award on the basis of public policy is an "extremely narrow" exception to the rule that reviewing bodies must defer to the arbitrator's interpretation of the contract.⁶⁷ "[T]he exception is designed to be narrow so as to limit potentially intrusive judicial

⁵⁸ Final Investigative Rep. and Recommendations at Bates Nos. 85, 90 and MPD Complainant/Witness Statement at Bates No. 149.

⁵⁹ Award at 16.

⁶⁰ Decision at 2-3, 57-58.

⁶¹ 502 A.2d 1006 (D.C. 1985).

⁶² Request at 15-16 (citing *Stokes*, 502 A.2d 1006).

⁶³ *MPD v. NAGE Local R3-5 ex. rel. Burrell*, Slip Op. No. 785 at 4, PERB Op. No. 03-A-08 (2006) (citing *UDC v. UDCFA*, 39 DCR 9628, Slip Op. No. 320 at p. 2, PERB Case No. 92-A-04 (1992)).

⁶⁴ *FEMS v. AFGE, LOCAL 3721*, 51 D.C. Reg. 4158, Slip Op. 728, PERB Case No. 2-A-08 (2004).

⁶⁵ Request at 18 (citing *Stokes*, 502 A.2d 1006).

⁶⁶ *Stokes*, 502 A.2d at 1010.

⁶⁷ *MPD v. FOP/MPD Labor Comm.*, 66 D.C. Reg. 6056, Slip Op. No.1702 at 4, PERB Case No. 18-A-17 (2019) (citing *Am. Postal Workers Union v. U.S. Postal Service*, 789 F.2d 1, 8 (D.C. Cir. 1986), accord *MPD v. FOP/MPD Labor Comm. ex rel. Pair*, 61 D.C. Reg. 11609, Slip Op. No. 1487 at 8, PERB Case No. 09-A-05 (2014); *MPD v.*

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review of arbitration awards under the guise of ‘public policy.’”⁶⁸ MPD bears the burden of demonstrating that the award itself violates established law or compels an explicit violation of “well defined public policy grounded in law and or legal precedent.”⁶⁹ Furthermore, MPD has the burden to specify “applicable law and public policy that mandates that the Arbitrator arrive at a different result.”⁷⁰ The D.C. Court of Appeals has reasoned, “Absent a clear violation of law[,] one evident on the face of the arbitrator’s award, the [Board] lacks authority to substitute its judgment for the arbitrator’s.”⁷¹

The Board has held that a disagreement with an arbitrator’s choice of remedy does not render the Award contrary to law and public policy.⁷² MPD disagrees with the Arbitrator’s conclusion concerning the appropriate penalty to be imposed. This is not a sufficient basis for concluding that the Award is contrary to law and public policy. For the aforementioned reasons, MPD’s Request is denied.

IV. Conclusion

The Board rejects MPD’s arguments and finds no cause to modify, set aside, or remand the Award. Accordingly, MPD’s Request is denied and the matter is dismissed in its entirety.

ORDER

IT IS HEREBY ORDERED THAT:

1. The arbitration review request is hereby denied.
2. Pursuant to Board Rule 559, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By vote of Board Chairperson Douglas Warshof and Members Ann Hoffman, Barbara Somson, Mary Anne Gibbons, and Peter Winkler.

December 17, 2020
Washington, D.C.

FOP/MPD Labor Comm. ex rel. Johnson, 59 D.C. Reg. 3959, Slip Op. No. 925 at 11-12, PERB Case No. 08-A-01 (2012)).

⁶⁸ *MPD v. FOP/MPD Labor Comm.*, 66 D.C. Reg. 6056, Slip Op. No.1702 at 4, PERB Case No. 18-A-17 (2019).

⁶⁹ *Id.*

⁷⁰ *MPD v. FOP/MPD Labor Comm.*, 47 D.C. Reg. 717, Slip Op. No. 633 at p. 2, PERB Case No. 00-A-04 (2000).

⁷¹ *Fraternal Order of Police/Dep't of Corr. Labor Comm. v. District of Columbia Pub. Emp. Relations Bd.*, 973 A.2d 174, 177 (D.C.2009)

⁷² *DCHA v. Bessie Newell*, 46 D.C. Reg. 10375, Slip Op. No. 600, PERB Case No. 99-A-08 (1999).

CERTIFICATE OF SERVICE

I hereby certify that the attached Decision and Order, Slip Op. 1765, in PERB Case No. 21-A-01 was served electronically via File & ServeXpress to the following parties on this the 22nd day of December 2020:

Daniel McCartin, Esq.
ContiFenn, LLC
36 South Charles Street, Suite 2501
Baltimore, MD 21201

Rahsaan Dickerson, Esq.
Office of the Attorney General
400 6th St., N.W., 9th Floor
Washington, D.C. 20001

/s/ Dawan Jones
Public Employee Relations Board

Government of the District of Columbia
Public Employee Relations Board

<hr/>)
In the Matter of:)
)
American Federation of State, County and)
Municipal Employees, District Council 20,)
Local 1959)
)
	Petitioner)
)
	v.)
)
)
Office of the State Superintendent of Education)
)
	Respondent)
<hr/>)

PERB Case No. 21-N-01

Opinion No. 1766

DECISION AND ORDER

I. Statement of the Case

On November 9, 2020, the American Federation of State, County and Municipal Employees, District Council 20, Local 1959 (AFSCME) filed the instant Negotiability Appeal (Appeal). The Appeal concerns eight proposals made by AFSCME and declared nonnegotiable by the Office of the State Superintendent of Education (OSSE).

AFSCME and OSSE are engaged in negotiations for a successor collective bargaining agreement concerning terms and conditions of employment for a unit of bus drivers and attendants. On October 9, 2020, OSSE declared eight proposals submitted by AFSCME to be nonnegotiable. AFSCME timely filed this Appeal asserting that the proposals were negotiable. On November 30, 2020, OSSE filed its Answer to the Appeal.

In its Answer, OSSE withdrew its declaration of non-negotiability concerning two proposals. The remaining six proposals, the Appeal, and the Answer are before the Board for disposition.

II. Standard of Review

There are three categories of collective bargaining subjects: (1) mandatory subjects over which the parties must bargain; (2) permissive subjects over which the parties may bargain; and

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PERB Case No. 21-N-01
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(3) illegal subjects over which the parties may not legally bargain.¹ A permissive subject of bargaining is nonnegotiable if either party declines to bargain on the subject.²

Management rights are permissive subjects of bargaining.³ Section 1-617.08(a) of the D.C. Official Code sets forth management rights giving management “sole rights” to undertake actions listed therein.⁴

Matters that do not contravene section 1-617.08(a) or other provisions of the Comprehensive Merit Personnel Act (CMPA) are negotiable.⁵ Section 1-617.08(b) of the D.C. Official Code provides that the right to negotiate over terms and conditions of employment extends to all matters except those that are proscribed by the CMPA.⁶

Pursuant to section 1-605.02(5) of D.C. Official Code, the Board is authorized to make a determination in disputed cases as to whether a matter is within the scope of collective bargaining. The Board’s jurisdiction to decide such questions is invoked by the party presenting a proposal that has been declared nonnegotiable by the party responding to the proposal.⁷ The Board will separately consider the negotiability of each of the matters in a dispute.⁸

III. Analysis

There are six proposals that OSSE has identified as nonnegotiable subjects of bargaining. AFSCME’s proposals that were declared nonnegotiable by OSSE are set forth below.

A. Article V (Discipline and Adverse Action)

Absent written agreement by the Union, any internal investigation shall be completed within 30 days or the disciplinary action or measure imposed on the employee shall be deemed untimely.

OSSE’s Position

OSSE argues that the proposal goes beyond the procedural limits that the Board has deemed negotiable. OSSE asserts that the proposal “would clearly eviscerate management’s right

¹ *D.C. Nurses Ass’n v. D.C. Dep’t of Pub. Health*, 59 D.C. Reg. 10,776, Slip Op. No. 1285 at p. 4, PERB Case No. 12-N-01 (2012) (citing *NLRB v. Wooster Div. of Borg-Warner Corp.*, 356 U.S. 342 (1975)).

² *Univ. of D.C. Faculty Ass’n v. Univ. of D.C.*, 64 D.C. Reg. 5132, Slip Op. No. 1617 at 2, PERB Case No. 16-N-01 (2017).

³ *NAGE Local R3-06 v. D.C. Sewer & Water Auth.*, 60 D.C. Reg. 9194, Slip Op. No. 1389 at 4, 13-N-03 (2013); *D.C. Fire & Emergency Med. Servs. Dep’t and AFGE, Local 3721*, 54 D.C. Reg. 3167, Slip Op. 874 at 9, PERB Case No. 06-N-01 (2007).

⁴ D.C. Official Code § 1-617.08(a).

⁵ *Univ. of D.C. Faculty Ass’n*, Slip Op. No. 1617 at 2.

⁶ D.C. Official Code § 1-617.08(b).

⁷ *Fraternal Order of Police/Protective Serv. Police Dep’t Labor Comm. v. Dep’t of Gen. Serv.*, 62 D.C. Reg. 16505, Slip Op. 1551 at 1, PERB Case No. 15-N-04 (2015).

⁸ *Univ. of D.C. Faculty Ass’n*, Slip Op. No. 1617 at 2-3.

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Page 3

to propose discipline if the agency could not complete its investigations within 30 days and thereby clearly reflects substantive limitations on management's right to discipline."⁹

AFSCME's Position

AFSCME argues that the proposal is negotiable because it does not interfere with management rights to discipline employees. AFSCME asserts that the proposed language is a procedural limitation on the time that OSSE may "draw out an investigation." AFSCME cites to the Board for the proposition that "Procedural matters concerning discipline are negotiable."¹⁰

Board's Conclusion

The Board finds AFSCME's proposal nonnegotiable. The proposal would bar as untimely an underlying disciplinary action upon the expiration of 30 days. This proposal interferes with management rights under D.C. Official Code § 1-617.08(a)(2) because it creates a "contractual statute of limitations which prevents management from disciplining an employee after the time limit expires."¹¹

B. Article XI (Administrative Closing)

Section C: Inclement Weather Work

1. Reporting Time: During inclement weather where the District Government has declared a snow emergency, Employees (other than those designated as emergency employees) will be given a reasonable amount of time to report for duty without charge to leave. Those employees required to remain on their post until relieved will be compensated at the appropriate overtime rate or will be given compensatory leave for the time it takes his/her relief to report for duty.

2. By December 1 of each year, volunteers may sign up for inclement weather duty. Terminal managers will determine the number of volunteers needed. Such volunteers are expected to report for duty under all inclement weather conditions.

OSSE's Position

OSSE asserts that the proposal interferes with management rights to assign work. OSSE argues that the proposal would negatively or detrimentally impact bus operations by affording bus drivers and bus attendants "a reasonable amount of time to report for duty without charge to leave," thereby interfering with management's right to assign work under inclement weather conditions.¹² Similarly, OSSE contends that part 2 of the proposal, which permits volunteers to sign up for inclement weather duty, "contravenes OSSE's management rights to assign work and to direct all

⁹ Answer at 4.

¹⁰ Appeal at 3 (citing *UDC Faculty Association v. UDC*, Slip Op. No. 1617 at 11, PERB Case no. 16-N-01 (2017)).

¹¹ *Merchant Marine Academy*, 39 FLRA 187, 200-201 (1991). Generally, the FLRA has held that proposals establishing a time limit on management's ability to initiate disciplinary or adverse actions against employees directly interfere with management's right to discipline employees.

¹² Answer at 5.n

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school bus drivers and bus attendants (not just volunteers) to perform their essential core duties. . .¹³

AFSCME's Position

AFSCME argues that OSSE has failed to articulate any legitimate basis for declaring the proposal nonnegotiable. AFSCME disagrees that the entire bargaining unit is designated as "emergency employees." AFSCME argues that the Board has never established that the designation of an employee as an "emergency employee" is a management right.¹⁴ Notwithstanding, AFSCME asserts that it is entitled to bargain instances where not all employees are required to work on a snow day. Furthermore, AFSCME argues that the proposal applies to employees who are not designated as "emergency employees."¹⁵

Board's Conclusion

The Board finds the proposal nonnegotiable. Part 1 of the proposal interferes with management rights to assign work. The right to assign work encompasses the right to determine particular duties to be assigned, when work assignments will occur, and to whom or what positions the duties will be assigned.¹⁶ As written, the proposal prevents management from determining when work will occur and to whom work will be assigned.

Part 2 of the proposal is also nonnegotiable. According to the undisputed interpretation by OSSE, the proposal limits which employees may be assigned to inclement weather duty. This violates D.C. Official Code § 1-617.08(a)(2) because it infringes on management rights to assign work.

C. Article XII (Workforce Changes)

Involuntary transfers shall be made only after consultation and discussion with the employee involved. At the employee's request, there may be present at such discussion a representative of the Union.

OSSE's Position

OSSE asserts that the proposal is nonnegotiable because it "violates management's rights under D.C. Official Code §1-617.08(a)(2), to transfer and discipline employees."¹⁷ OSSE argues that the mandatory requirement for a consultation and discussion limits management's ability to effectuate an involuntary transfer.¹⁸

AFSCME's Position

¹³ Answer at 6.

¹⁴ Appeal at 4.

¹⁵ Appeal at 4.

¹⁶ *AFGE, Local 1985, 55 FLRA 1145, 1148 (1999)*.

¹⁷ Answer at 6.

¹⁸ Answer at 7.

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AFSCME contends that the proposal is negotiable. AFSCME argues that the proposal “does not impinge on management’s right but is merely a procedural requirement that addresses the impact and effect on the employee of an involuntary transfer.”¹⁹

Board’s Conclusion

The proposal is nonnegotiable. The mandatory language that an involuntary transfer “shall be made only after a consultation and discussion” infringes upon management rights to transfer employees under D.C. Official Code § 1-617.08(a)(2).²⁰

D. Article XVII (Compensation)²¹

Fiscal Year 2021: Effective the first day of the first full pay period beginning on or after October 1, 2020, the FY 2021 salary schedules of Motor Vehicle Operators and Attendants employed in the bargaining unit as certified and assigned to AFSCME, District Council 20, Local 1959 by the Public Employee Relations Board shall be adjusted 3.0%.

OSSE’s Position

OSSE asserts that AFSCME’s wage proposal for Fiscal Year 2021 is nonnegotiable. OSSE argues that the Budget Support Act for Fiscal Year 2021²² “prohibits cost-of-living adjustments and any increase in salary or wages for Fiscal Year 2021 [and] [...] explicitly requires [...] [that] salary schedules for Fiscal Year 2020 shall be in place for Fiscal Year 2021.”²³

AFSCME’s Position

AFSCME argues that the Fiscal Year 2021 Budget Support Act does not preclude compensation bargaining. AFSCME asserts that although OSSE may be restricted by the Budget Support Act in its ability to pay increases in Fiscal Year 2021, that does not make compensation nonnegotiable.²⁴

Board’s Conclusion

¹⁹ Appeal at 5.

²⁰ *FOP/MPD Labor Comm. v. MPD*, 54 D.C. Reg. 2895, Slip Op. No. 842 at 6-7, PERB Case No. 4-N-03 (2007).

²¹ Ex. E at 2. AFSCME asserts that OSSE declared proposals for FY2022 and FY2023 nonnegotiable. Ex. E demonstrates that OSSE declared the proposal for FY2021 nonnegotiable and provided a counter-proposal to AFSCME’s proposals for FY2022 and FY2023. Therefore, the Negotiability Appeals related to FY2022 and FY2023 are dismissed.

²² D.C. Act 23-404, 67 DCR 10098.

²³ Answer at 8.

²⁴ Appeal at 6.

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The Board finds that the proposal is nonnegotiable. The Budget Support Act preempts the obligation to bargain cost-of-living adjustments and increases in salary.²⁵ In pertinent part the Budget Support Act states, as follows:

Sec. 1023. Freeze on cost-of-living adjustments. Notwithstanding any other provision of law, rule, or collective bargaining agreement, an employee of a covered agency shall not receive a cost-of-living adjustment during the period from October 1, 2020, through September 30, 2021. Nothing in this subtitle shall be construed to prohibit collective bargaining on non-compensation issues.

Sec. 1024. Maintenance of Fiscal Year 2020 salary schedules and benefits, Notwithstanding any other provision of law, collective bargaining agreement, memorandum of understanding, side letter, or settlement, whether specifically outlined or incorporated by reference, all Fiscal Year 2020 salary schedules of covered agencies shall be maintained during Fiscal Year 2021 and no increase in salary or benefits, including increases in negotiated salary, wage, and benefits provisions, and negotiated salary schedules, shall be provided in Fiscal Year 2021 from the Fiscal Year 2020 salary and benefits levels of covered agencies.

Accordingly, OSSE has no authority to bargain a cost-of-living adjustment, or any other salary or wage increase for Fiscal Year 2021, as it is prohibited by law. Therefore, AFSCME's proposal is nonnegotiable.

E. Article XVII (Compensation: Attendance and On-time Arrival Bonus)

Section E: Attendance

Employees will receive an incentive for each quarter worked (every 3 months) if they do not use unscheduled leave in a 3-month period (\$350 ~~\$200~~ per qualifying quarter).

Section F: On-Time Arrival Bonus

Employees will receive an incentive if their route (permanent or swing) on-time arrival rate in a quarter is 94% or above (\$350 ~~\$250~~ per qualifying quarter). The employee must meet the requirements for the attendance incentive to qualify for this incentive.

OSSE's Position

OSSE argues that the proposal is nonnegotiable. OSSE asserts that the District's prohibition against "Bonus and special awards pay" applies to the proposals because the proposals cannot be reasonably read to qualify as "salary incentives," which is an undefined term in the statute's exceptions.²⁶ Additionally, OSSE argues that the proposal is nonnegotiable under the Budget Support Act.

²⁵ See *AFSCME, D.C. Council 20, et al. v. Government of the District of Columbia, et al.*, 43 DCR 1148, Slip Op. No. 330, PERB Case No. 92-U-24 (1993).

²⁶ Answer at 14.

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AFSCME's Position

AFSCME argues that the proposal is negotiable because salary incentives negotiated through a collective bargaining agreement are exempt²⁷ from the District's prohibition²⁸ against "Bonus and special awards pay."²⁹

Board's Conclusion

The Board finds that the proposal is nonnegotiable. Although the proposal's language fits squarely within the exception to the District's prohibitions against "Bonus and special awards pay," the proposed increases are preempted by the Budget Support Act's prohibition against negotiated salary, wage, and benefits provisions for Fiscal Year 2021.³⁰

F. Article XXII (Seniority)

Section F:

In the event a vacancy arises in another bargaining unit for a full-time driver or attendant position and the Employer makes a determination to fill such vacancy it will do so by offering it to the most senior member of the Union's bargaining unit. As soon as such determination is made to fill a full-time vacancy, and before any offer is made to any employee, the Employer agrees to provide the Union with written notice of the number and types of vacancies to be filled and the names of the employees who will be offered the opportunity to convert to full-time positions. Employees who are offered the opportunity to convert to full-time positions shall be afforded no less than seven (7) calendar days to accept or decline the offer before the offer is withdrawn and extended to another employee who is next on the seniority list.

OSSE's Position

OSSE argues that the proposal is nonnegotiable. OSSE asserts that the first sentence of the proposal requires that promotions be based strictly on seniority. OSSE contends that the strict seniority criterion constrains its right to promote employees.³¹ OSSE argues that the latter part of the proposal is nonnegotiable because it impedes management's right to transfer employees by limiting the period during which an employee is eligible for transfer.³²

AFSCME's Position

²⁷ D.C. Official Code § 1-551.06(a)(10).

²⁸ D.C. Official Code § 1-551.02(a).

²⁹ Appeal at 8.

³⁰ D.C. Act 23-404, 67 DCR 10098.

³¹ Answer at 16 (citing *UDCFA v. UDC*, 64 D.C. Reg 5132, Slip Op. No. 1617 at 29, PERB Case No. 16-N-01 (2017)).

³² Answer at 17.

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AFSCME argues that the proposal is negotiable because it memorializes the parties' past practice of 15 years and outlines procedures for promotions that do not interfere with decision making by management.³³

Board's Conclusion

The proposal is nonnegotiable. The Board has held that, if management has waived a management right in the past, this does not create a permanent waiver the right or mean that management has waived that right for future negotiations.³⁴ Notwithstanding the parties' past practice, the first sentence of the proposal interferes with management rights to promote employees under D.C. Official Code § 1-617.08(a)(2) because it creates a seniority criterion for filling promotional vacancies and constrains management's selection process.³⁵

ORDER

IT IS HEREBY ORDERED THAT:

1. AFSCME's proposal concerning Article V (Discipline and Adverse Action) is nonnegotiable
2. AFSCME's proposal concerning Article XI (Administrative Closing) is nonnegotiable.
3. AFSCME's proposal concerning Article XII (Workforce Changes) is nonnegotiable.
4. AFSCME proposal concerning Article XVII (Compensation) is nonnegotiable.
5. AFSCME's proposal concerning Article XVII (Compensation: Attendance and On-time Arrival Bonus) is nonnegotiable.
6. AFSCME's proposal concerning Article XXII (Seniority) is nonnegotiable
7. Pursuant to Board Rule 559.1, this decision and order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board chairperson Douglas Warshof, Board members Ann Hoffman, Barbara Somson, Mary Anne Gibbons, and Peter Winkler

Washington, D.C.
December 17, 2020

³³ Appeal at 8.

³⁴ *NAGE, Local R3-06 v. WASA*, 60 D.C. Reg. 9194, Slip Op. No. 1389 at 4, PERB Case No. 13-N-03 (2013).

³⁵ *UDCFA v. UDC*, 64 D.C. Reg 5132, Slip Op. No. 1617 at 29, PERB Case No. 16-N-01 (2017).

CERTIFICATE OF SERVICE

I hereby certify that the attached Decision and Order, Slip Op. 1766, in PERB Case No. 21-N-01 was served electronically via File & ServeXpress to the following parties on this 22nd day of December 2020:

Brenda Zwack
Murphy Anderson, PLLC
1401 K Street, NW, Suite 300
Washington, D.C. 20005

Kathryn Naylor
District of Columbia
Office of Labor Relations and Collective Bargaining
441 4th Street NW, Suite 820 North
Washington, D.C. 20001

/s/ Dawan Jones
Public Employee Relations Board

DISTRICT OF COLUMBIA RETIREMENT BOARD

NOTICE OF PUBLIC INTERESTCERTIFICATION OF WINNER OF THE ELECTION FOR THE
ACTIVE FIREFIGHTER TRUSTEE REPRESENTATIVE TO THE BOARD

The District of Columbia Retirement Board (the “Board”) is required to conduct elections for its active member representatives to the Board. *See* D.C. Official Code § 1-711(b)(2) (2001). In accordance with the Board’s Rules for the Election of Members to the Board (“Election Rules”) under Chapter 15 of Title 7 of the District of Columbia Municipal Regulations (“DCMR”), the Board, through election manager YesElections, conducted an election for a representative of the District of Columbia Active Firefighters to serve on the Board.

The ballots were counted on Tuesday, December 15, 2020, by YesElections under the virtual supervision of Board representatives.

YesElections submitted the Certification of Results to the Board on December 17, 2020. Pursuant to the Election Rules at 7 DCMR § 1522, the Board hereby certifies the results of the election and declares the winner to be **Edward C. Smith** an active District of Columbia firefighter.

Pursuant to the Election Rules at 7 DCMR § 1523, any eligible candidate for this election may petition the Board in writing for a recount of votes within seven (7) calendar days of the date of publication of the certification of the winner. The petition must be filed in writing with YesElections via email at aalbanese@election-america.com or via postal mail at 1775 Eye Street NW, Suite 1150, Washington, D.C., 20006. In the absence of a timely request for a recount, the election results will become final and cannot be appealed thirty (30) days after this publication of the Board’s certification.

The Election Rules and the Certification of Results can be accessed on the Board’s website:

<http://www.dcrb.dc.gov>

Please address any questions regarding this notice to:

Sheila Morgan-Johnson, Executive Director
D.C. Retirement Board
900 7th Street, N.W., 2nd Floor
Washington, D.C. 20001

DISTRICT OF COLUMBIA RETIREMENT BOARD

NOTICE OF PUBLIC INTEREST**CERTIFICATION OF WINNER OF THE ELECTION FOR THE
ACTIVE TEACHER TRUSTEE REPRESENTATIVE TO THE BOARD**

The District of Columbia Retirement Board (the “Board”) is required to conduct elections for its active member representatives to the Board. *See* D.C. Official Code § 1-711(b)(2)(2001). In accordance with the Board’s Rules for the Election of Members to the Board (“Election Rules”) under Chapter 15 of Title 7 of the District of Columbia Municipal Regulations (“DCMR”), the Board, through election manager YesElections, conducted an election for a representative of the District of Columbia Active Teachers to serve on the Board.

The ballots were counted on Tuesday, December 15, 2020, by YesElections under the virtual supervision of Board representatives.

YesElections submitted the Certification of Results to the Board on December 17, 2020. Pursuant to the Election Rules at 7 DCMR § 1522, the Board hereby certifies the results of the election and declares the winner to be **Nathan Saunders** an active District of Columbia teacher.

Pursuant to the Election Rules at 7 DCMR § 1523, any eligible candidate for this election may petition the Board in writing for a recount of votes within seven (7) calendar days of the date of publication of the certification of the winner. The petition must be filed in writing with YesElections via email at aalbanese@election-america.com or via postal mail at 1775 Eye Street NW, Suite 1150, Washington, D.C., 20006. In the absence of a timely request for a recount, the election results will become final and cannot be appealed thirty (30) days after this publication of the Board’s certification.

The Election Rules and the Certification of Results can be accessed on the Board’s website:

<http://www.dcrb.dc.gov>

Please address any questions regarding this notice to:

Sheila Morgan-Johnson, Executive Director
D.C. Retirement Board
900 7th Street, N.W., 2nd Floor
Washington, D.C. 20001

DISTRICT OF COLUMBIA RETIREMENT BOARD

NOTICE OF PUBLIC INTERESTCERTIFICATION OF WINNER OF THE ELECTION FOR THE
RETIRED FIREFIGHTER TRUSTEE REPRESENTATIVE TO THE BOARD

The District of Columbia Retirement Board (the “Board”) is required to conduct elections for its retired member representatives to the Board. *See* D.C. Official Code § 1-711(b)(2)(2001). In accordance with the Board’s Rules for the Election of Members to the Board (“Election Rules”) under Chapter 15 of Title 7 of the District of Columbia Municipal Regulations (“DCMR”), the Board, through election manager YesElections, conducted an election for a representative of the District of Columbia Retired Firefighters to serve on the Board.

The ballots were counted on Tuesday, December 15, 2020, at 1775 Eye Street NW, Suite 1150, Washington, D.C., 20006, by YesElections under the virtual supervision of Board representatives.

YesElections submitted the Certification of Results to the Board on December 17, 2020. Pursuant to the Election Rules at 7 DCMR § 1522, the Board hereby certifies the results of the election and declares the winner to be **Geoffrey P. Grambo** a retired District of Columbia firefighter.

Pursuant to the Election Rules at 7 DCMR § 1523, any eligible candidate for this election may petition the Board in writing for a recount of votes within seven (7) calendar days of the date of publication of the certification of the winner. The petition must be filed in writing with YesElections by email at aalbanese@election-america.com or by postal mail at 1775 Eye Street NW, Suite 1150, Washington, D.C., 20006. In the absence of a timely request for a recount, the election results will become final and cannot be appealed thirty (30) days after this publication of the Board’s certification.

The Election Rules and the Certification of Results can be accessed on the Board’s website:

<http://www.dcrb.dc.gov>

Please address any questions regarding this notice to:

Sheila Morgan-Johnson, Executive Director
D.C. Retirement Board
900 7th Street, N.W., 2nd Floor
Washington, D.C. 20001

DISTRICT OF COLUMBIA RETIREMENT BOARD

NOTICE OF PUBLIC INTERESTCERTIFICATION OF WINNER OF THE ELECTION FOR THE
RETIRED POLICE OFFICER TRUSTEE REPRESENTATIVE TO THE BOARD

The District of Columbia Retirement Board (the “Board”) is required to conduct elections for its retired member representatives to the Board. *See* D.C. Official Code § 1-711(b)(2) (2001). In accordance with the Board’s Rules for the Election of Members to the Board (“Election Rules”) under Chapter 15 of Title 7 of the District of Columbia Municipal Regulations (“DCMR”), the Board, through election manager YesElections, conducted an election for a representative of the District of Columbia Retired Police Officers to serve on the Board.

The ballots were counted on Tuesday, December 15, 2020, by YesElections under the virtual supervision of Board representatives.

YesElections submitted the Certification of Results to the Board on December 17, 2020. Pursuant to the Election Rules at 7 DCMR § 1522, the Board hereby certifies the results of the election and declares the winner to be **Danny C. Gregg** a retired District of Columbia police fighter.

Pursuant to the Election Rules at 7 DCMR § 1523, any eligible candidate for this election may petition the Board in writing for a recount of votes within seven (7) calendar days of the date of publication of the certification of the winner. The petition must be filed in writing with YesElections by email at aalbanese@election-america.com or by postal mail at 1775 Eye Street NW, Suite 1150, Washington, D.C., 20006. In the absence of a timely request for a recount, the election results will become final and cannot be appealed thirty (30) days after this publication of the Board’s certification.

The Election Rules and the Certification of Results can be accessed on the Board’s website:

<http://www.dcrb.dc.gov>

Please address any questions regarding this notice to:

Sheila Morgan-Johnson, Executive Director
D.C. Retirement Board
900 7th Street, N.W., 2nd Floor
Washington, D.C. 20001

DISTRICT OF COLUMBIA SENTENCING COMMISSION**NOTICE OF VIRTUAL MEETING**

The Commission meeting will be held on Tuesday, January 19, 2021 at 5:00 p.m. via Zoom. Below is the planned agenda for the meeting. The final agenda will be posted on the agency's website at <http://www.scdc.dc.gov>

For additional information, please contact Mia Hebb, Staff Assistant, at (202) 727-8822 or email mia.hebb@dc.gov

Meeting Agenda

1. Review and Approval of the Minutes from the November 17, 2020 Meeting - Action Item, Judge Lee, Chairman.
2. Presentation and Approval of ADW Fast Facts – Action Item, Taylor, Tarnalicki, Research Analyst.
3. Historical Overview of Guidelines Current Lapse and Revival Provision – Informational Item, Honorable Frederick Weisberg.
4. Discussion of Lapse and Revival Provision/Look Back Period - Discussion Item, Judge Lee, Chairman.
 - What is or should be the role of criminal history in sentencing policy?
 - How does criminal history impact recidivism?
 - Does our current sentencing policy appropriately address these issues?
5. Next scheduled meeting will be February 16, 2021
6. Adjourn.

THE NEXT STEP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Registered School Nurse Services**

The Next Step Public Charter School Solicits Proposals for a Registered Nurse Services for the 2020-2021 school year (July 1, 2020 – June 30, 2021).

The Request for Proposals (RFP) specifications such as scope and responsibilities can be obtained on Monday, January 22, 2021 from Taunya Melvin, TNSPCS Chief Operations Officer via email listed below.

Bids must be received by Friday, February 22, 2021 (EST) at the email address listed below. Any bids not addressing all areas as outlined in the Registered Nurse Services (RFP) will not be considered.

SUBMITT BIDS electronically to: rfp@nextsteppcs.org

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF 2021 MEETING SCHEDULE

Audit Committee

The regular quarterly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Audit Committee Meetings are held in open session on the fourth Tuesday or Thursday during January, April, July and October. The following are dates and times for the regular quarterly meetings to be held in 2021. All meetings are held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E.), Washington, D.C. 20003 unless otherwise indicated. Notice of a location of a meeting other than 125 O Street, S.E. will be published in the *D.C. Register* and posted on the DC Water's website (www.dewater.com). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Thursday, January 28, 2021	9:30 a.m.
Thursday, April 22, 2021	9:30 a.m.
Thursday, July 22, 2021	9:30 a.m.
(Board recess in August)	
Thursday, October 28, 2021	9:30 a.m.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF 2021 MEETING SCHEDULE

The regular monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) are held in open session on the first Thursday of each month at 9:30 a.m. The following are dates and times for the regular monthly meetings to be held in 2021. All meetings are held in the will be held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E.), Washington, D.C. 20003 unless otherwise indicated. Notice of a location of a meeting other than 125 O Street, S.E. will be published in the *D.C. Register* and posted on the DC Water's website (www.dcwater.com). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Thursday, January 7, 2021	9:30 a.m.
Thursday, February 4, 2021	9:30 a.m.
Thursday, March 4, 2021	9:30 a.m.
Thursday, April 1, 2021	9:30 a.m.
Thursday, May 6, 2021	9:30 a.m.
Thursday, June 3, 2021	9:30 a.m.
Wednesday, July 1, 2021	9:30 a.m.
(Board recess in August)	
Thursday, September 2, 2021	9:30 a.m.
Thursday, October 7, 2021	9:30 a.m.
Thursday, November 4, 2021	9:30 a.m.
Thursday, December 2, 2021	9:30 a.m.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF 2021 MEETING SCHEDULE

Environmental Quality & Operations Committee

The regular monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Environmental Quality & Operations Committee Meetings are held in open session on the third Thursday of each month. The following are dates and times for the regular monthly meetings to be held in 2021. All meetings are held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E.), Washington, D.C. 20003 unless otherwise indicated. Notice of a location of a meeting other than 125 O Street, S.E will be published in the *D.C. Register* and posted on the DC Water's website (www.dcwater.com). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Thursday, January 21, 2021	9:30 a.m.
Thursday, February 18, 2021	9:30 a.m.
Thursday, March 18, 2021	9:30 a.m.
Thursday, April 15, 2021	9:30 a.m.
Thursday, May 20, 2021	9:30 a.m.
Thursday, June 17, 2021	9:30 a.m.
Thursday, July 15, 2021	9:30 a.m.
(Board recess in August)	
Thursday, September 16, 2021	9:30 a.m.
Thursday, October 21, 2021	9:30 a.m.
Thursday, November 18, 2021	9:30 a.m.
Thursday, December 16, 2021	9:30 a.m.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF 2021 MEETING SCHEDULE

Finance and Budget Committee

The regular monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Finance and Budget Committee Meetings are held in open session on the fourth Tuesday or Thursday of each month, or as indicated below. The following are dates and times for the regular monthly meetings to be held in 2021. All meetings are held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E.), Washington, D.C. 20003 unless otherwise indicated. Notice of a location of a meeting other than 125 O Street, S.E. will be published in the *D.C. Register* and posted on the DC Water's website (www.dewater.com). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Thursday, January 23, 2021	11:00 a.m.
Thursday, February 27, 2021	11:00 a.m.
Thursday, March 26, 2021	11:00 a.m.
Thursday, April 23, 2021	11:00 a.m.
Thursday, May 28, 2021	11:00 a.m.
Thursday, June 25, 2021	11:00 a.m.
Thursday, July 23, 2021	11:00 a.m.
(Board recess in August)	
Thursday, September 24, 2021	11:00 a.m.
Thursday, October 22, 2021	11:00 a.m.
Tuesday, November 17, 2021	11:00 a.m.
Tuesday, December 15, 2021	11:00 a.m.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF 2021 MEETING SCHEDULE

Governance Committee

The regular bi-monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Governance Committee Meetings are held in open session on the second Wednesday every other month. The following are dates and times for the regular monthly meetings to be held in 2021. All meetings are held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E), Washington, D.C. 20003 unless otherwise indicated. Notice of a location of a meeting other than 125 O Street, S.E. will be published in the *D.C. Register* and posted on the DC Water's website (www.dcwater.com). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Wednesday, January 13, 2021	9:00 a.m.
Wednesday, March 10, 2021	9:00 a.m.
Wednesday, May 12, 2021	9:00 a.m.
Wednesday, July 14, 2021	9:00 a.m.
(Board recess in August)	
Wednesday, September 8, 2021	9:00 a.m.
Wednesday, November 10, 2021	9:00 a.m.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF 2021 MEETING SCHEDULE

Human Resources and Labor Relations Committee

The regular bi-monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Human Resources and Labor Relations Committee Meetings are held in open session on the second Wednesday every other month. The following are dates and times for the regular monthly meetings to be held in 2021. All meetings are held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E.), Washington, D.C. 20003 unless otherwise indicated. Notice of a location of a meeting other than 125 O Street, S.E will be published in the *D.C. Register* and posted on the DC Water's website (www.dcwater.com). A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Wednesday, January 13, 2021	11:00 a.m.
Wednesday, March 10, 2021	11:00 a.m.
Wednesday, May 12, 2021	11:00 a.m.
Wednesday, July 14, 2021	11:00 a.m.
(Board recess in August)	
Wednesday, September 8, 2021	11:00 a.m.
Wednesday, November 10, 2021	11:00 a.m.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF 2021 MEETING SCHEDULE

DC Retail Water and Sewer Rates Committee

The regular monthly meetings of the Board of Directors of the District of Columbia Water and Sewer Authority's (DC Water) Retail Water and Sewer Rates Committee Meetings are held in open session on the fourth Tuesday of each month, or as indicated below. The following are dates and times for the regular monthly meetings to be held in 2021. All meetings are held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E.), Washington, D.C. 20003 unless otherwise indicated. A notice will be published in the *D.C. Register* for each meeting with a draft agenda. In addition, a copy of the final agenda will be posted on DC Water's website, and notice of the meeting will be posted at all of DC Water facilities.

Tuesday, January 25, 2021	9:30 a.m.
Tuesday, February 23, 2021	9:30 a.m.
Tuesday, March 23, 2021	9:30 a.m.
Tuesday, April 27, 2021	9:30 a.m.
Tuesday, May 25, 2021	9:30 a.m.
Tuesday, June 22, 2021	9:30 a.m.
Tuesday, July 27, 2021	9:30 a.m.
(Board recess in August)	
Tuesday, September 28, 2021	9:30 a.m.
Tuesday, October 26, 2021	9:30 a.m.
Tuesday, November 16, 2021	9:30 a.m.
Tuesday, December 14, 2021	9:30 a.m.

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