

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 24-2 to establish the Fusion Center within the Homeland Security and Emergency Management Agency to coordinate sharing of law enforcement intelligence information and resources
- D.C. Council schedules agency performance oversight hearings for Fiscal Year 2020-2021 and hearings for the Fiscal Year 2022 proposed budget and financial plan
- D.C. Council schedules a public roundtable on “Transportation in the District After the Pandemic”
- Department of Behavioral Health establishes certification requirements for youth and adult psychiatric emergency and crisis stabilization programs
- Office of the Chief Financial Officer releases the estate tax zero bracket for Tax Year 2021
- Office of the State Superintendent of Education announces funding availability for the Fiscal Year 2021 Healthy Schools Grant
- Department of Employment Services solicits applications for the 2021 Apprenticeship Information Training Intermediary Initiative
- Executive Office of the Mayor establishes certified business enterprise law inter-agency notification procedures (Mayor’s Order 2021-013)
- Office of Out of School Time Grants and Youth Outcomes establishes regulations for the Out of School Time Grant Program

DISTRICT OF COLUMBIA REGISTER

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-531

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 17, 2020

To order the closing of a portion of Morton Street, N.W., adjacent to Squares 3039 and 3040, and a portion of the public alley system in Square 3039, to accept the dedication of land for 6th Street, N.W., Luray Place, N.W., and an extension of Morton Street, N.W., adjacent to Squares 3039, 3040, and 3043, for public street purposes, and to accept the dedication of land in Square 3039 for public alley purposes, in Ward 1.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of Public Streets and Alleys and Dedication of Land for Public Street and Alley Purposes Adjacent to Squares 3039, 3040, and 3043, S.O. 17-21093 and S.O. 17-21094, 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 Closings and Acquisitions 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 finds that the portions of the public street and alley system within or adjacent to Squares 3039 and 3040, as shown on the Surveyor's plat filed in S.O. 17-21093, are unnecessary for street and alley purposes and orders them closed, with title to the land to vest as shown on the Surveyor's plat.

(b) Pursuant to sections 302 and 401 of the Act (D.C. Official Code §§ 9-203.02 and 9-204.01), and notwithstanding the requirements set forth in sections 303, 304 and 421 of the Act (D.C. Official Code §§ 9-203.03, 9-203.04, and 9-204.21), the Council accepts the dedication of land within or adjacent to Squares 3039, 3040, and 3043, and designates the dedicated land as 6th Street, N.W., Luray Place, N.W., and Morton Street, N.W., respectively, as shown on the Surveyor's plat filed under S.O. 17-21094.

ENROLLED ORIGINAL

Sec. 3. The ordering of the street and alley closures and acceptance of the dedications specified in section 2 are contingent upon satisfying all the conditions proposed by the District Department of Transportation, DC Water, and Washington Gas and set forth in the official files for S.O. 17-21093 and S.O. 17-21094 prior to the recordation of the closing by the Surveyor.

Sec. 4. Fiscal impact statement.

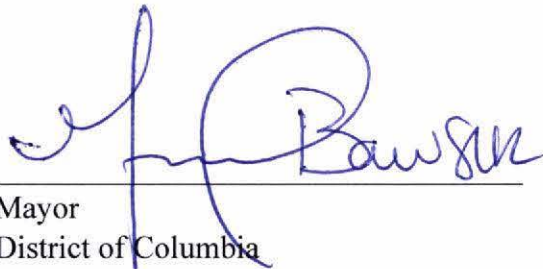
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

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
December 17, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-614

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 25, 2021

To amend, on a temporary basis, the District of Columbia Public Emergency Act of 1980 to extend the Mayor’s authority to declare a public health emergency; to amend the Coronavirus Support Temporary Amendment Act of 2020 to clarify certified business enterprise and certified joint venture contracting and subcontracting requirements, to clarify grantmaking authority for public health emergency response grants, to waive community service requirements for school graduations for the 2020-2021 school year, and to extend its sunset date; and to amend the Protecting Businesses and Workers from COVID-19 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 “Coronavirus Public Health Extension Temporary Amendment Act of 2021”.

Sec. 2. Section 7(c-1) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2306(c-1)), is amended to read as follows:

“(c-1) Notwithstanding subsections (b) and (c) of this section, the Council authorizes the Mayor to extend the 15-day March 11, 2020, emergency executive order and public health emergency executive order (“emergency orders”) issued in response to the coronavirus (SARS CoV-2) until March 31, 2021. After the extension authorized by this subsection, the Mayor may extend the emergency orders for additional 15-day periods pursuant to subsection (b) or (c) of this section.”.

Sec. 3. The Coronavirus Support Temporary Amendment Act of 2020, effective October 9, 2020 (D.C. Law 23-130; 67 DCR 8622), is amended as follows:

(a) Section 203 is amended by adding new subsections (a-1) and (a-2) to read as follows:
“(a-1) Notwithstanding subsection (a) of this section, a certified business enterprise awarded a contract for a government-assisted project in excess of \$250,000 that is unrelated to the District’s response to the COVID-19 emergency but entered into during the COVID-19 emergency shall:

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“(1) Perform at least 35% of the contracting effort with its own organization and resources if the certified business enterprise is granted points or a price reduction pursuant to section 2343 of the CBE Act or selected through a set-aside program; and

“(2) If the certified business enterprise subcontracts, ensure that 50% of the dollar volume of the subcontracted effort be with certified business enterprises unless a waiver is granted pursuant to section 2351 of the CBE Act.

“(a-2) Notwithstanding subsection (a) of this section, a certified joint venture awarded a contract for a government-assisted project in excess of \$250,000 that is unrelated to the District’s response to the COVID-19 emergency but entered into during the COVID-19 emergency shall:

“(1) Perform at least 50% of the contracting effort with its own organization and resources if the certified joint venture is granted points or a price reduction pursuant to section 2343 of the CBE Act or selected through a set-aside program; and

“(2) If the certified joint venture subcontracts, 50% of the dollar volume of the subcontracted effort shall be with certified business enterprises unless a waiver is granted pursuant to section 2351 of the CBE Act.”.

(b) Amendatory Section 5b(a) of the District of Columbia Public Emergency Act of 1980, effective October 9, 2020 (D.C. Law 23-130; D.C. Official Code § 7-2304.02(a)), in section 507(c) is amended as follows:

(1) The lead-in language is amended by striking the phrase “program or organization” and inserting the phrase “program, organization, business, or entity” in its place.

(2) Paragraph (4) is amended by striking the phrase “; or” and inserting a semicolon in its place.

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

(4) New paragraphs (6) and (7) are added to read as follows:

“(6) Covering the costs of operating a business or organization including rent, utilities, or employee wages and benefits; or

“(7) Providing technical assistance to the business community.”

(c) Section 601 is amended to read as follows:

“Sec. 601. Graduation requirements.

“Chapter 22 of Title 5-A of the District of Columbia Municipal Regulations (5-A DCMR § 2201 *et seq.*) is amended as follows:

“(a) Section 2203.3(f) (5-A DCMR § 2203.3(f)) is amended by striking the phrase “shall be satisfactorily completed” and inserting the phrase “shall be satisfactorily completed; except, that this requirement shall be waived for a senior who otherwise would be eligible to graduate from high school in the District of Columbia in the 2019-2020 or 2020-2021 school year” in its place.

“(b) Section 2299.1 (5-A DCMR § 2299.1) is amended by striking the phrase “one hundred and twenty (120) hours of classroom instruction over the course of an academic year”

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and inserting the phrase “one hundred and twenty (120) hours of classroom instruction over the course of an academic year; except, that following the Superintendent’s approval to grant an exception to the one hundred eighty (180) day instructional day requirement pursuant to 5A DCMR § 2100.3 for school year 2019-2020 or 2020-2021, a Carnegie Unit may consist of fewer than one hundred and twenty (120) hours of classroom instruction over the course of the 2019-2020 or 2020-2021 academic year for any course in which a student in grades 9-12 is enrolled” in its place.”

(d) Section 1204(b) is amended by striking the phrase “225” and inserting the phrase “295” in its place.

Sec. 4. Section 301 of the Protecting Businesses and Workers from COVID-19 Temporary Amendment Act of 2020, effective December 23, 2020 (D.C. Law 23-168; 67 DCR 13025), is amended as follows:

(a) Amendatory section 7(c-1) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2306(c-1)), in subsection (a) is amended by striking the date “December 31, 2020” and inserting the date “March 31, 2021” in its place.

(b) Subsection (b) 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.

(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

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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.

(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 25, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-615

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 29, 2021

To amend, on a temporary basis, the University of the District of Columbia Expansion Act of 2010 to limit the University of the District of Columbia’s permitted use of the Patricia R. Harris Facility.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “UDC PR Harris Exclusive Use Repeal Temporary Amendment Act of 2021”.

Sec. 2. Section 422 of the University of the District of Columbia Expansion Act of 2010, effective April 8, 2011 (D.C. Law 18-370; D.C. Official Code § 10-507.01, note) is amended as follows:

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

“(a)(1)(A) The University of the District of Columbia may maintain a Ward 8 food hub and sufficient office space at the closed Patricia R. Harris Educational Center school building and site (“PR Harris”).

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

“(i) “Sufficient office space” means office space sufficient for the purposes of the University of the District of Columbia, as agreed upon by the Mayor and the University of the District of Columbia no later than 45 days after the effective date of the UDC PR Harris Exclusive Use Repeal Emergency Amendment Act, passed on emergency basis on December 15, 2020 (Enrolled version of Bill 23-1019).

“(ii) “Ward 8 food hub” means food production and distribution operations similar in scope to those engaged in by the University of the District of Columbia as of the effective date of the UDC PR Harris Exclusive Use Repeal Emergency Amendment Act, passed on emergency basis on December 15, 2020 (Enrolled version of Bill 23-1019), or of a different scope as agreed upon by the Mayor and the University of the District of Columbia no later than 45 days after the effective date of the UDC PR Harris Exclusive Use Repeal Emergency Amendment Act, passed on emergency basis on December 15, 2020 (Enrolled version of Bill 23-1019).

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“(2) The District of Columbia shall assume any rights and obligations of the University of the District of Columbia as lessor under any existing lease or leases for PR Harris.

“(3) If the Mayor leases or subleases PR Harris in accordance with 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.*), the University of the District of Columbia shall retain the right to maintain a Ward 8 food hub and sufficient space at PR Harris.”.

(b) Subsection (b) is repealed.

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

UNSIGNED _____

Mayor
District of Columbia
January 25, 2021

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AN ACT
D.C. ACT 23-616

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 2, 2021

To establish the Department of Buildings as a subordinate agency within the executive branch of the District of Columbia government with oversight of construction compliance, rental housing safety, and residential property maintenance activities in the District, to enumerate the functions of the Department, to provide for a Director to head the Department, to provide for a Chief Building Official, to provide for a Strategic Enforcement Administrator, to provide for a Zoning Administrator, to provide for the organization of the Department, to require an implementation and transition plan for the establishment of the Department, to provide a timeline wherein the Executive is required to plan and implement establishment of the Department, to require a Strategic Enforcement Plan and prescribe its content, to require an annual Enforcement Report and prescribe its content, to provide rulemaking authority, to amend existing law to conform to the establishment of the Department, and to redesignate the Department of Consumer and Regulatory Affairs as the Department of Licensing and Consumer Protection.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Buildings Establishment Act of 2020".

TITLE I. ESTABLISHMENT OF THE DEPARTMENT OF BUILDINGS

Sec. 101. Definitions.

For the purposes of this act, the term:

- (1) "Chief Building Official" or "CBO" means the lead administrator of the Office of Construction and Building Standards, whose appointment is provided for by section 104.
- (2) "Construction Codes" means all codes as defined in section 101.1 of Title 12A of the District of Columbia Municipal Regulations (12-A DCMR § 101.1).
- (3) "Department" means the Department of Buildings established by section 102.
- (4) "Director" means the director of the Department of Buildings, whose appointment is provided for by section 103.
- (5) "International Code Council Family of Codes" means the body of standards promulgated by the International Code Council to the extent the standards are adopted by the District of Columbia and codified into the District of Columbia Code of Municipal Regulations.

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(6) "Strategic Enforcement Administrator" or "SEA" means the lead administrator of the Office of Strategic Code Enforcement, whose appointment is provided for by section 105.

(7) "Zoning Administrator" or "ZA" means the lead administrator for the Office of Zoning Administration, whose appointment is provided for by section 106.

Sec. 102. Establishment of the Department of Buildings.

(a) Pursuant to section 404(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04(b)), there is established, as a subordinate agency within the executive branch of the District of Columbia government, the Department of Buildings, which shall be headed by a Director who shall carry out the functions and authorities assigned to the Department.

(b) The Department is charged with promoting the health, safety, and quality of life of residents and visitors in the District of Columbia by reviewing proposed plans for technical sufficiency, issuing permits to ensure competent construction, inspecting the built environment, regulating land use and development, and enforcing the regulations and codes governing building construction, rental housing conditions, building maintenance, building safety, and zoning.

(c) The functions of the Department shall be to:

(1) Ensure that the physical environment and structure of all buildings in the District of Columbia meet all applicable regulations and codes for preservation or for the use to which the space or structure is to be put;

(2) Ensure that the habitability and sanitary condition of all rental housing units in the District of Columbia meet all applicable regulations and codes, except those that are under the exclusive jurisdiction of the United States; and

(3) Ensure that public and private land and structures meet adequate health, safety, and environmental standards.

Sec. 103. Director.

(a) The Director shall manage and administer the Department and all functions and personnel assigned thereto, including the power to redelegate to other employees and officials of the Department such powers and authority as in the judgment of the Director is warranted in the interests of efficiency and sound administration, excluding the ability to alter the duties and functions of the Chief Building Official or the duties and functions of the Strategic Enforcement Administrator.

(b) The Director shall be appointed by the Mayor with the advice and consent of the Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

Sec. 104. Chief Building Official.

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(a) There shall be, subordinate to the Director, a Chief Building Official within the Department with primary authority for the administration of and determination of compliance with the Construction Codes and the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01 *et seq.*).

(b) The Chief Building Official shall be appointed by the Mayor with the advice and consent of the Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

(c) Upon the applicability date of this act, the individual then serving in the position of Chief Building Official at the Department of Consumer and Regulatory Affairs ("Incumbent CBO") shall serve as the CBO until the expiry of a 5-year term to be calculated from the applicability date of this act. If the Incumbent CBO is unable to serve as CBO, the deputy to the Incumbent CBO shall serve as acting CBO until a new CBO is appointed by the Mayor pursuant to subsection (b) of this section.

(d) The CBO shall have not less than 8 years of senior-level experience in administering building standards and shall have demonstrated, through knowledge and experience, the ability to administer a building standard system of the size and complexity of the responsibilities covered by this act.

(e) The CBO shall serve for one 5-year term and may be reappointed pursuant to subsection (b) of this section.

(f) The CBO shall not be required to resign at the end of a mayoral term or administration.

Sec. 105. Strategic Enforcement Administrator.

(a) There shall be, subordinate to the Director, a Strategic Enforcement Administrator within the Department.

(b) The SEA shall have the following responsibilities:

(1) Developing and implementing strategic and data-driven deployment of the Department's enforcement efforts and advising the CBO and the Chief Inspection Official ("CIO"), provided for in section 107(a)(4), accordingly;

(2) Monitoring violations to ensure that the CBO and CIO are scheduling timely reinspections and that the appropriate documentation and data are being captured;

(3) If, and when, fines are levied, tracking and enforcing collection of the fines and making referrals to the Office of the Attorney General for the District of Columbia when necessary;

(4) Developing and implementing consistent enforcement procedures and standards in coordination with the CBO and CIO;

(5) Advisory responsibility for managing the assignment of the Department's enforcement staff to ensure enforcement efforts regarding the built environment of the District of Columbia are effectively assigned;

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(6) Managing and tracking the enforcement history of individual projects, professionals, and properties to identify repeat violators or trends in construction, housing code, or maintenance violations and developing plans to detect and deter future violations;

(7) Monitoring and tracking the number, type, and severity of violations, abatement history, impact on neighboring properties, previous enforcement actions taken, and the results of such enforcement actions to inform a consistent application of abatement standards; and

(8) General administration of the Department's enforcement efforts.

(c) The SEA shall be appointed by the Mayor with the advice and consent of the Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

(d) The SEA shall serve for one 5-year term and may be reappointed pursuant to subsection (c) of this section.

(e) The SEA shall not be required to resign at the end of a mayoral term or administration.

Sec. 106. Zoning Administrator.

(a) There is established, subordinate to the Director, a Zoning Administrator within the Department with primary authority for the administration of and determination of compliance with the Zoning Regulations of the District of Columbia (11-A DCMR § 100.1 *et seq.*) ("Zoning Regulations").

(b) The ZA shall be appointed by the Mayor with the advice and consent of the Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

(c) The ZA shall have not less than 8 years of senior-level experience in interpreting and enforcing zoning regulations.

(d) The ZA shall serve for one 5-year term and may be reappointed pursuant to subsection (b) of this section.

(e) The ZA shall not be required to resign at the end of a mayoral term or administration.

Sec. 107. Department organization.

(a) There are established within the Department the following offices and divisions:

(1) The Office of the Director with subordinate staff responsible for:

(A) Human Resources;

(B) Intergovernmental Affairs;

(C) General Counsel;

(D) Communications; and

(E) Technology and Information Services, including the development and maintenance of, in coordination with the Office of the Chief Technology Officer, the systems

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necessary to enable the efficient and accurate maintenance of digital records management, electronic plan submission, electronic plan review, permit issuance, and enforcement records.

(2) Administrative Services, with subordinate staff responsible for:

(A) Customer Service and Complaint Resolution;

(B) Logistics and Fleet Services, including the management of the equipment necessary to support an inspection workforce that deploys to inspect construction sites in coordination with the subordinate staff responsible for Technology and Information Services;

(C) Risk Management; and

(D) Contracts and Procurement;

(3) The Office of Construction and Building Standards, headed by the CBO, with subordinate staff responsible for:

(A) The Permitting Operations Division, which shall:

(i) Accept permit applications for review and coordinate the review of such applications by the relevant offices and entities;

(ii) Evaluate submitted plans and certify their compliance with the Construction Codes or provide instructions to obtain compliance for non-compliant submissions;

(iii) Issue building permits for private and District construction projects;

(B) The Construction Compliance Division, which shall manage and coordinate revisions to the Construction Codes to meet current demands for adequate and safe construction and the maintenance of new and existing building structures as outlined by the International Code Council Family of Codes;

(C) The Building Inspection Division, which shall:

(i) Inspect commercial buildings;

(ii) Manage permit-related inspection requests;

(iii) Issue citations for violations of the Construction Codes to correct violations; and

(iv) Conduct building and structure assessments for emergency and disaster response in coordination with the Homeland Security and Emergency Management Agency;

(D) Green Building Division, which shall regulate construction relevant to the green codes, which includes the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01 *et seq.*), the Green Construction Code (12-K DCMR), and the Energy Conservation Code (12-I DCMR). The Division shall coordinate services with the Permitting Operations Division and Construction Compliance Division, such as conducting plan review, building inspections, and collaborating with sister agencies, the building industry, and the community to increase the sustainability of the built environment;

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(E) Surveyor’s Office, which shall produce and maintain the legal records of all land plats and subdivisions of private and District government property within the District of Columbia;

(F) Third-Party Inspection Program, which shall provide supplemental staff for the Department’s plan review and inspection divisions, and shall ensure the suitability and quality of, and authorize private entities to perform, inspections and plan reviews and to certify to the Department that such work complies with the Construction Codes.

(4) The Office of Residential Inspection, headed by a Chief Inspection Official (“CIO”), with subordinate staff responsible for:

(A) Vacant and Blighted Property Division, which shall inspect and classify vacant and blighted buildings;

(B) Rental Housing Inspections Division, which shall protect District tenants by ensuring habitable housing by conducting both proactive and complaint-based residential housing inspections of violations of the Residential Code (12-B DCMR) and the Property Maintenance Code (12-G DCMR);

(C) Housing Rehabilitation Division, which shall:

(i) Abate violations of the Residential Code (12-B DCMR) and the Property Maintenance Code (12-G DCMR);

(ii) Process abatement contracts; and

(iii) Collect unpaid abatement costs;

(5) The Office of Strategic Code Enforcement, headed by the SEA, with subordinate staff responsible for:

(A) Code Enforcement Division, which shall:

(i) Coordinate and monitor enforcement of violations cited by the Department’s regulatory programs;

(ii) Work closely with the Office of the Attorney General to compel compliance through judicial orders;

(iii) Conduct compliance surveys; and

(iv) Issue Notices of Infraction for violations;

(B) Civil Infractions and Fine Assessment Division, which shall:

(i) Process all civil infractions with the Office of Administrative Hearings;

(ii) Collect fines; and

(iii) Place property liens for unpaid fines.

(6) The Office of Zoning Administration, headed by the ZA, with subordinate staff responsible for:

(A) Reviewing applications for conformity with the Zoning Regulations of the District of Columbia (11-A DCMR § 100.1 *et seq.*) (“Zoning Regulations”);

(B) Enforcing the Zoning Regulations;

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- (C) Writing letters of determination or of denial regarding the relevant portions of the Zoning Regulations applicable to specific development proposals; and
- (D) Referring applicants to the Board of Zoning Adjustment if they want to seek special exceptions or zoning variances to the ZA's rulings.

Sec. 108. Implementation and Transition Plan.

(a) The City Administrator shall prepare and submit to the Council a comprehensive transition plan and timeline to facilitate the implementation of this act.

(b) The transition plan shall include:

- (1) A proposed organizational plan, including an organization chart, which reflects the proposed reporting structure for the Department consistent with this act, due 60 days after the applicability date of this act;
- (2) A strategic human capital plan, which identifies the skills and personnel necessary for the functions covered by this act, identifies current available human resources, identifies the training necessary to ensure staff are prepared to perform, outlines steps to engage and bargain with labor organizations currently certified to represent employees who may be transferred from the former Department of Consumer and Regulatory Affairs, and identifies recruiting priorities and efforts, due 120 days after the applicability date of this act;
- (3) A communications strategy, which articulates the methods by which the Executive will share the mission and scope of the Department with the public, stakeholders, and the regulated community, metrics by which to judge the success of the plan, and alternative outreach options to improve success of the plan, due 120 days after the applicability date of this act;
- (4) A comprehensive document control inventory, which identifies the documents, collateral, and assets that must be revised to reflect the change in responsibility to the Department of Buildings and the change in name of the former Department of Consumer and Regulatory Affairs to the Department of Licensing and Consumer Protection, due 180 days after the applicability date of this act;
- (5) A business process analysis and reengineering assessment, which identifies the processes by which the Department of Consumer and Regulatory Affairs currently performs each of the functions covered by this act, evaluates the effectiveness of each existing process, identifies potential process improvements, prioritizes eliminating process inefficiencies, and provides redesigned operational processes for the Department of Buildings to adopt these functions, due one year after the applicability date of this act; and
- (6) An information technology needs assessment, which identifies the resources and tools necessary to enable operations over a single system, or a minimal number of fully integrated systems, facilitate plan review, enforcement, and records management across all relevant review and enforcement agencies, due one year after the applicability date of this act.

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(c) The timeline shall include progress points by which the Council may track the implementation of this act.

(d) As of the applicability date of this act, the Mayor shall provide quarterly updates on the progress of developing the deliverables identified in subsection (b) of this section.

TITLE II. AGENCY PLANNING AND REPORTING REQUIREMENTS**Sec. 201. Strategic Enforcement Plan.**

(a) On or before January 1, 2022, and January 1 of every third year thereafter, the SEA shall submit to the Council a Strategic Enforcement Plan that:

- (1) Establishes priorities;
- (2) Identifies available and needed resources while integrating the Department's enforcement functions; and
- (3) Identifies instances in which the Department can leverage the enforcement efforts of sister agencies with which the Department has adjacent, overlapping, or shared authority.

(b) The plan required under subsection (a) of this section shall rely on existing data and industry best practices to determine enforcement priorities for the duration of the plan.

(c) In developing the plan required under subsection (a) of this section, the SEA shall afford great weight to available complaint data and community sentiment.

Sec. 202. Annual Enforcement Report.

(a) On or before January 1, 2023, and January 1 of every year thereafter, the Director shall submit to the Council an annual report detailing the enforcement activities of the Department in the prior fiscal year.

(b) The report required under subsection (a) of this section shall assess the Department's progress against the Strategic Enforcement Plan required under section 201 and identify any changes to operations necessary to implement the Strategic Enforcement Plan.

(c) The report required under subsection (a) of this section shall also include the following data for the prior fiscal year:

- (1) Complaint data, detailing the number, type, method, determination of validity, and resolution of complaints received by the Department;
- (2) Violation data, detailing the violations identified and cited in the prior fiscal year and their status as abated or unresolved as of the date of the report;
- (3) Fine collection data, detailing the dollar value of the fines assessed, dollar value of the fines assessed versus the fines collected, violations for which the fines were issued, and identifying any reduction in fine amount due to an action by an administrative judge to reduce the assessed fine, adverse judgment at an administrative hearing, administrative settlement or dismissal by the Department, or other means resulting in a collection of less than the levied amount, and any fines not yet collected as of the date of the report;

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(4) Abatement efficacy, detailing the number and nature of abatement orders, the number of days taken to abate each order, the number of extensions granted by type of abatement order, the justification for each extension, and the location of each abatement order, and its status as abated or unresolved as of the date of the report;

(5) Enforcement escalation data, detailing the number of violations referred to the Attorney General for the District of Columbia, the aggregate dollar amount assessed, and a description of the matters referred; and

(6) Collections escalation data, detailing the number of violations referred to the Central Collections Unit.

TITLE III. AGENCY REDESIGNATION AND TRANSITION

Sec. 301. Redesignation.

(a) The Department of Consumer and Regulatory Affairs shall be redesignated as the Department of Licensing and Consumer Protection.

(b) The following functions and duties shall be transferred to the Department of Buildings by October 1, 2021:

(1) The functions of the Department of Consumer and Regulatory Affairs set forth in section III(A)(4 and 5) and (B)(3, 6 through 11) of Reorganization Plan No. 1 of 1983, effective March 31, 1983; and

(2) The functions and duties set forth in the Boiler Inspection Act of the District of Columbia, approved June 25, 1936 (49 Stat. 1917; D.C. Official Code § 2-101 *et seq.*).

(c) All staff, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available relating to the duties and functions assigned in Title I of this act shall be transferred to the Department of Buildings by October 1, 2021.

(d) Notwithstanding any other law, rule, or regulation, 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.*), shall be fully applicable to employees of the Department of Buildings.

TITLE IV. RULEMAKING AUTHORITY; SAVINGS CLAUSE

Sec. 401. Rules.

(a) 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 as necessary to implement the provisions of this act, including establishing fines, permit fees, and other fees necessary to support the implementation of this act.

(b) Proposed rules promulgated pursuant to subsection (a) of this section 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

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rules, in whole or in part, by resolution within this 45-day period, the proposed rules shall be deemed to be approved.

Sec. 402. Savings clause.

The rules that any agency, department, or administration, the functions of which are transferred by this act to the Department of Buildings, has promulgated that do not conflict with this act shall remain in effect until amended or repealed by rules promulgated in accordance with this act.

TITLE V. CONFORMING AMENDMENTS

Sec. 501. Conforming Amendments.

(a) The District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-201 *et seq.*), is amended as follows:

(1) Section 26 (D.C. Official Code § 6-225) is amended as follows:

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

(B) Paragraph (6) is amended by striking the period and inserting the phrase “; and” in its place;

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

“(7) The Department of Buildings.”.

(2) Section 26g(b)(2)(M) (D.C. Official Code § 6-232(b)(2)(M)) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(b) The District of Columbia Applications Insurance Implementation Act, effective May 26, 1976 (D.C. Law 1-64; D.C. Official Code § 6-501 *et seq.*), is amended by adding a new section 6B to read as follows:

“Sec. 6B. The Mayor shall delegate the functions enumerated in this act to the Director of the Department of Buildings.”.

(c) Section 5(h) of An Act To regulate the height of buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452; D.C. Official Code § 6-601.05(h)), is amended by striking the phrase “Office of the Inspector of Buildings of the District of Columbia” and inserting the phrase “Department of Buildings” in its place;

(d) An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and used of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 *et seq.*), is amended as follows:

(1) Section 8 (D.C. Official Code § 6-641.07) is amended as follows:

(A) Subsection (f) is amended by striking the phrase “Inspector of Buildings” and inserting the phrase “Director of the Department of Buildings” in its place;

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(B) Subsection (g)(1) is amended by striking the phrase “Inspector of Buildings” and inserting the phrase “Director of the Department of Buildings” in its place.

(2) Section 10 (D.C. Official Code § 6-641.09) is amended as follows:

(A) Subsection (a) is amended as follows

(i) Strike the phrase “Inspector of Buildings” and insert the phrase “Director of the Department of Buildings” in its place;

(ii) Strike the word “Inspector” and insert the word “Director” in its place;

(iii) Strike the phrase “Corporation Counsel” both times it appears and insert the phrase “Attorney General for the District of Columbia” in its place; and

(B) Subsection (b) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(e) Paragraph 7 of the General Expenses title of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and ten, and for other purposes, approved March 3, 1909 (35 Stat. 689; D.C. Official Code § 6-661.01), is amended by striking the phrase “Inspector of Buildings” both times it appears and inserting the phrase “Director of the Department of Buildings” in its place.

(f) Section 2(a-1)(1) of An Act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, approved May 1, 1906 (34 Stat. 157; D.C. Official Code § 6-902(a-1)(1)), is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(g) Section 4(c)(2) of the Foreign-Government-Owned Vacant and Blighted Building Amendment Act of 2018, effective March 22, 2019 (D.C. Law 22-254; D.C. Official Code § 6-1331(c)(2)), is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(h) Section 2 of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401), is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(2) Paragraph (6) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(3) Paragraph (7) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(i) 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:

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(1) Section 2 (D.C. Official Code § 6-1451.01) is amended as follows:

(A) Paragraph (9) is amended by striking the phrase ““DCRA” means the Department of Consumer and Regulatory Affairs” and inserting the phrase ““DOB” means the Department of Buildings” in its place.

(B) Paragraph (10) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(2) Section 4(b)(1)(A) (D.C. Official Code § 6-1451.03(b)(1)(A)) is amended by striking the abbreviation “DCRA” and inserting the abbreviation “DOB” in its place.

(3) Section 8(b)(2)(A) (D.C. Official Code § 6-1451.07(b)(2)(A)) is amended by striking the abbreviation “DCRA” and inserting the abbreviation “DOB” in its place.

(4) Section 10 (D.C. Official Code § 6-1451.09) is amended as follows:

(A) Subsection (c)(1)(D) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(B) Subsection (h)(2)(C) is amended by striking the abbreviation “DCRA” and inserting the abbreviation “DOB” in its place.

(j) Section 206(b) of An Act To authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes, effective March 14, 2007 (D.C. Law 16-262; D.C. Official Code § 7-2231.06(b)), is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(k) Section 4a(a)(9) of the Pesticide Operations Act of 1977, effective April 18, 1978 (D.C. Law 2-70; D.C. Official Code § 8-403.01(a)(9)), is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and Consumer Protection” in its place.

(l) Section 412(b)(8) of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective April 4, 2001 (D.C. Law 13-275; D.C. Official Code § 9-204.12(b)(8)), is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(m) Title 25 of the District of Columbia Official Code is amended as follows:

(1) Section 25-374(a)(2) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(2) Section 25-791(c)(2) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(3) Section 25-804 is amended as follows:

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(A) The section heading is amended by striking the abbreviation "DCRA" and inserting the abbreviation "DLCP" in its place.

(B) Subsection (a) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(n) Title 28 of the District of Columbia Code is amended as follows:

(1) Section 28-3817(e)(1) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(2) Section 28-3901(a) is amended as follows:

(A) Paragraph (8) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(B) Paragraph (9) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(3) Section 28-3902 is amended as follows:

(A) The section heading is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(B) Subsection (a) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(C) Subsection (c) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(D) Subsection (i) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" both times it appears and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(4) Section 28-3905(i)(3)(B) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" wherever it appears and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(5) Section 28-4001(13) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(o) Section 29-102.13(b) of the District of Columbia Official Code is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

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(p) Section 101(2) of the Short-Term Rental Regulation Act of 2018, effective April 25, 2019 (D.C. Law 22-307; D.C. Official Code § 30-201.01(2)), is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(q) The District of Columbia Public Utility Environmental Impact Statement Requirement Act of 1989, effective October 19, 1989 (D.C. Law 8-45; D.C. Official Code § 34-2601 *et seq.*), is amended as follows:

(1) Section 2 (D.C. Official Code § 34-2601) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(2) Section 4(b) (D.C. Official Code § 34-2603(b)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(r) Section 105(b)(4)(E) of the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1505(b)(4)(E)), is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(s) Section 3 of an Act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes, approved March 3, 1879 (20 Stat. 408; D.C. Official Code § 38-402), is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(t) Chapter 40 of An Act to establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1384; D.C. Official Code § 40-301.01 *et seq.*), is amended as follows:

(1) Section 1238(b)(7)(A) (D.C. Official Code § 40-301.02(b)(7)(A)(i)) is amended as follows:

(A) Sub-subparagraph (i) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(B) Sub-subparagraph (ii) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(2) Section 1238a(2) (D.C. Official Code § 40-301.03(2)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(u) Section 3a of the District of Columbia Uniform Conservation Easement Act of 1986, effective March 17, 1993 (D.C. Law 9-233; D.C. Official Code § 42-202.01), is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

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(v) Section 220(b)(3)(B) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1902.20(b)(3)(B)), is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(w) Section 2234(3) of the Common Interest Community Repairs Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-168; D.C. Official Code § 42-2073(3)), is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(x) An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat.114; D.C. Official Code § 42-3131.01 *et seq.*), is amended as follows:

(1) Section 10(a) (D.C. Official Code § 42-3131.10(a)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(2) Section 18 (D.C. Official Code § 42-3131.18) is amended as follows:

(A) The section heading is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(B) The lead-in language is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(3) Section 19(a) (D.C. Official Code § 42-3131.19(a)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(y) The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

(1) Section 103(9)(B) (D.C. Official Code § 42-3501.03(9)(B)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(2) Section 203c(a) (D.C. Official Code § 42-3502.03c(a)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(3) Section 208 (D.C. Official Code § 42-3502.08) is amended as follows:

(A) Subsection (a)(1)(A) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

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

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(i) Paragraph (1) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" wherever it appears and inserting the phrase "Department of Buildings" in its place.

(ii) Paragraph (2) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(C) Subsection (c) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" both times it appears and inserting the phrase "Department of Buildings" in its place.

(4) Section 212(b)(1)(A)(vii) (D.C. Official Code § 42-3502.12(b)(1)(A)(vii)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(5) Section 222(b)(1)(F) (D.C. Official Code § 42-3502.22(b)(1)(F)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(6) Section 501(f)(1)(A)(iii) (D.C. Official Code § 42-3505.01(f)(1)(A)(iii)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(7) Section 505(c) (D.C. Official Code § 42-3505.05(c)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(8) The lead-in language of section 705 (D.C. Official Code § 42-3507.05) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(z) The Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, effective April 27, 2001 (D.C. Law 13-281; D.C. Official Code § 42-3651.01 *et seq.*), is amended as follows:

(1) Section 502(a)(1) (D.C. Official Code § 42-3651.02(a)(1)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(2) Section 504(a)(3)(B) (D.C. Official Code § 42-3651.04(a)(3)(B)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(3) Section 507(a)(2) (D.C. Official Code § 42-3651.07(a)(2)) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(aa) Section 2(5) of the Lease-Purchase Agreement Act of 2002, effective April 13, 2002 (D.C. Law 14-99; D.C. Official Code § 42-3671.01(5)), is amended striking the phrase

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“Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(bb) Title 47 of the District of Columbia Official Code is amended as follows:

(1) Section 47-813(d-1)(5)(A-i) is amended as follows:

(A) Sub-subparagraph (i)(I) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(B) Sub-subparagraph (ii) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” both times it appears and inserting the phrase “Department of Buildings” in its place.

(2) Section 47-895.21(9)(B) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(3) Section 47-1341 is amended as follows:

(A) Subsection (a)(2) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(B) Subsection (b-1)(2) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(4) Section 47-1353.01(b) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Buildings” in its place.

(5) Section 47-2844(a-2)(1A) is amended as follows:

(A) Subparagraph (A)(iii)(II) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and Consumer Protection” in its place.

(B) Subparagraph (E) is amended as follows:

(i) The lead-in language is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and Consumer Protection” in its place.

(ii) Sub-subparagraph (v) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and Consumer Protection” in its place.

(6) Section 47-2851.01 is amended as follows:

(A) Paragraph (2) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and Consumer Protection” in its place.

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(B) Paragraph (3) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(C) Paragraph (4) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(7) Section 47-2851.02a is amended as follows:

(A) Subsection (b)(1) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

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

(i) Paragraph (1) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(ii) Paragraph (2) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(8) Section 47-2851.05(a) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(9) The lead-in language of section 47-2853.04(c) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(10) Section 47-2853.76b(a) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(11) Section 47-2853.96(b)(2)(D) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Buildings" in its place.

(12) Section 47-2853.197(34) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(13) Section 47-2855.01 is amended as follows:

(A) Paragraph (2) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

(B) Paragraph (3) is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

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(14) Section 47-2866(a)(1) is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and Consumer Protection” in its place.

(cc) Section 48-313(h)(3) of the Food Policy Council and Director Establishment Act of 2014, effective March 10, 2015 (D.C. Law 20-191; D.C. Official Code § 48-313(h)(3)), is amended by striking the phrase “Department of Consumer and Regulatory Affairs” and inserting the phrase “Department of Licensing and Consumer Protection” in its place.

TITLE VI. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE

Sec. 601. 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. 602. 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. 603. 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

VETO

Mayor
District of Columbia
January 13, 2021

COUNCIL OVERRIDE: FEBRUARY 2, 2021

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AN ACT

D.C. ACT 23-617

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 2, 2021

To establish the Office of the Ombudsperson for Children as an independent, impartial office, responsible to the Council and tasked with improving outcomes for children involved with, previously involved with, or otherwise known to the Child and Family Services Agency; to amend the Prevention of Child Abuse and Neglect Act of 1977 to permit the Office of the Ombudsperson for Children to access information contained in the Child Protection Register and from staff of the Child and Family Services Agency that identifies individual children reported as or found to be abused or neglected or which identifies other members of their families or other persons otherwise considered confidential; and to make additional conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Office of the Ombudsperson for Children Establishment Amendment Act of 2020”.

TITLE I. OFFICE OF THE OMBUDSPERSON FOR CHILDREN.

Sec. 101. Definitions.

For the purposes of this title, the term:

(1) “Administrative act” means any action, decision, adjudication, omission, rule, regulation, interpretation, recommendation, policy, practice, or procedure of an agency, agency-licensed or contracted service and placement provider, or entity that must operate under or comply with guidance from an agency.

(2) “Agency” means any officer, employee, office, department, division, board, commission, or agency of the government of the District, including independent agencies, but does not include:

(A) The District of Columbia Courts, as that term is defined in section 103(13) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.03(13));

(B) The Council;

(C) Any instrumentality formed pursuant to an interstate compact; or

(D) The Office of the Inspector General.

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- (3) "CFSA" means the Child and Family Services Agency.
- (4) "CFSA affiliate" means a CFSA-licensed or contracted service and placement provider or entity that must operate under or comply with guidance from CFSA.
- (5) "CFSA child" means an individual who is 21 years of age or younger and involved with, previously involved with, or otherwise known to CFSA.
- (6) "CFSA constituent" includes:
- (A) A CFSA child;
 - (B) A former CFSA child;
 - (C) The following individuals in relation to a CFSA child:
 - (i) A parent by birth, adoption, or marriage;
 - (ii) A relative caregiver, as that term is defined in section 101(3A) of the Grandparent Caregivers Pilot Program Establishment Act of 2005, effective March 8, 2006 (D.C. Law 16-69; D.C. Official Code § 4-251.01(3A));
 - (iii) A grandparent, as that term is defined in section 101(2) of the Grandparent Caregivers Pilot Program Establishment Act of 2005, effective March 8, 2006 (D.C. Law 16-69; D.C. Official Code § 4-251.01(2));
 - (iv) A close relative, as that term is defined in section 101(2) of the Close Relative Caregiver Subsidy Pilot Program Establishment Amendment Act of 2019, effective November 26, 2019 (D.C. Law 23-32; D.C. Official Code § 4-251.21(2)); and
 - (v) A court-ordered legal custodian or guardian;
 - (D) A foster parent, as that term is defined in section 381(1) of the Prevention of Child Abuse and Neglect Act of 1977, effective February 18, 2017 (D.C. Law 21-217; D.C. Official Code 4-1303.81(1));
 - (E) An employee of CFSA;
 - (F) A contracted employee of CFSA;
 - (G) A court-appointed special advocate or guardian ad litem, an attorney of a CFSA child, or a CFSA child's parent or caregiver; and
 - (H) An individual with first-hand knowledge of an administrative act of CFSA or a CFSA affiliate.
- (7) "Office" means the Office of the Ombudsperson for Children.
- (8) "Ombudsperson" or "Ombudsperson for Children" means the administrator of the Office.
- (9) "Record" means any record, document, book, paper, file, photograph, microfilm, sound recording, video recording, magnetic storage media, computer data, or other material, regardless of physical form or characteristics, created, generated, recorded, received, possessed, controlled, accessible, or auditable by an agency.

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Sec. 102. Office of the Ombudsperson for Children; establishment; term.

(a) There is established for the District of Columbia the Office of the Ombudsperson for Children, which, in addition to other remedies or rights of appeal available under the law, shall be an independent, impartial office responsible to the Council and tasked with improving outcomes for CFSA children by holding agencies accountable for fulfilling their responsibilities under the law.

(b) The Office shall be headed by the Ombudsperson for Children, who shall be appointed by the Chairman of the Council, subject to the approval of a majority of the Council.

(c)(1) The Ombudsperson shall serve for a term of 5 years and may be reappointed.

(2) The Ombudsperson shall be paid at a rate of compensation as may be established from time to time by the Council.

(3) The Ombudsperson shall receive 2-weeks' notice of removal and may be removed only for cause by a majority of the Council.

(4) If the position of Ombudsperson becomes vacant, the Chief Deputy Ombudsperson shall serve as acting Ombudsperson until an Ombudsperson has been appointed for a full term.

(d) The Ombudsperson shall appoint a Chief Deputy Ombudsperson, who shall serve under the direction and control of the Ombudsperson and perform such duties as may be assigned by the Ombudsperson.

(e)(1) The Ombudsperson shall appoint a Deputy CFSA Ombudsperson, who shall have primary responsibility for performing the duties under section 105. The Deputy CFSA Ombudsperson shall be a licensed independent clinical social worker, or its equivalent, with experience in child and family welfare issues, case management, and data management systems, and shall be a member of:

(A) The CFSA Internal Child Fatality Review Committee;

and

(B) The Mayor's Advisory Committee on Child Abuse and Neglect.

(2) The Mayor shall furnish the Deputy CFSA Ombudsperson with such office space at CFSA's main office that is necessary for the discharge of the Deputy CFSA Ombudsperson's duties.

(f) The Ombudsperson shall serve as the personnel authority for the Office and shall have such staff as is appropriated in an approved budget. The Ombudsperson and all employees of the Office shall be appointed in the Excepted Service pursuant to Title IX 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 1-609.01 *et seq.*).

(g) The Ombudsperson shall have exclusive authority to administer the Office's budget.

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Sec. 103. Qualifications.

(a) The Ombudsperson shall:

(1) Be a person of recognized judgment, objectivity, and integrity, and qualified by training or experience to analyze problems of law, administration, and public policy;

(2) Possess experience in the field of social work, counseling, healthcare, mediation, law, policy, or public administration or auditing, accounting, or other investigative field;

(3) Have management experience that demonstrates an ability to hire and supervise qualified staff; and

(4) Become a member of the United States Ombudsman Association ("USOA") and, upon appointment, attend the new ombudsman training offered by USOA.

(b) The Ombudsperson shall not:

(1) Participate in partisan political activities;

(2) Be a candidate for or hold any other elective or appointive government office;

or

(3) Engage in any other occupation, business, or profession that may detract from the performance of the Ombudsperson's duties or result in a conflict of interest or an appearance of impropriety or partiality with the duties of the Ombudsperson.

Sec. 104. Duties of the Office.

The Office shall:

(1) Facilitate interagency communication and coordination related to issues impacting CFSA children;

(2) Receive requests to reconsider complaints dismissed by the Deputy CFSA Ombudsperson;

(3) Develop and maintain a database that tracks complaints received by the Office and disposition of those complaints;

(4) Investigate on the Office's own initiative:

(A) Systemic concerns relating to CFSA children, including issues relating to interagency communication and coordination; or

(B) An administrative act of CFSA or a CFSA affiliate, without regard to the finality of the administrative act, that the Office believes to be:

(i) Inconsistent with District or federal law, regulation, or policy, or standards of good practice;

(ii) Based on mistaken facts or irrelevant considerations;

(iii) Unsupported by an adequate statement of reasons;

(iv) Performed in an unprofessional manner that is detrimental to the safety, permanency, or well-being of a CFSA child or the CFSA child's family; or

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(v) Unreasonable, unfair, not aligned with standards of practice and care, or otherwise objectionable, even though in accordance with law;

(5) Provide recommendations to policies and procedures, staff training, regulations, and strategies based on investigations performed pursuant to this section;

(6) Submit reports required by section 108;

(7) Develop regulations and standard operating procedures, including those related to interagency communication and coordination, ensuring confidentiality, the development of a complaint database, standards for investigations, and any other issues necessary for meeting the responsibilities of the Office;

(8) Create and maintain a website for the Office, which shall allow for the online submission of complaints;

(9) Coordinate with the Office of the Inspector General or the Office of the District of Columbia Auditor regarding any matter that may fall within the jurisdiction and mission of one of those offices;

(10) If the Ombudsperson believes that an agency official or employee has acted in a manner warranting criminal or disciplinary proceedings, refer the matter to the appropriate authority; and

(11) Perform the duties in section 105 at the Ombudsperson's discretion or if otherwise necessary.

Sec. 105. Duties of the Deputy CFSA Ombudsperson.

In addition to any other duties that the Ombudsperson may assign, the Deputy CFSA Ombudsperson shall:

(1) Provide information, as appropriate, on the rights and responsibilities of CFSA constituents;

(2) Facilitate communication between CFSA and CFSA constituents as needed;

(3) Review the policies, procedures, regulations, and directives as established, implemented, or practiced by CFSA or a CFSA affiliate;

(4) Receive and process complaints from CFSA constituents involving an administrative act of CFSA or a CFSA affiliate, without regard to the finality of the administrative act by:

(A) Receiving complaints by phone, in writing, electronically, or in person at multiple locations, including at the office of the Deputy CFSA Ombudsperson, the Office of the Ombudsperson for Children, or in the community if requested by, and necessary to protect the privacy interests of, the complainant;

(B) Acknowledging complaints in a timely fashion;

(C) Providing accurate and helpful information in response to a complaint when appropriate; and

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(D) Determining the validity of a complaint quickly and professionally and investigating all valid complaints that the Deputy CFSA Ombudsperson reasonably believes to be:

- (i) Inconsistent with District or federal law, regulation, or policy, or standards of good practice;
- (ii) Based on mistaken facts or irrelevant considerations;
- (iii) Unsupported by an adequate statement of reasons;
- (iv) Performed in an unprofessional manner that is detrimental to the safety, permanency, or well-being of a CFSA child and the CFSA child's family; or
- (v) Unreasonable, unfair, not aligned with standards of practice and care, or otherwise objectionable, even though in accordance with law;

(5) Dismiss or refrain from investigating a complaint if the Deputy CFSA Ombudsperson reasonably believes:

(A) It is plain on the face of the complaint that an adequate remedy is presently available such that an investigation is unwarranted, and the Deputy CFSA Ombudsperson can provide information to the complainant about the remedy;

(B) The complaint relates to a matter that is outside the purpose of the Office;

(C) The complaint is not made in good faith;

(D) The complaint has been too long delayed to justify present examination; or

(E) Investigation of the complaint would not facilitate an action authorized by this title;

(6) Make recommendations for the resolution of a complaint in a timely fashion; and

(7) Offer voluntary conflict resolution services, including mediation or an opportunity for the complainant to meet with the subject of the complaint, with respect to complaints submitted, when appropriate and at the discretion of the Deputy CFSA Ombudsperson.

Sec. 106. Powers.

(a) Notwithstanding any other provision of law, the Ombudsperson shall have the power to:

(1) Access, examine, and copy, without payment of a fee, any agency record that is required for the discharge of the Ombudsperson's duties;

(2) Make inquiries and obtain assistance and information from an agency, an agency-licensed or contracted service and placement provider, or an entity that must operate under or comply with guidance from an agency that is required for the discharge of the Ombudsperson's duties;

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(3) Log-in directly to CFSA’s web-based case management and electronic data systems that service CFSA children without having to first obtain CFSA’s consent or provide notice;

(4) Conduct inspections of the premises, or any part thereof, without prior notice, of CFSA and licensed or contracted placement providers, including secure facilities and group homes, but excluding licensed single-family foster homes, that are necessary for the discharge of the Ombudsperson’s duties;

(5) Conduct inspections of the premises, or any part thereof, with prior notice and consent, of single-family foster homes, contracted or licensed service providers, and any entity that must operate under or comply with guidance from CFSA that are necessary for the discharge of the Ombudsperson’s duties;

(6) Issue a subpoena, enforceable in Superior Court of the District of Columbia, to compel the attendance and testimony of any person or to produce any record from an agency, an agency-licensed or contracted service and placement provider, or an entity that must operate under or comply with guidance from an agency that is required for the discharge of the Ombudsperson’s duties;

(7) Communicate privately with a CFSA child who wishes to speak to the Ombudsperson, without prior notice to, or consent or interference from, CFSA; and

(8) Communicate privately with an agency employee without prior notice to, consent or interference from, or in the presence of, that employee’s supervisor, manager, or any other senior managers of the agency.

(b) If the Ombudsperson, during the course of an investigation, requests to communicate with a CFSA child who is not the complainant:

(1) The CFSA child shall have the opportunity to consult with counsel before communicating with the Ombudsperson; and

(2) The Ombudsperson shall not compel a CFSA child to communicate with the Ombudsperson.

(c) The Ombudsperson shall not:

(1) Take any personnel action, except with regard to the employees of the Office;

or

(2) Provide legal advice or legal representation.

Sec. 107. Enforcement of a subpoena.

(a) In a case of contumacy or refusal to obey a subpoena issued to a person under section 106(6), the Ombudsperson may apply to the Superior Court of the District of Columbia for an order requiring the contumacious person to appear.

(b) If the Ombudsperson prevails, in whole or in part, in an application to the Superior Court of the District of Columbia in a suit to enforce a subpoena issued pursuant to section 106(6), the Ombudsperson may be awarded reasonable attorney fees and other costs of litigation.

ENROLLED ORIGINAL

(c) If the Ombudsperson prevails, in whole or in part, in an application to the Superior Court of the District of Columbia in a suit to enforce a subpoena issued pursuant to section 106(6) and is not awarded reasonable attorney’s fees, the agency or instrumentality challenging the enforcement order shall reimburse the Ombudsperson for any litigation-related expenses or costs incurred.

Sec. 108. Reporting.

(a) The Ombudsperson may from time to time report the Office’s activities to the Council or any of its committees, the Citizen Review Panel established by Title III-B of the Prevention of Child Abuse and Neglect Act of 1977, effective April 12, 2005 (D.C. Law 15-341; D.C. Official Code § 4-1303.51 *et seq.*), the Mayor, the Office of the Inspector General, any relevant agency, or the public.

(b) Beginning on December 31, 2022, and every December 31 thereafter, the Ombudsperson shall provide an annual report to the Council, which shall contain the following sections and information collected over the course of the prior fiscal year:

(1) The general work of the Office, which shall include:

(A) The number, general sources and origins, and the nature of complaints made to the Office and the Deputy CFSA Ombudsperson, and the methods by which the complaints were received;

(B) The number of complaints pending, dismissed, investigated, mediated, and concluded;

(C) Trend analyses that include an examination of:

(i) Common root causes, structural issues, or systemic problems underlying complaints;

(ii) Common solutions or methods for resolving complaints; and

(iii) The amount of time to investigate and provide recommendations on resolving complaints, and the factors affecting how quickly complaints are investigated and recommendations provided; and

(D) A summary of systemic investigations undertaken at the Ombudsperson’s own initiative;

(2) The CFSA children data reporting section, which shall include metrics related to:

(A) Placement stability;

(B) Hospitalizations and placements in residential treatment facilities;

(C) Access to behavioral health services; and

(D) Any other metrics that the Ombudsperson considers necessary and relevant;

(3) The crossover youth section, which shall include:

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(A) The number, demographics, and other relevant characteristics of the crossover-youth population;

(B) Data, metrics, and trend analyses related to outcomes for crossover youth;

(C) Assessment of interagency communication and coordination related to crossover youth and its impact on outcomes for crossover youth; and

(D) Any other information the Ombudsperson considers relevant to the outcomes for crossover youth; and

(4) The conclusions and policy recommendations section, which shall include:

(A) Conclusions and policy recommendations based on the information provided in paragraphs (1) through (3) of this subsection; and

(B) A status update on policy recommendations from prior annual reports, if applicable.

(c) Before issuing a report in accordance with subsection (a) and (b) of this section, the Ombudsperson shall provide an agency referenced in the report a reasonable opportunity to provide a written response. The Ombudsperson may request an agency to notify the Office within a reasonable specified amount of time of any action taken on the data, conclusions, or recommendations included in the report.

(d) For purposes of this section, the term "crossover youth" means a CFSA child who is currently or has previously been the subject of a petition alleging delinquency filed by the Office of the Attorney General, pursuant to D.C. Official Code § 16-2305, or by another jurisdiction.

Sec. 109. Immunity.

(a) A civil action may not be brought against the Office for anything done, said, or omitted in the performance of the Office's duties or responsibilities under this title.

(b) No finding, conclusion, recommendation, or report of the Office shall be reviewable in court.

(c) Neither the Ombudsperson nor the Office's staff shall be:

(1) Compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of the Office's official duties, except in the circumstances provided in paragraph (2) of this subsection. All related memoranda, work product, notes, and case files of the Office are confidential, are not subject to discovery, judicial or administrative subpoena, or other method of legal compulsion, and are not admissible in evidence in a judicial or administrative proceeding;

(2) Held personally liable for the good faith performance of the Office's responsibilities under this title; except, that such immunity shall not extend to any action that is criminal or otherwise violates District or federal law; or

(3) Subject to retaliatory action for the good faith performance of the Office's responsibilities under this title.

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Sec. 110. Confidentiality and privilege.

(a) The Office shall keep confidential:

(1) All information received pursuant to a complaint filed or a matter investigated, except as may be necessary to enable the Office to perform its duties and to support any resulting recommendations; and

(2) Identifying information of complainants and witnesses, unless:

(A) The complainant or witness waives confidentiality; or

(B) The information is compelled by a Council subpoena pursuant to a Council investigation for neglect of duty or misconduct by the Ombudsperson or the Office when the identifying information is necessary to the investigation.

(b) Upon receipt of information that is subject to confidentiality by law or a privilege, the Office shall maintain the confidentiality or privilege of such information and shall not disclose the information unless permitted by District or federal law and reasonably necessary to protect a CFSA child from imminent harm.

(c)(1) Whoever willfully discloses, receives, makes use of, or knowingly permits the use of confidential information concerning a CFSA child or individual in violation of this title shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000.

(2) A violation of this subsection shall be prosecuted by the Office of the Attorney General for the District of Columbia.

Sec. 111. Reprisals prohibited.

(a) No person, including a CFSA constituent, an employee of an agency, an employee of an agency's licensed or contracted service and placement provider, or an employee of any entity that must operate under or comply with guidance from an agency, who files a complaint or participates in an investigation or proceeding pursuant to this title shall be subject to any penalties, sanctions, or restrictions in connection with the employee's employment or be denied any right, privilege, or benefit because of such action.

(b) A person who alleges a violation of this section may bring a civil action for appropriate injunctive relief, actual damages, and punitive damages. Punitive damages shall not exceed \$10,000.

(c) The provisions of this section shall not limit the availability of any other remedy under the law.

Sec. 112. Budgeting.

Beginning in Fiscal Year 2022, the Chief Financial Officer shall assign an individual agency-level code for the Office of the Ombudsperson for Children in the District's financial system.

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TITLE II. CONFORMING AMENDMENTS.

Sec. 201. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.01 *et seq.*), is amended as follows:

(a) Section 203(a) (D.C. Official Code § 4-1302.03(a)) is amended as follows:

(1) Paragraph (9) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (10) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (11) is added to read as follows:

“(11) The Office of the Ombudsperson for Children, established by the Office of the Ombudsperson for Children Establishment Amendment Act of 2020, passed on 2nd reading on December 15, 2020 (Enrolled version of Bill 23-437), for the purpose of fulfilling the Ombudsperson’s duties.”.

(b) Section 306(a) (D.C. Official Code § 4-1303.06(a)) is amended as follows:

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

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

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

“(7) An investigation by the Office of the Ombudsperson for Children established by the Office of the Ombudsperson for Children Establishment Amendment Act of 2020, passed on 2nd reading on December 15, 2020 (Enrolled version of Bill 23-437), if the information is relevant to the investigation.”.

(c) A new section 311 is added to read as follows:

“Sec. 311. Agency’s responsibilities to the Office of the Ombudsperson for Children.

“(a) The Agency shall:

“(1) Notify the Office of the Ombudsperson for Children (“Ombudsperson for Children”), established by the Office of the Ombudsperson for Children Establishment Amendment Act of 2020, passed on 2nd reading on December 15, 2020 (Enrolled version of Bill 23-437), in writing within 24 hours of the Agency becoming aware of an allegation of a critical incident;

“(2) Provide the Ombudsperson for Children with copies of proposed revisions to current policies or regulations, or proposed new policies or regulations, including administrative issuances, at least 10 days prior to issuance; except, that the 10-day notice requirement shall not apply to the issuance of emergency regulations; and

“(3) Post the Ombudsperson’s report issued pursuant to section 108(b) of the Office of the Ombudsperson for Children Establishment Amendment Act of 2020, passed on 2nd

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reading on December 15, 2020 (Enrolled version of Bill 23-437), on the Agency's website to be made available to the public.

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

“(1) “Critical incident” means:

“(A) The death of a child known or who has been known to the Agency within 4 years prior to the child's death;

“(B) A near fatality or serious bodily injury resulting from child abuse or neglect or caused by any other means while a child is under the Agency's care and custody; or

“(C) An act that causes significant impairment to a child's physical or mental condition, as determined by qualified medical personnel, including instances of sexual assault, sex trafficking, or broken bones that come to the attention of the Agency.

“(2) “Near fatality” means any act that threatens the life of a child as determined by a medical or other qualified professional.

“(3) “Serious bodily injury” shall have the same meaning as provided in D.C. Official Code § 22-3001(7).”.

Sec. 202. Section 4604 of the Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 4-1371.04), is amended as follows:

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

“(c-1) The Council shall appoint a minimum of one representative from the Office of the Ombudsperson for Children.”.

(b) Subsection (d) is amended by striking the phrase “or of the federal or judicial body designating their availability for appointment.” and inserting the phrase “the Council in the case of the Office of the Ombudsperson for Children, or of the federal or judicial body designating their availability for appointment.” in its place.

Sec. 203. Section 4 of the Students in the Care of D.C. Coordinating Committee Act of 2018, effective April 11, 2019 (D.C. Law 22-303; D.C. Official Code § 2-1599.03), is amended as follows:

(a) Subsection (a) is amended by striking the phrase “shall consist of 25 voting members” and inserting the phrase “shall consist of 26 voting members” in its place.

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

(1) Sub-paragraph (O) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Sub-paragraph (P) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(3) A new sub-paragraph (Q) is added to read as follows:

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“(Q) Ombudsperson for Children, Office of the Ombudsperson for Children;”.

Sec. 204. Section 1816a of the Office of the Chief Technology Officer Establishment Act of 1998, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 1-1406), is amended by striking the phrase “Council of the District of Columbia, the Office of the District of Columbia Auditor, or the Office of the Attorney General;” and inserting the phrase “Council of the District of Columbia, the Office of the District of Columbia Auditor, the Office of the Ombudsperson for Children, or the Office of the Attorney General;” in its place.

Sec. 205. Section 2c of the Council of the District of Columbia Independence Act of 1982, effective March 11, 2010 (D.C. Law 18-119; D.C. Official Code § 1-301.44c), is amended as follows:

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

“Sec. 2c. Disclosure of information to the Council; District of Columbia Auditor; Ombudsperson for Children; conditions on disclosure.”.

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

(1) Paragraph (4) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(2) Paragraph (5) is amended by striking the period and inserting the phrase “; or” in its place.

(3) A new paragraph (6) is added to read as follows:

“(6) The Ombudsperson for Children or an employee of the Office of the Ombudsperson for Children.”.

Sec. 206. Section 406(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.06(b)), is amended as follows:

(a) Paragraph (27) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (28) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (29) is added to read as follows:

“(29) For employees of the Office of the Ombudsperson for Children, the personnel authority is the Ombudsperson for Children.”.

Sec. 207. Section 204(a-1)(2) of the District of Columbia Administrative Procedure Act, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(a-1)(2)), is amended as follows:

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(a) Sub-paragraph (D) is amended by striking the phrase “; or” and inserting a semicolon in its place;

(b) Sub-paragraph (E) is amended by striking the period and inserting the phrase “; or” in its place;

(c) A new sub-paragraph (F) is added to read as follows:

“(F) The Ombudsperson for Children or an employee of the Office of the Ombudsperson for Children.”.

TITLE III. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE.**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

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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

VETO

Mayor
District of Columbia
January 13, 2021

COUNCIL OVERRIDE: February 2, 2021

ENROLLED ORIGINAL

AN ACT
D.C. ACT 24-1

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 15, 2021

To amend, on an emergency basis, the District of Columbia Public Emergency Act of 1980 to authorize the Executive to extend the declaration of a public emergency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “January 2021 Public Emergency Extension Authorization Emergency Amendment Act of 2021”.

Sec. 2. Section 7 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2306), is amended by adding a new subsection (c-2) to read as follows:

“(c-2) Notwithstanding subsections (b) and (c) of this section, the Council authorizes the Mayor to extend the January 6, 2021, public emergency executive order (Mayor’s Order 2021-003) issued in response to the violent and riotous protests that occurred on January 6, 2021, and the inaugural activities to occur on January 20, 2021, for an additional 15-day period, to conclude at 12:00 a.m. on Friday, February 5, 2021. After the additional 15-day extension authorized by this subsection, the Mayor may extend the emergency order for additional 15-day periods pursuant to subsection (b) or (c) of this section.

“(c-3) Notwithstanding section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), any person who violates any provision of an emergency order extended by the Mayor under the authority of subsection (c-2) of this section, upon conviction shall be punished by a fine of not more than \$300 or by imprisonment for not more 10 days.”.

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).

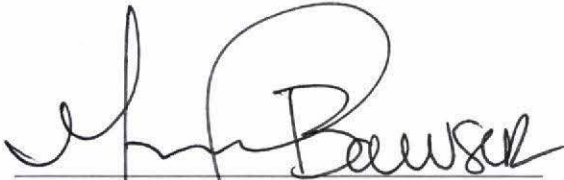
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Sec. 4. Effective date.

The 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 15, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 24-2

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 15, 2021

To amend, on an emergency basis, An Act To authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes to formalize the establishment of the fusion center within the Homeland Security and Emergency Management Agency, to designate the primary mission of the fusion center, and to designate the Homeland Security and Emergency Management Agency and the fusion center as law enforcement entities for the purpose of carrying out the mission of the fusion center.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Homeland Security Fusion Center and Law Enforcement Authority Emergency Amendment Act of 2021”.

Sec. 2. An Act To authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes, approved August 11, 1950 (64 Stat. 438; D.C. Official Code § 7-2201 *et seq.*), is amended by adding a new section 3a to read as follows:

“Sec. 3a. Fusion center.

“(a) The Director of the Homeland Security and Emergency Management Agency, subject to the direction and control of the Mayor, shall establish a fusion center for the District within the Homeland Security and Emergency Management Agency. The fusion center for the District, at the discretion of the Mayor and the Director of the Homeland Security and Emergency Management Agency, may also serve as the primary fusion center in the National Capital Region.

“(b) The primary mission of the fusion center of the District is to receive, coordinate and facilitate the sharing of resources, expertise, and information, including criminal history record information and law enforcement intelligence information, among law enforcement, first responder, and criminal justice agencies, and to coordinate and integrate information from such agencies, with the goal of detecting and preventing criminal activity, such as terrorism, criminal conspiracy, bomb threats, possession of illegal firearms and explosives, identity theft, money

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laundering, hate crimes, and organized crime, and for the purpose of investigating and responding to such activity.

“(c) The Homeland Security and Emergency Management Agency is designated a law enforcement agency, and the fusion center is designated a law enforcement unit, for the purposes of carrying out the functions set forth in subsection (b) of this section and for the purposes of receiving, analyzing, handling, and sharing criminal history record information and law enforcement intelligence information.

“(d) The fusion center for the District shall work in partnership with other state, local, regional, and federal fusion centers and with other state, local, regional, and federal law enforcement, criminal justice, and intelligence agencies.

“(e) The fusion center for the District shall represent the District’s interests in the national network of fusion centers.”.

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.

The 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 15, 2021

ENROLLED ORIGINAL

AN ACT
D.C. ACT 24-3

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 25, 2021

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fairness in Renting Congressional Review Emergency Amendment Act of 2021".

Sec. 2. Title V of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3505.01 *et seq.*), is amended as follows:

(a) Section 501 (D.C. Official Code § 42-3505.01) is amended as follows:

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(1) Subsection (a) is amended by striking the phrase “any reason other than the nonpayment of rent” and inserting the phrase “any reason” in its place.

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

“(a-1)(1) A housing provider shall provide the tenant with notice of the housing provider’s intent to file a claim against a tenant to recover possession of a rental unit at least 30 days before filing the claim. Such notice may be served concurrently with notice provided under subsection (a) of this section.

“(2) The Superior Court shall dismiss a claim brought by a housing provider to recover possession of a rental unit where the housing provider:

“(A) Did not provide the tenant with notice as required by this subsection;

“(B) Filed the claim to recover possession of the rental less than 30 days after providing the tenant with notice as required by this subsection; or

“(C) In cases where a notice to quit or a summons and complaint are served by posting on the leased premise, failed to provide the Superior Court with photographic evidence of the posted service, including evidence of the time and date of the service.”.

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

“(r) No tenant shall be evicted from a rental unit for which the housing provider does not have a current business license for rental housing issued pursuant to D.C. Official Code § 47-2828(c)(1); except, that a housing provider that obtains the required license shall not be precluded by this subsection from proceeding with an eviction.”

(c) New sections 509 and 510 are added to read as follows:

“Sec. 509. Sealing of eviction court records.

“(a) The Superior Court shall seal all court records relating to an eviction proceeding:

“(1) If the eviction proceeding does not result in a judgment for possession in favor of the housing provider, 30 days after the final resolution of the eviction proceeding; or

“(2) If the eviction proceeding results in a judgement for possession in favor of the housing provider, 3 years after the final resolution of the eviction proceeding; except, that, if the tenant was the defendant in any additional eviction proceedings that resulted in judgment for possession in favor of the housing provider during the 3-year period after the final resolution of the first eviction proceeding, the court shall seal the court records of all such proceedings at the completion of a 3-year period in which the tenant is not a defendant in another eviction proceeding that resulted in judgment for possession in favor of the housing provider.

“(b) For court records relating to an eviction proceeding filed before March 11, 2020, the requirements of subsection (a) of this section shall apply as of January 1, 2021.

“(c)(1) The Superior Court may seal court records relating to an eviction proceeding at any time, upon motion by a tenant, if:

“(A) The tenant demonstrates by a preponderance of the evidence that:

“(i) The housing provider brought the eviction proceeding because the tenant failed to pay an amount of \$600 or less;

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“(ii) The tenant was evicted from a unit under a federal or District site-based housing assistance program or a federal or District tenant-based housing assistance program;

“(iii) The housing provider’s initiation of eviction proceedings against the tenant was in violation of:

“(I) Section 502; or

“(II) Section 261 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.61);

“(iv) The housing provider failed to timely abate a violation of 14 DCMR § 100 *et seq.* or 12G DCMR 100 *et seq.* in relation to the defendant tenant’s rental unit;

“(v) The housing provider initiated the eviction proceedings because of an incident that would constitute a defense to an action for possession under section 501(c-1) or federal law pertaining to domestic violence, dating violence, sexual assault, or stalking; or

“(vi) The parties entered into a settlement agreement that did not result in the housing provider recovering possession of the rental unit; or

“(B) The Superior Court determines that there are other grounds justifying such relief.

“(2) An order dismissing, granting, or denying a motion filed under this subsection shall be a final order for purposes of appeal.

“(3)(A) A copy of an order issued under this subsection shall be provided to the tenant or his or her counsel.

“(B) A tenant may obtain a copy of an order issued under this subsection at any time from the Clerk of the Superior Court, upon proper identification, without a showing of need.

“(d) Records sealed under this section shall be opened only:

“(1) Upon written request of the tenant; or

“(2) On order of the Superior Court upon a showing of compelling need.

“(e) The Superior Court shall not order the redaction of the tenant’s name from any published opinion of the trial or appellate courts that refer to a record sealed under this section.

“Sec. 510. Tenant screening.

“(a) Before requesting any information from a prospective tenant as a part of tenant screening, a housing provider shall first notify the prospective tenant in writing, or by posting in a manner accessible to prospective tenants:

“(1) The types of information that will be accessed to conduct a tenant screening;

“(2) The criteria that may result in denial of the application; and

“(3) If a credit or consumer report is used, the name and contact information of the credit or consumer reporting agency and a statement of the prospective tenant’s rights to obtain a free copy of the credit or consumer report in the event of a denial or other adverse action.

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“(b) For the purposes of tenant screening, a housing provider shall not make an inquiry about, require the prospective tenant to disclose or reveal, or base an adverse action on:

“(1) Whether a previous action to recover possession from the prospective tenant occurred if the action:

“(A) Did not result in a judgment for possession in favor of the housing provider; or

“(B) Was filed 3 or more years ago.

“(2) Any allegation of a breach of lease by the prospective tenant if the alleged breach:

“(A) Stemmed from an incident that the prospective tenant demonstrates would constitute a defense to an action for possession under section 501(c-1) or federal law pertaining to domestic violence, dating violence, sexual assault, or stalking; or

“(B) Took place 3 or more years ago.

“(c) A housing provider shall not base an adverse action solely on a prospective tenant’s credit score, although information within a credit or consumer report directly relevant to fitness as a tenant can be relied upon by a housing provider.

“(d) If a housing provider takes an adverse action, he or she shall provide a written notice of the adverse action to the prospective tenant that shall include:

“(1) The specific grounds for the adverse action;

“(2) A copy or summary of any information obtained from a third-party that formed a basis for the adverse action; and

“(3) A statement informing the prospective tenant of his or her right to dispute the accuracy of any information upon which the housing provider relied in making his or her determination.

“(e)(1) After receipt of a notice of an adverse action, a prospective tenant may provide to the housing provider any evidence that information relied upon by the housing provider is:

“(A) Inaccurate or incorrectly attributed to the prospective tenant; or

“(B) Based upon prohibited criteria under subsection (b) or subsection (c) of this section.

“(2) The housing provider shall provide a written response, which may be by mail, electronic mail, or in person, to the prospective tenant with respect to any information provided under this subsection within 30 business days after receipt of the information from the prospective tenant.

“(3) Nothing in this subsection shall be construed to prohibit the housing provider from leasing a housing rental unit to other prospective tenants.

“(f) Any housing provider who knowingly violates any provision of this section, or any rule issued to implement this section, shall be subject to a civil penalty for each violation not to exceed \$1,000.

“(g) For the purposes of this section, the term:

“(1) “Adverse action” means:

“(A) Denial of a prospective tenant’s rental application; or

ENROLLED ORIGINAL

“(B) Approval of a prospective tenant’s rental application, subject to terms or conditions different and less-favorable to the prospective tenant than those included in any written notice, statement, or advertisement for the rental unit, including written communication sent directly from the housing provider to a prospective tenant.

“(2) “Tenant screening” means any process used by a housing provider to evaluate the fitness of a prospective tenant.

“(h) This section shall apply as of January 1, 2021.”.

Sec. 3. Section 16-1501 of the District of Columbia Official Code is amended by adding a new subsection (c) to read as follows:

“(c) The person aggrieved shall not file a complaint seeking restitution of possession pursuant to this section for nonpayment of rent in an amount less than \$600; except, that the person aggrieved may file a complaint to recover the amount owed.”.

Sec. 4. Sense of the Council.

(a) In 2018, there were over 30,000 eviction filings in the Superior Court of the District of Columbia. These filings represent over 17,000 unique households in the District, most of which were concentrated in Wards 7 and 8.

(b) Just 10 housing providers were responsible for 40% of all eviction filings in the District, and around 50% of all filings in the District were for less than \$1,000 in rent owed.

(c) A vast majority of these filings did not result in a judgement against the tenant. The Superior Court has reported 1,600 executed evictions annually from 2014 through 2018.

(d) Even when an eviction filing does not result in a judgment against the tenant, the tenant may experience adverse effects associated with the eviction proceeding itself, and the presence of an eviction filing on their record.

(e) Currently, the filing fee for an eviction action in the Landlord-Tenant Branch of the Superior Court is only \$15. In most larger jurisdictions across the country, filing fees range from \$50 to nearly \$200. In Virginia, filing fees for eviction cases are anywhere from \$120 to nearly \$350.

(f) Emerging research is finding that filing fees can deter housing providers from filing frivolous cases in Superior Court. A recent study, published in *Housing Studies*, found that all else being equal, neighborhoods in states with higher eviction filings fees had fewer serial filings (*Housing Studies*, Dan Immergluck, *et al.*, (Vol. 35, 2020)).

(g) It is the sense of the Council that the Superior Court should raise filing fees for eviction cases to \$100 so that serial filers seeking small sums of money from their tenants are deterred from using eviction filings as a mechanism to collect rent from their tenants.

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).

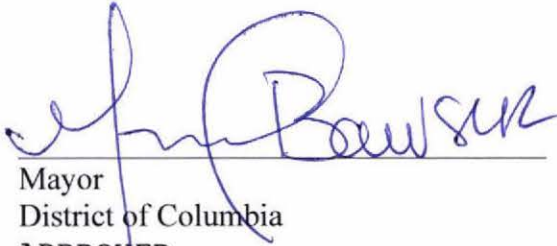
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Sec. 6. Effective date.

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), 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 25, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 24-4

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 25, 2021

To provide the Mayor, on an emergency basis, due to congressional review, the authority 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 “RPP Voluntary Exclusion Congressional Review Emergency Act of 2021”.

Sec. 2. RPP voluntary exclusion.

(a) The Mayor may, when a condition of a zoning order, designate a property, including its future residents, as ineligible to obtain residential parking permits.

(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 ineligible to obtain residential parking permits 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 residential parking permits.

(d)(1) Failure of a property owner to provide written notice of a residential tenant’s inability 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.

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

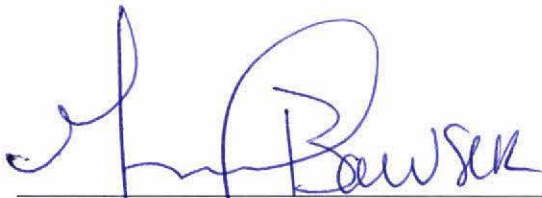
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

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 25, 2021

ENROLLED ORIGINAL

AN ACT

D.C. ACT 24-5

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 25, 2021

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Student Activity Fund Theatrical and Music Performance Expenditures Congressional Review Emergency Act of 2021”.

Sec. 2. Use of Student Activity Funds for theatrical and music performances.

(a) Expenditures on school-administered theatrical and music performances, including stipends for non-District of Columbia Public Schools (“DCPS”) employees, but excluding stipends for DCPS employees, shall be an allowable expenditure from a DCPS school’s Student Activity Fund.

(b) For the purposes of this act, the term “theatrical and music performances” means the planning, rehearsal, or presentation of a musical, staged play, choral production, orchestral or band concert, variety show, improvised or sketch comedy performance, or other live performance.

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 25, 2021

ENROLLED ORIGINAL

AN ACT
D.C. ACT 24-6

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 29, 2021

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

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

Sec. 2. 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; and

“(2) Through electronic means, to include 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.

ENROLLED ORIGINAL

“(c) DC HealthCare Alliance program enrollees shall not be required to recertify more than once in a 12-month period.”.

Sec. 3. 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) (D.C. Official Code § 7-771.07b(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:

“(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 at the end of the fiscal year.”.

Sec. 4. 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 request by resolution.”.

Sec. 5. Notice.

If the Chief Financial Officer (“CFO”) determines at any time prior to March 31, 2021, that all or a portion of the Fiscal Year 2021 Medicaid Reserve is not needed to ensure that the Department of Health Care Finance has sufficient funds in Fiscal Year 2021, the CFO shall notify the Council within 3 business days that funds are available to implement all or a portion of sections 201 and 202(a)(1) of the Prescription Drug Monitoring Program Query and Omnibus Health Amendments Act of 2020, passed on 2nd reading on December 15, 2020 (Enrolled

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version of Bill 23-890). This notice shall be provided to all Councilmembers and the Officers of the Council.

Sec. 6. 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. 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), 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

UNSIGNED

Mayor
District of Columbia
January 25, 2021

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

24-1

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2021

To recognize and honor Dr. Kelsey E. Collie’s induction into the Washington, D.C. Hall of Fame for his contribution to cultural arts.

WHEREAS, Ward 5 resident Dr. Kelsey E. Collie’s 5 decades of service to the cultural arts community in the form of teaching, mentoring, directing and producing theatre have left an indelible mark on the Ward, city, country and world in numerous ways;

WHEREAS, Dr. Collie has directed productions at the Kennedy Center, New York’s Empire State Theater and Lincoln Center, and Nassau’s Crystal Palace;

WHEREAS, Dr. Collie has dedicated his career to theatre to include 35 years at the university level and 10 years at the secondary education level;

WHEREAS, Dr. Collie is Professor Emeritus of Theater Arts at Howard University where he also served as Assistant Dean of Fine Arts;

WHEREAS, Dr. Collie’s former Howard University and HUCT students include Anthony Anderson, Taraji P. Henson, Chadwick Boseman, Tony Powell and Kelly Williams;

WHEREAS, prior to joining the faculty at Howard University’s Theater Department, Dr. Collie founded the internationally-renowned Howard University Children’s Theater (HUCT);

WHEREAS, under his leadership, HUCT became the premier African American children’s theater and was named the “Most Outstanding New Children’s Theater in the USA” by the Children’s Theater Association;

WHEREAS, Dr. Collie developed Howard University’s major in children’s theater, which was one of only 2 programs at historically black colleges or universities (HBCU) accredited by the National Association of Schools of Theater;

WHEREAS, Dr. Collie taught drama at Barnard and Minor elementary schools and conducted theatre workshops in several other District of Columbia public schools; and

ENROLLED ORIGINAL

WHEREAS, Dr. Collie currently serves as Artistic Director for the Kuumba Preparatory School of the Arts here in the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Dr. Kelsey E. Collie Washington, D.C. Hall of Fame Induction Recognition Resolution of 2021”.

Sec. 2. The Council of the District of Columbia recognizes and honors Dr. Collie for his many years of leadership and service to the city and residents of the District of Columbia.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

24-2

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2021

To recognize and honor John F. Tatum, Sr.’s induction into the Washington, D.C. Hall of Fame for his contribution to sports.

WHEREAS, Ward 5 resident John F. Tatum, Sr.’s life-long participation and leadership in health and fitness, as a swimmer, continues to promote active living and wellness for persons of all ages;

WHEREAS, Mr. Tatum is a nine-time National Senior Games gold medalist in the 50-meter freestyle, 100-meter freestyle, and 50-meter breast stroke;

WHEREAS, Mr. Tatum received the Personal Best Award from the National Senior Games Association (NSGA), a nonprofit member of the U.S. Olympic Committee, for his dedication to health and fitness;

WHEREAS, Mr. Tatum was named Honoree for the 27th Annual Black History Invitational Swim Meet held in Washington, D.C. – an event co-founded in 1987 by the D.C. Department of Parks and Recreation and the United Black Fund, Inc. to celebrate the contributions of African Americans to U.S. society;

WHEREAS, Mr. Tatum was named to the D.C. Sports Athletic Association (DCSAA) High School Hall of Fame for being an all-around athlete as a former member of the basketball, baseball and swim teams at Armstrong High School in the era of public school segregation;

WHEREAS, Mr. Tatum is 101-years-young and was recently honored by Mayor Bowser at the city’s 33rd Annual Salute to D.C. Centenarians;

WHEREAS, Mr. Tatum received the Legends Award from the DMV AIA – Athletes in Action for being a historian and caregiver to the larger D.C. metropolitan community; and

WHEREAS, Mr. Tatum is a member of the D.C. Water Wizards swim team, a local aquatics program for residents over the age of 50.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “John F. Tatum, Sr. Washington, D.C. Hall of Fame Induction Recognition Resolution of 2021”.

Sec. 2. The Council of the District of Columbia recognizes and honors Mr. Tatum for his many years of leadership to the city and residents of the District of Columbia.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

24-3

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2021

To recognize and honor Franklyn M. Malone’s induction into the Washington, D.C. Hall of Fame for his contribution to civic and community development.

WHEREAS, Ward 5 resident Franklyn M. Malone’s civic and community leadership in the areas of fatherhood and mentoring continue to promote family cohesion;

WHEREAS, Mr. Malone founded and serves as CEO of 100 Fathers, Inc., which was instrumental in the adoption of Council legislation establishing the Mayor’s Office on Fathers, Men, and Boys;

WHEREAS, through his efforts Mr. Malone helped launch the DC Fathering Court at the Superior Court of the District of Columbia;

WHEREAS, Mr. Malone serves as CEO of Citizens Against Drugs on City Streets in the District of Columbia where he partners with communities, churches, and government agencies to eliminate the dangers of drugs;

WHEREAS, Mr. Malone founded the DC Dads Care program for the District’s public schools and was recognized by the DC Federation of Civic Associations for his efforts in bringing fathers and men into city schools in large numbers; and

WHEREAS, Mr. Malone is the host of the 100 Fathers, Inc. Radio Network.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Franklyn M. Malone Washington, D.C. Hall of Fame Induction Recognition Resolution of 2021”.

Sec. 2. The Council of the District of Columbia recognizes and honors Mr. Malone for his many years of leadership and service to the city and residents of the District of Columbia.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

24-4

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2021

To honor the memory of David Confer and recognize his many contributions to the District.

WHEREAS, David Confer was a lifelong District resident, attending Woodrow Wilson High School, graduating from Emerson Preparatory School, and eventually setting in the H Street, N.E., neighborhood in Ward 6;

WHEREAS, David was audio engineer in live show productions, providing sound and various production services at venues including The Anthem, 9:30 Club, the John F. Kennedy Center for the Performing Arts, Walter E. Washington Convention Center, Warner Theatre, and National Theater, through his work with the International Alliance of Theatrical Stage Employees Local 22;

WHEREAS, David's passion was bicycling, leading him to run Fathom Custom Bikes out of his home in Ward 6, building custom bikes and repairing bikes for everyone who came to him, at a cost they could afford;

WHEREAS, David organized rides and races designed to welcome all residents from across the District—including the Critical Mass D.C., the D.C. Bike Party, the Hole in the Wall Crit, and Showdown Sprints;

WHEREAS, David created and organized the yearly Tour de Bike Lane events for cyclists from across the District, to continue advocating for bike lane commuting, including bringing together non-cyclists who gathered along the 15th Street, N.W., bike lane with signs and cheering, "thanks for riding a bike";

WHEREAS, David and a friend organized the Not Cool Bro Ride in 2016, to raise awareness of street harassment women often face while cycling and to encourage men to hold each other accountable for how they treat women—on and off bikes;

WHEREAS, David started monthly Color of Cycling rides, to encourage greater diversity among cyclists from various backgrounds and lines of work, starting all rides at the African

ENROLLED ORIGINAL

American Civil War Memorial and ending each ride at a different neighborhood restaurant, encouraging cyclists to explore areas of the District that they might not otherwise;

WHEREAS, in 2017, David was diagnosed with Non-Hodgkin’s lymphoma, a type of cancer, continuing to ride and repair bikes nearly every day while in treatment;

WHEREAS, in 2019, David was diagnosed with Liver Cirrhosis, spending much of the next year and a half in hospitals and on ventilators as his liver failed;

WHEREAS, on December 7, 2020, David Confer passed away, leaving a legacy of love, unity, and compassion for all of those who knew him;

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution be cited as the “David Confer Memorial Ceremonial Resolution of 2021”.

Sec. 2. The Council honors David Confer’s memory, recognizes his years of work to promote bike commuting and create a more diverse and thoughtful biking community in the District, and expresses condolences to David’s family and loved ones.

Sec. 3. This resolution shall take effect immediately.

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

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

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

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

B24-0041 Student Activity Fund Theatrical and Music Performance Expenditures Act of 2021

Intro. 01-25-2021 by Councilmember Cheh and referred to the Committee of the Whole

B24-0042 Apprenticeship Procurement Incentive Amendment Act of 2021

Intro. 01-25-2021 by Councilmembers R. White, Nadeau, Lewis George, T. White, and Pinto and referred sequentially to the Committee on Labor and Workforce Development, and Committee on Government Operations and Facilities

B24-0043 Department of Motor Vehicles Electronic Proof of License, Permit or Identification Card Amendment Act of 2021

Intro. 01-25-2021 by Chairman Mendelson and referred to the Committee on Transportation and the Environment

B24-0044 Reopen Washington DC Alcoholic Beverage Regulation Amendment Act of 2021

Intro. 01-26-2021 by Chairman Mendelson and referred to the Committee on Business and Economic Development

B24-0046 Supporting Local Business Enterprises Amendment Act of 2021

Intro. 01-27-2021 by Chairman Mendelson and referred to the Committee on Business and Economic Development

B24-0048 Reparations Foundation Fund and Task Force Establishment Act of 2021

Intro. 01-28-2021 by Councilmembers McDuffie, and T. White and referred to the Committee on Business and Economic Development

B24-0049 Street Vending Decriminalization Amendment Act of 2021

Intro. 01-28-2021 by Councilmembers Nadeau, McDuffie, Allen, Henderson, Bonds, Lewis George, Cheh, Gray, and R. White and referred sequentially to the Committee of the Whole, and Committee on Judiciary and Public Safety

B24-0050 Sidewalk Vending Zones Amendment Act of 2021

Intro. 01-28-2021 by Councilmembers Nadeau, McDuffie, R. White, Lewis George, Silverman, and Gray and referred to the Committee of the Whole

B24-0053 District Government Family Bereavement Leave Amendment Act of 2021

Intro. 01-29-2021 by Chairman Mendelson and referred to the Committee on Labor and Workforce Development

B24-0054 Intersectional Discrimination Protection Amendment Act of 2021

Intro. 01-29-2021 by Councilmembers T. White, Cheh, Silverman, Nadeau, and Bonds and referred to the Committee on Government Operations and Facilities

B24-0061 Stormiyah Denson-Jackson Race and Gender Economic Damages Equality Amendment Act of 2021

Intro. 01-29-2021 by Councilmember T. White and referred to the Committee on Judiciary and Public Safety

B24-0062 Creating a Respectful and Open World for Natural Hair (CROWN) Act of 2021

Intro. 02-01-2021 by Councilmembers Nadeau, Bonds, Lewis George, Pinto, Allen, Silverman, Cheh, Henderson, and R. White and referred to the Committee on Government Operations and Facilities

PR24-0055 Operating Standards for Group Homes for Persons with Intellectual Disabilities Amendment Approval Resolution of 2021

Intro. 01-19-2021 by Chairman Mendelson and referred to the Committee on Health

PR24-0057 License and Permit Categories Approval Resolution of 2021

Intro. 01-25-2021 by Chairman Mendelson and referred to the Committee on Business and Economic Development

PR24-0058 Langdon Park Moratorium Zone Approval Resolution of 2021

Intro. 01-25-2021 by Chairman Mendelson and referred to the Committee on Business and Economic Development

PR24-0061 Chief of the Metropolitan Police Department Robert J. Contee III Confirmation Resolution of 2021

Intro. 01-28-2021 by Chairman Mendelson and referred to the Committee on Judiciary and Public Safety

PR24-0062 Public Service Commission Emile Thompson Confirmation Resolution of 2021

Intro. 01-28-2021 by Chairman Mendelson and referred to the Committee on
Business and Economic Development

PR24-0064 Commercial Driver License Human Trafficking Resolution of 2021

Intro. 01-29-2021 by Chairman Mendelson and referred to the Committee on
Transportation and the Environment

**COUNCIL OF THE DISTRICT OF COLUMBIA
 ABBREVIATED NOTICE OF PUBLIC HEARINGS
 AGENCY PERFORMANCE OVERSIGHT HEARINGS
 FISCAL YEAR 2020-2021**

2/2/2021

SUMMARY

February 8, 2021 to March 19, 2021	Agency Performance Oversight Hearings on Fiscal Year 2020-2021
February 3, 2021	Committee of the Whole Public Briefing on the Fiscal Year 2020 Comprehensive Annual Financial Report (CAFR) at 1:30 p.m.

The Council of the District of Columbia hereby gives notice of its intention to hold public oversight hearings on agency performances for FY 2020 and FY 2021. The hearings will begin Monday, February 8, 2021 and conclude on Friday, March 19, 2021.

On March 11, 2020, Mayor Muriel Bowser issued the Declaration of Public Emergency: Coronavirus (COVID-19) and the Declaration of Public Health Emergency: Coronavirus (COVID-19) due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of the coronavirus. These orders require that the Council of the District of Columbia adapt the methods by which public hearings on agency performance and oversight will be held to comply with social distancing, large public gathering, and other public health and safety requirements. Therefore, the Council will be conducting it's work remotely, including the use of teleconferencing platforms to hold public hearings.

Please refer to the specific instructions, found at the end of this notice, on how each Committee will operate their hearings. Some hearings listed in this notice will broadcast live on DC Council Channel 13 and streamed live at www.dccouncil.us and entertainment.dc.gov, while others will be streamed live at the link provided.

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

ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE

<u>New Date</u>	<u>Original Date</u>	<u>Date Change</u>	<u>Hearing Change</u>
N/A	2/12/2021	1/27/2021	Committee on Labor & Workforce Development; Time Change: 10:00 a.m. - 3:00 p.m.
N/A	2/23/2021	1/27/2021	Committee on Labor & Workforce Development; Time Change: 10:00 a.m. - 3:00 p.m.
N/A	2/24/2021	1/27/2021	Committee on Recreation, Libraries & Youth Affairs; Time Change: 9:00 a.m - 6:00 p.m.
3/1/2021	3/1/2021	1/27/2021	Committee on Recreation, Libraries & Youth Affairs (adding Public Access Commission); Time Change: Noon - 6:00 p.m.
N/A	3/3/2021	1/27/2021	Committee on Labor & Workforce Development - Public Witnesses Only; Time Change: 10:00 a.m. - 6:00 p.m.
3/9/2021	N/A	1/27/2021	Committee of the Whole (adding Office of the Student Advocate & Office for Ombudsman-Public Witnesses Only); Time: 9:00 a.m. - 6:00 p.m.
N/A	3/12/2021	1/27/2021	Committee on Labor & Workforce Development - Government Witnesses Only; Time Change: 10:00 a.m. - 3:00 p.m.
3/12/2021	N/A	1/27/2021	Committee of the Whole (adding Office of the Student Advocate & Office for Ombudsman-Govt Witnesses Only); Time: 9:00 a.m. - 6:00 p.m.
3/15/2021	2/10/2021	1/27/2021	Committee on Recreation, Libraries & Youth Affairs; Time: 9:00 a.m. - Noon
3/17/2021	2/17/2021	1/27/2021	Committee on Recreation, Libraries & Youth Affairs; Time: 9:00 a.m. - Noon

PUBLIC HEARING SCHEDULE

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

MONDAY, FEBRUARY 8, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
9:00 a.m. - 6:00 p.m.	Events DC
	Destination DC

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Business & Economic Development at the end of this notice.

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

TUESDAY, FEBRUARY 9, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
Noon - 3:00 p.m.	Department of Motor Vehicles
	Deputy Mayor for Operations and Infrastructure

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Transportation and the Environment at the end of this notice.

COMMITTEE ON GOVERNMENT OPERATIONS & FACILITIES **Chairperson Robert C. White, Jr.**

TUESDAY, FEBRUARY 9, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
Noon - 6:00 p.m.	Commission on Fashion Arts and Events
	Emancipation Commemoration Commission
	Office of Advisory Neighborhood Commissions

This hearing can be viewed live at <https://www.facebook.com/RobertWhiteAtLarge/Live>. Please see detailed instructions from the Committee on Government Operations & Facilities at the end of this notice.

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

WEDNESDAY, FEBRUARY 10, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
9:00 a.m. - 6:00 p.m.	Department of Small and Local Business Development
	Department of Insurance, Securities and Banking
	Department of For-Hire Vehicles

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Business & Economic Development at the end of this notice.

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

THURSDAY, FEBRUARY 11, 2021; via Virtual Meeting Platform - Room A	
Time	Agency (Government Witnesses Only)
Noon - 6:00 p.m.	Judicial Nomination Commission
	Commission on Judicial Disabilities and Tenure
	District of Columbia Sentencing Commission
	Corrections Information Council
	Criminal Code Reform Commission
	Criminal Justice Coordinating Council

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on the Judiciary & Public Safety at the end of this notice.

COMMITTEE ON GOVERNMENT OPERATIONS & FACILITIES **Chairperson Robert C. White, Jr.**

THURSDAY, FEBRUARY 11, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
Noon - 6:00 p.m.	Office of Community Affairs
	Office of Partnerships and Grants Services
	Office of Religious Affairs
	Interfaith Council
	Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs
	Advisory Committee to the Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs
	Office on Women's Policy and Initiatives
Commission for Women	

This hearing can be viewed live at <https://www.facebook.com/RobertWhiteAtLarge/Live>. Please see detailed instructions from the Committee on Government Operations & Facilities at the end of this notice.

COMMITTEE ON HEALTH **Chairperson Vincent Gray**

FRIDAY, FEBRUARY 12, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
9:00 a.m. - 6:00 p.m.	Health Benefit Exchange Authority
	Department of Behavioral Health

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Health at the end of this notice.

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

FRIDAY, FEBRUARY 12, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
10:00 a.m. - 3:00 p.m.	Office of Employee Appeals
	Public Employee Relations Board

This hearing can be viewed live at <https://www.facebook.com/CMElissaSilverman>. Please see detailed instructions from the Committee on Labor & Workforce Development at the end of this notice.

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

WEDNESDAY, FEBRUARY 17, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
9:00 a.m. - 6:00 p.m.	Deputy Mayor for Planning and Economic Development

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Business & Economic Development at the end of this notice.

COMMITTEE ON HUMAN SERVICES **Chairperson Brianne Nadeau**

WEDNESDAY, FEBRUARY 18, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
Noon - 6:00 p.m.	Department of Disability Services
	Office of Disability Rights

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Human Services at the end of this notice.

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

THURSDAY, FEBRUARY 18, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
Noon - 6:00 p.m.	Department of Corrections
	Board of Elections
	Office of Campaign Finance

This hearing can be viewed live at <https://www.facebook.com/CMcharlesallen/>. Please see detailed instructions from the Committee on the Judiciary & Public Safety at the end of this notice.

COMMITTEE ON GOVERNMENT OPERATIONS & FACILITIES Chairperson Robert C. White, Jr.

FRIDAY, FEBRUARY 19, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
Noon - 6:00 p.m.	Office of Veterans' Affairs
	Advisory Board on Veterans' Affairs for the District of Columbia
	Office on Returning Citizen Affairs
	Commission on Re-Entry and Returning Citizen Affairs

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Government Operations & Facilities at the end of this notice.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT Chairperson Mary Cheh

MONDAY, FEBRUARY 22, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
9:00 a.m. - 3:00 p.m.	Department of Energy and Environment
	Commission on Climate Change and Resiliency
	Green Finance Authority

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Transportation and the Environment at the end of this notice.

COMMITTEE ON GOVERNMENT OPERATIONS & FACILITIES Chairperson Robert C. White, Jr.

TUESDAY, FEBRUARY 23, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
Noon - 6:00 p.m.	Office of Contracting and Procurement
	Contract Appeals Board
	Office of the Chief Technology Officer

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Government Operations & Facilities at the end of this notice.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT Chairperson Elissa Silverman

TUESDAY, FEBRUARY 23, 2021; via Facebook (Room B)	
Time	Agency
10:00 a.m. - 3:00 p.m.	Department of Human Resources
	Office of Labor Relations & Collective Bargaining

This hearing can be viewed live at <https://www.facebook.com/CMElissaSilverman>. Please see detailed instructions from the Committee on Labor & Workforce Development at the end of this notice.

COMMITTEE ON RECREATION, LIBRARIES & YOUTH AFFAIRS Chairperson Trayon White, Jr.

TUESDAY, FEBRUARY 23, 2021; via Virtual Meeting Platform - Room B	
Time	Agency (Subject to Change)
3:00 p.m. - 6:00 p.m.	Department of Parks and Recreation

A link to view this hearing will be provided at a later date. Please see detailed instructions from the Committee on Recreation, Libraries & Youth Affairs at the end of this notice.

COMMITTEE ON RECREATION, LIBRARIES & YOUTH AFFAIRS Chairperson Trayon White, Jr.

WEDNESDAY, FEBRUARY 24, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
9:00 a.m. - 6:00 p.m.	Commission on Fathers, Men, and Boys
	Office on African Affairs
	Office on African American Affairs
	Office on Asian and Pacific Islander Affairs
	Office on Latino Affairs

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Recreation, Libraries & Youth Affairs at the end of this notice.

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

THURSDAY, FEBRUARY 25, 2021; via Virtual Meeting Platform - Room A	
Time	Agency (Government Witnesses Only)
9:00 a.m. - Noon	Homeland Security and Emergency Management Agency
	Homeland Security Commission
	District of Columbia National Guard

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on the Judiciary & Public Safety at the end of this notice.

COMMITTEE ON GOVERNMENT OPERATIONS & FACILITIES **Chairperson Robert C. White, Jr.**

THURSDAY, FEBRUARY 25, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
Noon - 6:00 p.m.	Office of Administrative Hearings
	Advisory Commission to the Office of Administrative Hearings
	Commission on Selection and Tenure of Administrative Law Judges
	Office of the Inspector General

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Government Operations & Facilities at the end of this notice.

COMMITTEE ON HUMAN SERVICES **Chairperson Brianne Nadeau**

THURSDAY, FEBRUARY 25, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
Noon - 6:00 p.m.	Child and Family Services Agency

This hearing can be viewed live at <https://www.brianneknadeau.com/committee>. Please see detailed instructions from the Committee on Human Services at the end of this notice.

COMMITTEE ON HUMAN SERVICES **Chairperson Brianne Nadeau**

FRIDAY, FEBRUARY 26, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
9:00 a.m. - Noon	Board of Ethics and Government Accountability

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Human Services at the end of this notice.

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

FRIDAY, FEBRUARY 26, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
Noon - 6:00 p.m.	District Department of Transportation
	District of Columbia Bicycle Advisory Council
	Pedestrian Advisory Council
	Multimodal Accessibility Advisory Council

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Transportation and the Environment at the end of this notice.

COMMITTEE ON HOUSING & EXECUTIVE ADMINISTRATION **Chairperson Anita Bonds**

FRIDAY, FEBRUARY 26, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
9:00 a.m. - 3:00 p.m.	Department of Aging and Community Living (Public Witnesses Only)
	Commission on Aging
	Age-Friendly DC Task Force
	Office of the City Administrator
	Secretary of the District of Columbia
	Commission on the Martin Luther King, Jr. Holiday

This hearing can be viewed live at <https://www.youtube.com/channel/UCgy5EojaMYGtwicWSfg9NeA>. Please see detailed instructions from the Committee on Housing & Executive Administration at the end of this notice.

COMMITTEE ON HUMAN SERVICES

Chairperson Brianne Nadeau

MONDAY, MARCH 1, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
9:00 a.m. - 6:00 p.m.	Department of Human Services
	Interagency Council on Homelessness
	District of Columbia Housing Authority (Public Witnesses Only on matters concerning housing voucher and Department of Human Services Programs administered by the District of Columbia Housing Authority)

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Human Services at the end of this notice.

COMMITTEE ON RECREATION, LIBRARIES & YOUTH AFFAIRS

Chairperson Trayon White, Jr.

MONDAY, MARCH 1, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
Noon - 6:00 p.m.	Office of Cable Television, Film, Music and Entertainment
	Serve DC
	Public Access Commission

A link to view this hearing will be provided at a later date. Please see detailed instructions from the Committee on Recreation, Libraries & Youth Affairs at the end of this notice.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Chairperson Elissa Silverman

WEDNESDAY, MARCH 3, 2021; via Virtual Meeting Platform - Room A	
Time	Agency (Public Witnesses Only)
10:00 a.m. - 6:00 p.m.	Department of Employment Services
	Workforce Investment Council

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Labor & Workforce Development at the end of this notice.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Chairperson Kenyan McDuffie

WEDNESDAY, MARCH 3, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
9:00 a.m. - 6:00 p.m.	Public Service Commission
	Office of the People's Counsel
	Alcoholic Beverage Regulation Administration
	Office of Nightlife and Culture

This hearing can be viewed live at <https://www.facebook.com/KenyanRMcDuffie>. Please see detailed instructions from the Committee on Business & Economic Development at the end of this notice.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Charles Allen

THURSDAY, MARCH 4, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
9:00 a.m. - 6:00 p.m.	Office of Neighborhood and Safety Engagement
	Office of the Attorney General
	Office of Victim Services & Justice Grants/Access to Justice Initiative

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on the Judiciary & Public Safety at the end of this notice.

COMMITTEE ON HEALTH

Chairperson Vincent Gray

THURSDAY, MARCH 4, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
9:00 a.m. - 6:00 p.m.	Not-for-Profit Hospital Corporation (United Medical Center)
	Deputy Mayor for Health and Human Services
	Department of Health Care Finance

This hearing can be viewed live at <https://www.youtube.com/channel/UCrLxxgZo-j6S6K6DrxUZUpw/live>. Please see detailed instructions from the Committee on Health at the end of this notice.

COMMITTEE ON HOUSING & EXECUTIVE ADMINISTRATION **Chairperson Anita Bonds**

FRIDAY, MARCH 5, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
9:00 a.m. - Noon	Office of Tenant Advocate
	Financial Literacy Council
	Real Property Tax Appeals Commission
	District of Columbia Housing Authority (Public Witnesses Only)

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Housing and Executive Administration at the end of this notice.

COMMITTEE ON GOVERNMENT OPERATIONS & FACILITIES **Chairperson Robert C. White, Jr.**

FRIDAY, MARCH 5, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
Noon - 6:00 p.m.	Office of Risk Management
	Office of Human Rights
	Commission for Human Rights
	Advisory Committee on Street Harassment

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Government Operations & Facilities at the end of this notice.

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

FRIDAY, MARCH 5, 2021; via Virtual Meeting Platform - Room B	
Time	Agency (Government Witnesses Only)
9:00 a.m. - 6:00 p.m.	Department of Employment Services

This hearing can be viewed live at <https://www.facebook.com/CMElissaSilverman>. Please see detailed instructions from the Committee on Labor & Workforce Development at the end of this notice.

COMMITTEE ON GOVERNMENT OPERATIONS & FACILITIES **Chairperson Robert C. White, Jr.**

MONDAY, MARCH 8, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
Noon - 6:00 p.m.	Department of General Services

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Government Operations & Facilities at the end of this notice.

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

MONDAY, MARCH 8, 2021; via Virtual Meeting Platform - Room B	
Time	Agency (Government Witnesses Only)
9:00 a.m. - Noon	Office of Police Complaints
	Department of Forensic Sciences/Science Advisory Board

This hearing can be viewed live at <https://www.facebook.com/CMcharlesallen/>. Please see detailed instructions from the Committee on the Judiciary & Public Safety at the end of this notice.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

TUESDAY, MARCH 9, 2021; via Virtual Meeting Platform - Room A	
Time	Agency (Public Witnesses Only)
9:00 a.m. - 6:00 p.m.	District of Columbia Public Schools
	Office of the State Superintendent of Education
	Office of the Deputy Mayor for Education
	D.C. Public Charter School Board
	State Board of Education
	Office of the Student Advocate
	Ombudsman for Education

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee of the Whole at the end of this notice.

COMMITTEE ON HOUSING & EXECUTIVE ADMINISTRATION **Chairperson Anita Bonds**

TUESDAY, MARCH 9, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
9:00 a.m. - 3:00 p.m.	Department of Housing and Community Development (Public Witnesses Only)
	Housing Production Trust Fund (Public Witnesses Only)
	Housing Finance Agency
	Rental Housing Commission

This hearing can be viewed live at <https://www.youtube.com/channel/UCgy5EojaMYGtwicWSfg9NeA>. Please see detailed instructions from the Committee on Housing & Executive Administration at the end of this notice.

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

TUESDAY, MARCH 9, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
3:00 p.m. - 6:00 p.m.	Department of Public Works
	Food Policy Council

This hearing can be viewed at <https://www.facebook.com/cmmarycheh/>. Please see detailed instructions from the Committee on Transportation and the Environment at the end of this notice.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

WEDNESDAY, MARCH 10, 2021; via Virtual Meeting Platform - Room A	
Time	Agency (Government Witnesses Only)
9:00 a.m. - 6:00 p.m.	District of Columbia Public Schools
	Office of the State Superintendent of Education
	Office of the Deputy Mayor for Education
	District of Columbia Public Charter School Board
	State Board of Education
	Office of the Student Advocate
	Ombudsman for Education

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee of the Whole at the end of this notice.

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

WEDNESDAY, MARCH 10, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
9:00 a.m. - 6:00 p.m.	Office of the Chief Financial Officer
	DC Lottery and Charitable Games

This hearing can be viewed live at <https://www.facebook.com/KenyanRMcDuffie>. Please see detailed instructions from the Committee on Business & Economic Development at the end of this notice.

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

THURSDAY, MARCH 11, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
9:00 a.m. - 6:00 p.m.	Deputy Mayor for Public Safety and Justice
	Office of the Chief Medical Examiner/Fatality Review Committees
	Metropolitan Police Department

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on the Judiciary & Public Safety at the end of this notice.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

THURSDAY, MARCH 11, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
3:00 p.m. - 6:00 p.m.	District of Columbia Auditor
	Office of Budget and Planning
	New Columbia Statehood Commission
	District of Columbia Retirement Board/Funds
	Other Post-Employment Benefits Fund Advisory Committee

This hearing can be viewed live at www.ChairmanMendelson.com/live. Please see detailed instructions from the Committee of the Whole at the end of this notice.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Chairperson Elissa Silverman

FRIDAY, MARCH 12, 2021; via Virtual Meeting Platform - Room B	
Time	Agency (Government Witnesses Only)
10:00 a.m. - 3:00 p.m.	Workforce Investment Council

This hearing can be viewed live at <https://www.facebook.com/CMElissaSilverman>. Please see detailed instructions from the Committee on Labor & Workforce Development at the end of this notice.

COMMITTEE ON RECREATION, LIBRARIES & YOUTH AFFAIRS

Chairperson Trayon White, Jr.

MONDAY, MARCH 15, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
9:00 a.m. - Noon	Department of Youth & Rehabilitation Services

A link to view this hearing live will be provided at a later date. Please see detailed instructions from the Committee on Recreation, Libraries & Youth Affairs at the end of this notice.

COMMITTEE ON HOUSING & EXECUTIVE ADMINISTRATION

Chairperson Anita Bonds

MONDAY, MARCH 15, 2021; via Virtual Meeting Platform - Room A	
Time	Agency (Government Witnesses Only)
Noon - 6:00 p.m.	Department of Aging and Community Living
	Department of Housing & Community Development
	Housing Production Trust Fund

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Housing & Executive Administration at the end of this notice.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

MONDAY, MARCH 15, 2021; via Virtual Meeting - Room B	
Time	Agency
Noon - 3:00 p.m.	DC Water
	Washington Aqueduct

This hearing can be viewed at <https://www.facebook.com/cmmarycheh/>. Please see detailed instructions from the Committee on Transportation and the Environment at the end of this notice.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

MONDAY, MARCH 15, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
3:00 p.m. - 6:00 p.m.	Metropolitan Washington Council of Governments
	Metropolitan Washington Airports Authority
	Washington Metropolitan Area Transportation Authority

This hearing can be viewed live at www.ChairmanMendelson.com/live. Please see detailed instructions from the Committee of the Whole at the end of this notice.

COMMITTEE ON RECREATION, LIBRARIES & YOUTH AFFAIRS

Chairperson Trayon White, Jr.

WEDNESDAY, MARCH 17, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
9:00 a.m. - Noon	District of Columbia Public Library

The link to view this hearing live will be provided at a later date. Please see detailed instructions from the Committee on Recreation, Libraries & Youth Affairs at the end of this notice.

COMMITTEE ON HOUSING & EXECUTIVE ADMINISTRATION **Chairperson Anita Bonds**

WEDNESDAY, MARCH 17, 2021; via Virtual Meeting Platform - Room A	
Time	Agency (Government Witnesses Only)
Noon - 3:00 p.m.	District of Columbia Housing Authority

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Housing & Executive Administration at the end of this notice.

JOINT HEARING WITH COMMITTEE ON HUMAN SERVICES & COMMITTEE ON HOUSING & EXECUTIVE ADMINISTRATION **Chairperson Brianne Nadeau**
Chairperson Anita Bonds

WEDNESDAY, MARCH 17, 2021; via Virtual Meeting Platform - Room A	
Time	Agency (Government Witnesses Only)
3:00 p.m. - 6:00 p.m.	District of Columbia Housing Authority

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Housing & Executive Administration at the end of this notice.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

WEDNESDAY, MARCH 17, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
Noon - 3:00 p.m.	Commission on the Arts and Humanities
	University of the District of Columbia

This hearing can be viewed live at www.ChairmanMendelson.com/live. Please see detailed instructions from the Committee of the Whole at the end of this notice.

COMMITTEE ON HOUSING & EXECUTIVE ADMINISTRATION **Chairperson Anita Bonds**

THURSDAY, MARCH 18, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
9:00 a.m. - Noon	Executive Office of the Mayor
	Mayor's Office of Legal Counsel
	Office of the Senior Advisor
	Board of Real Estate Appraisers
	Real Estate Commission

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Housing & Executive Administration at the end of this notice.

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

THURSDAY, MARCH 18, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
Noon - 6:00 p.m.	Fire and Emergency Medical Services Department
	Office of Unified Communications

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on the Judiciary & Public Safety at the end of this notice.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

THURSDAY, MARCH 18, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
Noon - 3:00 p.m.	Office of Zoning
	Office of Planning
	Department of Consumer and Regulatory Affairs

This hearing can be viewed live at www.ChairmanMendelson.com/live. Please see detailed instructions from the Committee of the Whole at the end of this notice.

COMMITTEE ON HEALTH **Chairperson Vincent Gray**

FRIDAY, MARCH 19, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
9:00 a.m. - 6:00 p.m.	Department of Health (D.C. Health)

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Health at the end of this notice.

INSTRUCTIONS FOR PUBLIC PARTICIPATION

Due to the COVID-19 public health emergency declaration, the Council must alter the hearing process to comply with social distancing and other public health and safety requirements. Therefore, the Council will be conducting its work remotely, including, but not limited to, the use of teleconferencing platforms to hold public hearings. Written or transcribed testimony from the public regarding agency performance during fiscal year 2020 is **highly encouraged** and will be taken by email or voice mail.

Voicemail Testimony: Some committees have a unique voicemail number set up to accept testimony. The voicemail program automatically limits each message to three minutes. At the beginning of the message please state and spell your name clearly, provide the name of the organization you are representing and title (if any), and then begin your testimony. The voicemail program automatically limits each message to three minutes and generates an automated transcript of each message, which will be included as written testimony in the committee hearing record.

Virtual Meeting Platform: Each committee will be using either Zoom or WebEx to conduct its hearings. Specific instructions on how each hearing will be conducted is described below. **Some hearings will be broadcast live on DC Council Channel 13 and streamed live at www.dccouncil.us and entertainment.dc.gov, while others will be streamed live at the link provided. Each hearing in the notice will include the appropriate link to view the hearing live.**

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

**Committee of the Whole
Agency Performance Oversight**

Submitting Testimony:

- Written testimony: email testimony to cow@dccouncil.us .
- Voicemail testimony: (202) 430-6948.
- All testimony received will be made part of the official record.
- Hearing Record: The hearing record for each performance oversight hearing will close two weeks after the hearing date.

Testifying Live:

- Register to testify at <http://www.ChairmanMendelson.com/testify>. After completing your request, you will be contacted within 48 hours of the hearing start time with a Zoom link to participate (check your spam filter to allow emails from no-reply@zoom.us). Deadline to sign up is close of business on the 2nd business day before the hearing. Witnesses will have three minutes, unless there are a large number of witnesses, in which case less time may be allowed.

Viewing Hearings:

- Hearings can be viewed live at <http://www.ChairmanMendelson.com/live>.

**Committee on Business and Economic Development
Agency Performance Oversight**

Submitting Testimony:

- Written testimony: The Committee encourages the public to submit written testimony to be included for the record. Written testimony should be submitted by email to BusinessEconomicDevelopment@dccouncil.us. To be included in the record, please indicate the agency for which the testimony is being submitted in the subject line of the email.
- Voicemail testimony: (202) 656-5139
- All testimony received will be made part of the official record.
- Hearing Record: The hearing record for each performance oversight hearing shall close at 5:00 p.m. on the second business day after the date of the hearing.

Testifying Live:

- The Committee invites the public to testify remotely or to submit written testimony regarding the performance of any agency under its purview. Witnesses who testify virtually will be given 3 minutes. Persons wishing to testify must sign up in advance by contacting the Committee by e-mail, at BusinessEconomicDevelopment@dccouncil.us by 5:00 p.m. on the last business day before the hearing. Witnesses should provide their name, phone number or e-mail address, organizational affiliation (if any), title (if any), and preferred gender pronouns.
- Witnesses are strongly encouraged to electronically submit written testimony in advance of the hearing. Written testimony should be submitted by email to BusinessEconomicDevelopment@dccouncil.us. Public witnesses will participate

remotely. The Committee will follow up with witnesses with additional instructions on how to provide testimony through a web conferencing platform.

Viewing Hearings:

- Hearings can be viewed live at <https://www.facebook.com/KenyanRMcDuffie>.

**Committee on Government Operations and Facilities
Agency Performance Oversight**

Submitting Testimony:

- Written testimony: The Committee encourages the public to submit written testimony to be included for the public record. Copies of written testimony should be submitted by e-mail to facilities@dccouncil.us.
- All testimony received will be made part of the official record.
- Hearing Record: The record for each oversight hearing will close five business days following the conclusion of each respective hearing.

Testifying Live:

- Anyone wishing to testify must sign up in advance by contacting the Committee by e-mail at facilities@dccouncil.us or by phone at (202) 741-8593, and provide their name, phone number or e-mail, organizational affiliation, and title (if any) by the close of business two business days before each respective hearing.
- Witnesses are encouraged, but not required, to submit their testimony in writing electronically in advance to facilities@dccouncil.us.
- The Committee will follow-up with witnesses with additional instructions on how to provide testimony through a web conferencing platform.
- All public witnesses will be allowed a maximum of four minutes to testify, while Advisory Neighborhood Commissioners will be permitted five minutes to testify. At the discretion of the Chair, the length of time provided for oral testimony may be reduced due to schedule constraints.
- Witnesses who anticipate needing language interpretation, or require sign language interpretation, are requested to inform the Committee on Facilities and Procurement of the need as soon as possible but no later than five (5) business days before the proceeding. We will make every effort to fulfill timely requests, however requests received in less than five (5) business days may not be fulfilled and alternatives may be offered.

Viewing Hearings:

- Hearings can be viewed live at: <https://www.facebook.com/RobertWhiteAtLarge/Live>.

**Committee on Health
Agency Performance Oversight**

Submitting Testimony:

- Written testimony: email Malcolm Cameron at mcameron@dccouncil.us with “Testimony” in the subject line.
- Voicemail testimony: (202) 350-1828.
- All testimony received will be made part of the official record.
- Hearing Record: The hearing record for each performance oversight hearing will close two weeks after the hearing date

Testifying Live:

- Email: Malcolm Cameron at mcameron@dccouncil.us or call 202-341-4425 by 5:00 p.m. on the day prior the hearing and provide your name, organization (if any), email address, device name (if you are using video), phone number, and the specific agency or agencies you wish to discuss.
- A confirmation, hearing link and instructions, and agenda will be sent out via email by 5:30 p.m. on the day prior to the hearing.
- Individuals will be listed in the order they signed up and grouped in panels of four by the agency they are testifying about.
- Witnesses will be limited to 3 minutes to present their testimony.
- Due to technological limitations, only the first nine hours of the hearing will be broadcast, however, the Councilmember will remain via the virtual platform to hear all witnesses who have signed up to testify.

Viewing Hearings:

- Hearings can be viewed live at <https://www.youtube.com/channel/UCrLxxgZo-i6S6K6DrxUZUpw/live>.

**Committee on Housing and Executive Administration
Agency Performance Oversight**

Submitting Testimony:

- Written testimony: Email a PDF or word document to housing@dccouncil.us.
- Voicemail testimony: Call (202) 350-0894 and leave a 3-minute voicemail.
- All testimony received will be made part of the official record.
- Hearing Record: The hearing record for each performance oversight hearing will close two business days following each hearing.

Testifying Live:

- To sign up to testify, members of the public should email housing@dccouncil.us or call (202) 724-8198 no later than two business days before the hearing.
- Witnesses will receive a link to the Zoom hearing at least 24 hours prior to the hearing.
- If a witness is unable to testify via Zoom, they may testify by phone.

- To do this, witnesses should alert the Committee to this as early as possible, providing their name and number and the witness will receive a phone call before they are up to testify.
- All witnesses testifying on behalf of an organization will be given 5 minutes to testify, individual public witnesses will be given 3 minutes to testify.
- If interpretation services are needed, witnesses should alert the Committee no later than 6 business days before the hearing.

Viewing Hearings:

- Hearings can be viewed live on Cable Channel 13 (Unless otherwise indicated), D.C. Council Website (unless otherwise indicated), Zoom, or YouTube at <https://www.youtube.com/channel/UCgy5EojaMYGtwicWSfg9NeA>

**Committee on Human Services
Agency Performance Oversight**

Submitting Testimony:

- Written testimony: email to humanservices@dccouncil.us.
- Voicemail testimony: (202) 350-1927.
 - The Committee on Human Services has a unique voicemail number set up to accept budget testimony – (202) 741-2111. At the beginning of the message please state and spell your name clearly, provide the name of the organization you are representing and title (if any), the agency you are testifying about, and then begin your testimony. The voicemail program automatically limits each message to three minutes and generates an automated transcript of each message, which will be included as written testimony in the committee hearing record.
- All testimony received will be made part of the official record.
- Hearing Record: The hearing record for each performance oversight hearing will close 1 week after the hearing concludes.

Testifying Live:

- If you would like to sign up to testify, please complete the witness form at <https://www.brianneknadeau.com/testify> or call the Committee on Human Services at 202-724-8170, by close of business 4 days before each hearing date.
- Witnesses may participate by phone or online.
- Representatives of an organization or ANC receive 5 minutes to testify. Other public witnesses (or ANC commissioners not officially designated as a representative of their Commission) receive 3 minutes.
- The Committee will email additional instructions on how to participate to those who have signed up and will be able to participate live. The virtual hearing will be password protected and witnesses may not share the password.

Viewing Hearings:

- Hearings can be viewed live at <https://www.brianneknadeau.com/committee>

**Committee on the Judiciary and Public Safety
Agency Performance Oversight**

Submitting Testimony:

- Please email all written testimony for agencies under the Committee's jurisdiction to judiciary@dccouncil.us by COB March 19th, 2021 (pdfs preferred).
- All written testimony received will be made part of the official record.

Testifying Live:

- To register to provide live testimony for the Committee's hearings that permit live public testimony, witnesses should email the Committee at judiciary@dccouncil.us **no later than 2 business days before a scheduled hearing. Please include your name, telephone number, and organizational affiliation and title (if applicable).**
- The Committee will confirm your registration if time allotted for the hearing permits and provide you with additional information about accessing the hearing through the Zoom platform.
- Length provided for oral testimony will be determined based on the number of registered witnesses and the time allotted for the hearing; more information will be provided by the Committee after confirming your registration, but the Committee customarily permits five minutes for the first individual testifying on behalf of an organization and three minutes for any subsequent organizational witnesses and individuals testifying on their own behalf.

Viewing Hearings:

- All hearings can be viewed live at <https://www.facebook.com/CMcharlesallen/>. The Committee will conduct the hearings using the Zoom platform but will restrict access to Zoom to only registered witnesses.

**Committee on Labor and Workforce Development
Agency Performance Oversight**

Submitting Testimony:

- Written testimony: Email labor@dccouncil.us. For individuals testifying live, please submit written testimony by noon on the day before the hearing.
- Voicemail testimony: (202) 455-0153.
- All testimony received will be made part of the official record. Email testimony to labor@dccouncil.us
- Hearing Record: The hearing record for each performance oversight hearing will close four business days after the hearing.

Testifying Live:

- Those who wish to testify must sign up no later than 5:00 p.m. two business days prior to the hearing, by providing their information on the online form. The forms are linked at <https://www.elissasilverman.com/performancebudgethearings2021> or below:
 - OEA or PERB performance: <https://forms.gle/y5uP4PR8VKsbY2C17>
 - DCHR or OLRCB performance: <https://forms.gle/uQwLjgkFAGKhLaYX6>
 - WIC or DOES performance: <https://forms.gle/6GmJvHW6fdSmEj16A>
- Witnesses who require language interpretation or sign language interpretation are asked to complete the form linked above or email the Labor Committee at labor@dccouncil.us as soon as possible, but no later than 5:00 p.m. five full business days prior to the hearing date, stating their need for interpretation and requested language. The Council's Office of the Secretary will fulfill timely requests for language interpretation services; however, requests received later than 5 full days before the hearing may not be able to be fulfilled due to vendor availability.
- The day before the hearing, the Committee will email to witnesses who signed up by the deadline the details about how to participate in the roundtable via the Zoom platform. Only witnesses who have signed up by deadline will be permitted to participate.
- Individuals representing organizations will have 5 minutes to testify live and other witnesses will have 3 minutes to testify live.
- Those planning to testify are encouraged to submit an electronic copy of written testimony by noon the day before the hearing so that staff may distribute testimonies to Committee members and staff before the hearing.

Viewing Hearings:

- Hearings not on Channel 13 can be viewed live at <https://www.facebook.com/CMElissaSilverman>.

**Committee on Recreation, Libraries, and Youth Affairs
Agency Performance Oversight**

Instructions will be provided at a later date.

**Committee on Transportation and the Environment
Agency Performance Oversight**

Submitting Testimony:

- Written testimony: If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record; testimony may be submitted to abenjamin@dccouncil.us. Testimony received prior to the close of the record will be made part of the official record.
- Voicemail testimony: The public may also leave voicemail testimony for the Committee by calling (202) 350-1344, which will be transcribed and made part of the hearing record. Members of the public leaving voicemail testimony should speak slowly and clearly, state their full name and the organization they represent, if any, and note the agency that they are submitting testimony on. Members of the public are

asked to not provide an e-mail, phone number, or other person contact information in voicemail testimony.

- Hearing Record: The hearing record for each performance oversight hearing will close 14 days after the hearing date.

Testifying Live:

- Anyone wishing to testify should contact Ms. Aukima Benjamin, Staff Assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us; witnesses will receive information on how to join the hearing at that time. Witnesses who anticipate needing language interpretation, or requiring sign language interpretation, are requested to inform the Committee of the need as soon as possible but no later than five business days before the hearing. We will make every effort to fulfill timely requests, however requests received in less than five business days may not be fulfilled and alternatives may be offered.

Viewing Hearings:

- Hearings may be viewed live at <https://www.facebook.com/cmmarycheh/>.

**COUNCIL OF THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARINGS
FISCAL YEAR 2022 PROPOSED BUDGET AND FINANCIAL PLAN,
FISCAL YEAR 2022 BUDGET SUPPORT ACT OF 2021,
FISCAL YEAR 2022 LOCAL BUDGET ACT OF 2021,
FISCAL YEAR 2022 FEDERAL PORTION BUDGET REQUEST ACT OF 2021, AND
COMMITTEE MARK-UP SCHEDULE
2/2/2021**

SUMMARY

March 31, 2021	Mayor Transmits the Fiscal Year 2022 Proposed Budget and Financial Plan and Associated Documents to the Council of the District of Columbia
April 1, 2021	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2022 Proposed Budget and Financial Plan
April 7, 2021 to May 6, 2021	Committee Public Hearings on the "Fiscal Year 2022 Local Budget Act of 2021." The Committees may also receive testimony on sections of the Fiscal Year 2022 Budget Support Act that affect the agencies within each Committee's purview
May 7, 2021	Committee of the Whole Public Hearing on the "Fiscal Year 2022 Local Budget Act of 2021," "Fiscal Year 2022 Federal Portion Budget Request Act of 2021," "Fiscal Year 2022 Budget Support Act of 2021," and the "Fiscal Year 2021 Revised Local Budget Emergency Adjustment Act of 2021"
May 11 - 13, 2021	Committee Mark-ups and Reporting on Agency Budgets for Fiscal Year 2022
May 19, 2021	Budget Work Session - TBD
May 25, 2021	Committee of the Whole and Council consideration of the "Fiscal Year 2022 Local Budget Act of 2021" and the "Fiscal Year 2022 Budget Support Act of 2021"
June 8, 2021	Council Consideration of the "Fiscal Year 2022 Local Budget Act of 2021," "Fiscal Year 2022 Federal Portion Budget Request Act of 2021," and the "Fiscal Year 2021 Revised Local Budget Emergency Adjustment Act of 2020"
TBD	Council Consideration of the "Fiscal Year 2022 Budget Support Act of 2021"

The Council of the District of Columbia hereby gives notice of its intention to hold public hearings on the FY 2022 Proposed Budget and Financial Plan, the "Fiscal Year 2022 Local Budget Act of 2021," the "Fiscal Year 2022 Federal Portion Budget Request Act of 2021," "Fiscal Year 2022 Budget Support Act of 2021" and the Fiscal Year 2021 Local Budget Emergency Adjustment Act of 2021". The hearings will begin Wednesday, April 7, 2021 and conclude on Thursday, May 6, 2021. The Committee mark-ups will begin Tuesday, May 11, 2021 and conclude on Thursday, May 13, 2021.

On March 11, 2020, Mayor Muriel Bowser issued the Declaration of Public Emergency: Coronavirus (COVID-19) and the Declaration of Public Health Emergency: Coronavirus (COVID-19) due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of the coronavirus. These orders require that the Council of the District of Columbia adapt the methods by which public hearings on the FY2022 Proposed Budget and Financial Plan will be held to comply with social distancing, large public gathering, and other public health and safety requirements. Therefore, the Council will be conducting its work remotely, including the use of teleconferencing platforms to hold public hearings.

Please refer to the specific instructions, found at the end of this notice, on how each Committee will operate their hearings. Some hearings listed in this notice will broadcast live on DC Council Channel 13 and streamed live at www.dccouncil.us and entertainment.dc.gov, while others will be streamed live at the link provided.

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

ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE

<u>New Date</u>	<u>Original Date</u>	<u>Date Changed</u>	<u>Hearing Change</u>
4/21/2021	4/23/2021	1/27/2021	Committee on Labor & Workforce Development (DCHR); Time: 3:00 p.m. - 6:00 p.m.
4/22/2021	N/A	1/27/2021	Committee of the Whole (adding Office of the Student Advocate & Office for Ombudsman-Public Witnesses Only); Time: 9:00 a.m. - 6:00 p.m.
4/23/2021	N/A	1/27/2021	Committee of the Whole (adding Office of the Student Advocate & Office for Ombudsman-Government Witnesses Only); Time: 9:00 a.m. - 3:00 p.m.
4/23/2021	4/21/2021	1/27/2021	Committee on Labor & Workforce Development (WIC-Government Witnesses Only); Time: 9:00 a.m. - Noon
N/A	4/28/2021	1/27/2021	Committee on Labor & Workforce Development; Time Change: 10:00 a.m. - 3:00 p.m.

PUBLIC HEARING SCHEDULE

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

THURSDAY, APRIL 1, 2021; via Virtual Meeting Platform	
Time	Subject
Noon - 6:00 p.m.	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2022 Proposed Budget and Financial Plan

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Chairperson Elissa Silverman

WEDNESDAY, APRIL 7, 2021; via Virtual Meeting Platform - Room A	
Time	Agency (Public Witnesses Only)
9:00 a.m. - 3:00 p.m.	Department of Employment Services
	Workforce Investment Council

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Labor & Workforce Development at the end of this notice.

COMMITTEE ON RECREATION, LIBRARIES & YOUTH AFFAIRS

Chairperson Trayon White, Jr.

WEDNESDAY, APRIL 7, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
3:00 p.m. - 6:00 p.m.	Department of Youth Rehabilitation Services

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Recreation, Libraries & Youth Affairs at the end of this notice.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

WEDNESDAY, APRIL 7, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
9:00 a.m. - 3:00 p.m.	Council of the District of Columbia
	District of Columbia Auditor
	New Columbia Statehood Commission
	District of Columbia Retirement Board
	Other Post-Employment Benefits Fund Advisory Committee
	Commission on the Arts & Humanities
	University of the District of Columbia

This hearing can be viewed live at <http://www.ChairmanMendelson.com/live>. Please see detailed instructions from the Committee of the Whole at the end of this notice.

COMMITTEE ON HUMAN SERVICES

Chairperson Brianne Nadeau

THURSDAY, APRIL 8, 2021; via Virtual Meeting Platform (Room A)	
Time	Agency
9:00 a.m. - Noon	Board of Ethics and Government Accountability

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Human Services at the end of this notice.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Charles Allen

THURSDAY, APRIL 8, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
Noon - 6:00 p.m.	Fire and Emergency Medical Services Department
	Office of Unified Communications
	Office of Victim Services and Justice Grants/Access to Justice Initiative

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on the Judiciary & Public Safety at the end of this notice.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Chairperson Kenyan McDuffie

THURSDAY, APRIL 8, 2021; via Virtual Meeting Platform - Room B	
Time	Agency (Government Witnesses Only)
9:00 a.m. - Noon	Events DC
	Destination DC

This hearing can be viewed live at <https://www.facebook.com/KenyanRMcDuffie>. Please see detailed instructions from the Committee on Business & Economic Development at the end of this notice.

COMMITTEE ON GOVERNMENT OPERATIONS & FACILITIES

Chairperson Robert C. White, Jr.

THURSDAY, APRIL 8, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
Noon - 3:00 p.m.	Advisory Neighborhood Commissions
	Office of Veterans' Affairs
	Office on Returning Citizens Affairs

This hearing can be viewed live at <https://www.facebook.com/RobertWhiteAtLarge/Live>. Please see detailed instructions from the Committee on Government Operations & Facilities at the end of this notice.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

THURSDAY, APRIL 8, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
3:00 p.m. - 6:00 p.m.	Metropolitan Washington Council of Government
	Washington Metropolitan Area Transit Authority

This hearing can be viewed live at <http://www.ChairmanMendelson.com/live>. Please see detailed instructions from the Committee of the Whole at the end of this notice.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Chairperson Elissa Silverman

FRIDAY, APRIL 9, 2021; via Virtual Meeting Platform - Room A	
Time	Agency (Government Witnesses Only)
9:00 a.m. - 6:00 p.m.	Department of Employment Services

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Labor & Workforce Development at the end of this notice.

COMMITTEE ON HEALTH

Chairperson Vincent Gray

FRIDAY, APRIL 9, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
9:00 a.m. - 6:00 p.m.	Not-for-Profit Hospital Corporation (United Medical Center)
	Deputy Mayor for Health and Human Services
	Department of Health Care Finance

This hearing can be viewed live at <https://www.youtube.com/channel/UCrLxxgZo-j6S6K6DrxUZUpw/live>. Please see detailed instructions from the Committee on Health at the end of this notice.

COMMITTEE ON HUMAN SERVICES

Chairperson Brianne Nadeau

MONDAY, APRIL 19, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
9:00 a.m. - 6:00 p.m.	Department of Human Services

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Human Services at the end of this notice.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

MONDAY, APRIL 19, 2021; Via Virtual Meeting Platform - Room B	
Time	Agency
9:00 a.m. Noon	Department of Motor Vehicles
	Deputy Mayor for Operations and Infrastructure

This hearing can be viewed live at <https://www.facebook.com/cmmarycheh/>. Please see detailed instructions from the Committee on Transportation & the Environment at the end of this notice.

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

MONDAY, APRIL 19, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
3:00 p.m. - 6:00 p.m.	District of Columbia Public Library
	Office of Cable, Film, Television, Music and Entertainment
	Serve DC

A link to view this hearing live will be provided at a later date. Please see detailed instructions from the Committee on Recreation, Libraries & Youth Affairs at the end of this notice.

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

WEDNESDAY, APRIL 21, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
Noon - 6:00 p.m.	Department of Parks and Recreation
	Office of Latino Affairs
	Office on African Affairs
	Office of African American Affairs
	Office on Asian and Pacific Islander Affairs
	Commission on Fathers, Men and Boys

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Recreation, Libraries & Youth Affairs at the end of this notice.

COMMITTEE ON HUMAN SERVICES **Chairperson Brianne Nadeau**

WEDNESDAY, APRIL 21, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
9:00 a.m. - 3:00 p.m.	Child and Family Services Agency

This hearing can be viewed live at <https://www.brianneknadeau.com/committee>. Please see detailed instructions from the Committee on Human Services at the end of this notice.

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

WEDNESDAY, APRIL 21, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
3:00 p.m. - 6:00 p.m.	Department of Human Resources

This hearing can be viewed live at <https://www.facebook.com/CMElissaSilverman>. Please see detailed instructions from the Committee on Labor & Workforce Development at the end of this notice.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

THURSDAY, APRIL 22, 2021; via Virtual Meeting Platform - Room A	
Time	Agency (Public Witnesses Only)
9:00 a.m. - 6:00 p.m.	District of Columbia Public Schools
	Office of the State Superintendent of Education
	Office of the Deputy Mayor for Education
	D.C. Public Charter School Board
	State Board of Education
	Office of the Student Advocate
	Ombudsman for Education

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Education at the end of this notice.

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

THURSDAY, APRIL 22, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
9:00 a.m. - 6:00 p.m.	Office of Neighborhood Safety and Engagement
	Metropolitan Police Department

This hearing can be viewed live at <https://www.facebook.com/CMcharlesallen/>. Please see detailed instructions from the Committee on the Judiciary & Public Safety at the end of this notice.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

FRIDAY, APRIL 23, 2021; via Virtual Meeting Platform - Room A	
Time	Agency (Government Witnesses Only)
9:00 a.m. - 3:00 p.m.	District of Columbia Public Schools
	Office of the State Superintendent of Education
	Deputy Mayor for Education
	District of Columbia Public Charter School Board
	State Board of Education
	Office of the Student Advocate
	Ombudsman for Education

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Education at the end of this notice.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

FRIDAY, APRIL 23, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
3:00 p.m. - 6:00 p.m.	District Department of Energy and Environment
	Green Finance Authority

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Transportation & the Environment at the end of this notice.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Chairperson Elissa Silverman

FRIDAY, APRIL 23, 2021; via Virtual Meeting Platform - Room B	
Time	Agency (Government Witnesses Only)
9:00 a.m. - Noon	Workforce Investment Council

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Labor & Workforce Development at the end of this notice.

COMMITTEE ON HOUSING & EXECUTIVE ADMINISTRATION

Chairperson Anita Bonds

FRIDAY, APRIL 23, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
Noon - 6:00 p.m.	Office of the Tenant Advocate
	Financial Literacy Council
	Real Property Tax Appeals Commission
	District of Columbia Housing Authority (Public Witnesses Only)

This hearing can be viewed live at <https://www.youtube.com/channel/UCgy5EojaMYGtwicWSfg9NeA>. Please see detailed instructions from the Committee on Housing & Executive Administration at the end of this notice.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Chairperson Kenyan McDuffie

MONDAY, APRIL 26, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
9:00 a.m. - 6:00 p.m.	Deputy Mayor for Planning and Economic Development

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Business & Economic Development at the end of this notice.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

MONDAY, APRIL 26, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
Noon - 3:00 p.m.	Office of Budget and Planning
	Office of Zoning
	Office of Planning
	Department of Consumer & Regulatory Affairs

This hearing can be viewed live at <http://www.ChairmanMendelson.com/live>. Please see detailed instructions from the Committee of the Whole at the end of this notice.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

MONDAY, APRIL 26, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
3:00 p.m. - 6:00 p.m.	District Department of Transportation

This hearing can be viewed live at <https://www.facebook.com/cmmarycheh/>. Please see detailed instructions from the Committee on Transportation & the Environment at the end of this notice.

COMMITTEE ON HUMAN SERVICES

Chairperson Brianne Nadeau

TUESDAY, APRIL 27, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
9:00 a.m. - Noon	Department of Disability Services
	Office of Disability Rights

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Human Services at the end of this notice.

COMMITTEE ON GOVERNMENT OPERATIONS & FACILITIES

Chairperson Robert C. White, Jr.

TUESDAY, APRIL 27, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
Noon - 6:00 p.m.	Office of Contracting and Procurement
	Contract Appeals Board
	Office of the Chief Technology Officer
	Office of Administrative Hearings
	Office of the Inspector General

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Government Operations & Facilities at the end of this notice.

COMMITTEE ON HOUSING & EXECUTIVE ADMINISTRATION

Chairperson Anita Bonds

TUESDAY, APRIL 27, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
9:00 a.m. - 3:00 p.m.	Department of Housing and Community Development (Public)
	Housing Production Trust Fund (Public Witnesses Only)
	Housing Finance Agency
	Rental Housing Commission

This hearing can be viewed live at <https://www.youtube.com/channel/UCgy5EojaMYGtwicWSfg9NeA>. Please see detailed instructions from the Committee on Housing & Executive Administration at the end of this notice.

COMMITTEE ON HEALTH

Chairperson Vincent Gray

WEDNESDAY, APRIL 28, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
9:00 a.m. - 6:00 p.m.	Department of Health (D.C. Health)

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Health at the end of this notice.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Chairperson Elissa Silverman

WEDNESDAY, APRIL 28, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
10:00 a.m. - 6:00 p.m.	Office of Employee Appeals
	Public Employee Relations Board
	Office of Labor Relations & Collective Bargaining

This hearing can be viewed live at <https://www.facebook.com/CMElissaSilverman>. Please see detailed instructions from the Committee on Labor & Workforce Development at the end of this notice.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT		Chairperson Kenyan McDuffie
THURSDAY, APRIL 29, 2021; via Virtual Meeting Platform - Room A		
Time	Agency	
9:00 a.m. - Noon	Public Service Commission	
	Office of the People's Counsel	
	Alcoholic Beverage Regulation Administration	

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Business & Economic Development at the end of this notice.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY		Chairperson Charles Allen
THURSDAY, APRIL 29, 2021; via Virtual Meeting Platform - Room A		
Time	Agency	
Noon - 6:00 p.m.	Deputy Mayor for Public Safety and Justice	
	Office of the Attorney General	

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on the Judiciary & Public Safety at the end of this notice.

COMMITTEE ON HOUSING & EXECUTIVE ADMINISTRATION		Chairperson Anita Bonds
THURSDAY, APRIL 29, 2021; via Virtual Meeting Platform - Room B		
Time	Agency	
9:00 a.m. - 3:00 p.m.	Department of Aging and Community Living (Public Witnesses Only)	
	Commission on Aging	
	Age-Friendly DC Task Force	
	Office of the City Administrator	
	Secretary of the District of Columbia	
Commission on the Martin Luther King, Jr. Holiday		

This hearing can be viewed live at <https://www.youtube.com/channel/UCgy5EojaMYGtwicWSfg9NeA>. Please see detailed instructions from the Committee on Housing & Executive Administration at the end of this notice.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT		Chairperson Mary Cheh
THURSDAY, APRIL 29, 2021; via Virtual Meeting Platform - Room B		
Time	Agency	
3:00 p.m. - 6:00 p.m.	Department of Public Works	

This hearing can be viewed live at <https://www.facebook.com/cmmarycheh/>. Please see detailed instructions from the Committee on Transportation & the Environment at the end of this notice.

COMMITTEE ON HEALTH		Chairperson Vincent Gray
FRIDAY, APRIL 30, 2021; via Virtual Meeting Platform - Room A		
Time	Agency	
9:00 a.m. - 6:00 p.m.	Health Benefit Exchange Authority	
	Department of Behavioral Health	

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Health at the end of this notice.

COMMITTEE ON GOVERNMENT OPERATIONS & FACILITIES		Chairperson Robert C. White, Jr.
FRIDAY, APRIL 30, 2021; via Virtual Meeting Platform - Room B		
Time	Agency	
Noon - 6:00 p.m.	Office of Risk Management	
	Office of Human Rights	
	Department of General Services	

This hearing can be viewed live at <https://www.facebook.com/RobertWhiteAtLarge/Live>. Please see detailed instructions from the Committee on Government Operations & Facilities at the end of this notice.

COMMITTEE ON HOUSING & EXECUTIVE ADMINISTRATION

Chairperson Anita Bonds

MONDAY, MAY 3, 2021; via Virtual Meeting Platform - Room A	
Time	Agency (Government Witnesses Only)
9:00 a.m. - Noon	Department of Aging and Community Living
	Department of Housing & Community Development
	Housing Production Trust Fund

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Housing & Executive Administration at the end of this notice.

COMMITTEE ON GOVERNMENT OPERATIONS & FACILITIES

Chairperson Robert C. White, Jr.

MONDAY, MAY 3, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
Noon - 6:00 p.m.	Office of Community Affairs
	Office of Partnerships and Grants Services
	Office of Religious Affairs
	Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs
	Office on Women's Policy and Initiatives

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Government Operations & Facilities at the end of this notice.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Chairperson Kenyan McDuffie

MONDAY, MAY 3, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
Noon - 6:00 p.m.	Department of Small and Local Business Development
	Department of Insurance, Securities and Banking
	Department of For-Hire Vehicles

This hearing can be viewed live at <https://www.facebook.com/KenyanRMcDuffie>. Please see detailed instructions from the Committee on Business & Economic Development at the end of this notice.

COMMITTEE ON HOUSING & EXECUTIVE ADMINISTRATION

Chairperson Anita Bonds

WEDNESDAY, MAY 5, 2021; via Virtual Meeting Platform - Room A	
Time	Agency (Government Witnesses Only)
Noon - 3:00 p.m.	District of Columbia Housing Authority

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Housing & Executive Administration at the end of this notice.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Chairperson Kenyan McDuffie

WEDNESDAY, MAY 5, 2021; via Virtual Meeting Platform - Room B	
Time	Agency
9:00 a.m. - Noon	Office of the Chief Financial Officer
	DC Lottery and Charitable Games

This hearing can be viewed live at <https://www.facebook.com/KenyanRMcDuffie>. Please see detailed instructions from the Committee on Business & Economic Development at the end of this notice.

COMMITTEE ON HOUSING & EXECUTIVE ADMINISTRATION

Chairperson Anita Bonds

THURSDAY, MAY 6, 2021; via Virtual Meeting Platform - Room A	
Time	Agency
9:00 a.m. - Noon	Executive Office of the Mayor
	Mayor's Office of Legal Counsel
	Office of the Senior Advisor
	Board of Real Estate Appraisers
	Real Estate Commission

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on Housing & Executive Administration at the end of this notice.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Charles Allen

THURSDAY, MAY 6, 2021; via Virtual Meeting Platform - Room A	
Time	Agency (Government Witnesses Only)
Noon - 6:00 p.m.	Department of Corrections
	Board of Elections
	Office of Campaign Finance
	Office of Police Complaints

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee on the Judiciary & Public Safety at the end of this notice.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

FRIDAY, MAY 7, 2021; via Virtual Meeting Platform	
Time	Agency
12:00 p.m. - 6:00 p.m.	Committee of the Whole Hearing on the "Fiscal Year 2022 Local Budget Act of 2021," "Fiscal Year 2022 Federal Portion Budget Request Act of 2021," "Fiscal Year 2022 Budget Support Act of 2021," and the "Fiscal Year 2021 Revised Local Budget Emergency Adjustment Act of 2021"

This hearing will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov. Please see detailed instructions from the Committee of the Whole at the end of this notice.

COMMITTEE MARK-UP SCHEDULE

These markups will be broadcast live on Channel 13 and streamed live at www.dccouncil.us and www.entertainment.dc.gov.

TUESDAY, MAY 11, 2021; via Virtual Meeting Platform

Time	Committee
1:00 p.m. - 2:30 p.m.	Committee on Health
2:30 p.m. - 4:00 p.m.	Committee on Recreation, Libraries and Youth Affairs
4:00 p.m. - 5:30 p.m.	Committee on Government Operations and Facilities

WEDNESDAY, MAY 12, 2021; via Virtual Meeting Platform

Time	Committee
10:30 a.m. - Noon	Committee on Human Services
Noon - 1:30 p.m.	Committee on Housing and Executive Administration
1:30 p.m. - 3:00 p.m.	Committee on Labor and Workforce Development

THURSDAY, MAY 13, 2021; via Virtual Meeting Platform

Time	Committee
10:00 a.m. - 11:30 a.m.	Committee on Business and Economic Development
11:30 a.m. - 1:00 p.m.	Committee on Transportation and the Environment
1:00 p.m. - 2:30 p.m.	Committee on the Judiciary and Public Safety
4:00 p.m. - 5:30 p.m.	Committee of the Whole

INSTRUCTIONS FOR PUBLIC PARTICIPATION

Due to the COVID-19 public health emergency declaration, the Council must alter the hearing process to comply with social distancing and other public health and safety requirements. Therefore, the Council will be conducting its work remotely, including, but not limited to, the use of teleconferencing platforms to hold public hearings. Written or transcribed testimony from the public regarding the Fiscal Year 2022 proposed budget is **highly encouraged** and will be taken by email or voice mail.

Voicemail Testimony: Some committees have a unique voicemail number set up to accept testimony. The voicemail program automatically limits each message to three minutes. At the beginning of the message please state and spell your name clearly, provide the name of the organization you are representing and title (if any), and then begin your testimony. The voicemail program automatically limits each message to three minutes and generates an automated transcript of each message, which will be included as written testimony in the committee hearing record.

Virtual Meeting Platform: Each committee will be using either Zoom or WebEx to conduct its hearings. Specific instructions on how each hearing will be conducted is described below. **Some hearings will be broadcast live on DC Council Channel 13 and streamed live at www.dccouncil.us and entertainment.dc.gov, while others will be streamed live at the link provided. Each hearing in the notice will include the appropriate link to view the hearing live.**

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

**Committee of the Whole
FY22 Budget**

Submitting Testimony:

- Written testimony: email testimony to cow@dccouncil.us.
- Voicemail testimony: (202) 430-6948.
- All testimony received will be made part of the official record.
- Hearing Record: The record for each budget hearing will close on May 6, 2021.

Testifying Live:

- Register to testify at <http://www.ChairmanMendelson.com/testify>. After completing your request, you will be contacted within 48 hours of the hearing start time with a Zoom link to participate (check your spam filter to allow emails from no-reply@zoom.us). Deadline to sign up is close of business on the 2nd business day before the hearing. Witnesses will have three minutes, unless there are a large number of witnesses, in which case less time may be allowed.

Viewing Hearings:

- Hearings can be viewed live at <http://www.ChairmanMendelson.com/live>.

**Committee on Business and Economic Development
FY22 Budget**

Submitting Testimony:

- Written testimony: The Committee encourages the public to submit written testimony to be included for the record. Written testimony should be submitted by email to BusinessEconomicDevelopment@dccouncil.us. To be included in the record, please indicate the agency for which the testimony is being submitted in the subject line of the email.
- Voicemail testimony: (202) 656-5139.
- All testimony received will be made part of the official record.
- Hearing Record: The record for each budget hearing shall close at 5:00 p.m. on the second business day after the date of the hearing.

Testifying Live:

- The Committee invites the public to testify remotely or to submit written testimony regarding the budget of any agency under its purview. Witnesses who testify virtually will be given 3 minutes. Persons wishing to testify must sign up in advance by contacting the Committee by e-mail, at BusinessEconomicDevelopment@dccouncil.us by 5:00 p.m. on the last business day before the hearing. Witnesses should provide their name, phone number or e-mail address, organizational affiliation (if any), title (if any), and preferred gender pronouns.
- Witnesses are strongly encouraged to electronically submit written testimony in advance of the hearing. Written testimony should be submitted by email to BusinessEconomicDevelopment@dccouncil.us. Public witnesses will participate

remotely. The Committee will follow-up with witnesses with additional instructions on how to provide testimony through a web conferencing platform.

Viewing Hearings:

- Hearings can be viewed live at <https://www.facebook.com/KenyanRMcDuffie>.

**Committee on Government Operations and Facilities
FY22 Budget**

Submitting Testimony:

- Written testimony: The Committee encourages the public to submit written testimony to be included for the public record. Copies of written testimony should be submitted by e-mail to facilities@dccouncil.us.
- All testimony received will be made part of the official record.
- Hearing Record: The record for each budget hearing will close five business days following the conclusion of each respective hearing.

Testifying Live:

- Anyone wishing to testify must sign up in advance by contacting the Committee by e-mail at facilities@dccouncil.us or by phone at (202) 741-8593, and provide their name, phone number or e-mail, organizational affiliation, and title (if any) by the close of business two business days before each respective hearing.
- Witnesses are encouraged, but not required, to submit their testimony in writing electronically in advance to facilities@dccouncil.us.
- The Committee will follow-up with witnesses with additional instructions on how to provide testimony through a web conferencing platform.
- All public witnesses will be allowed a maximum of four minutes to testify, while Advisory Neighborhood Commissioners will be permitted five minutes to testify. At the discretion of the Chair, the length of time provided for oral testimony may be reduced due to schedule constraints.
- Witnesses who anticipate needing language interpretation, or require sign language interpretation, are requested to inform the Committee on Facilities and Procurement of the need as soon as possible but no later than five (5) business days before the proceeding. We will make every effort to fulfill timely requests, however requests received in less than five (5) business days may not be fulfilled and alternatives may be offered.

Viewing Hearings:

- Hearings can be viewed live at: <https://www.facebook.com/RobertWhiteAtLarge/Live>.

**Committee on Health
FY22 Budget**

Submitting Testimony:

- Written testimony: email Malcolm Cameron at mcameron@dccouncil.us with “Testimony” in the subject line.
- Voicemail testimony: (202) 350-1828.
- All testimony received will be made part of the official record.
- Hearing Record: The record for each budget hearing will close two weeks after the hearing date.

Testifying Live:

- Email: Malcolm Cameron at mcameron@dccouncil.us or call 202-341-4425 by 5:00 p.m. on the day prior the hearing and provide your name, organization (if any), email address, device name (if you are using video), phone number, and the specific agency or agencies you wish to discuss.
- A confirmation, hearing link and instructions, and agenda will be sent out via email by 5:30 p.m. on the day prior to the hearing.
- Individuals will be listed in the order they signed up and grouped in panels of four by the agency they are testifying about.
- Witnesses will be limited to 3 minutes to present their testimony.
- Due to technological limitations, only the first nine hours of the hearing will be broadcast, however, the Councilmember will remain via the virtual platform to hear all witnesses who have signed up to testify.

Viewing Hearings:

- Hearings can be viewed live at <https://www.youtube.com/channel/UCrLxxgZo-i6S6K6DrxUZUpw/live>.

**Committee on Housing and Executive Administration
FY22 Budget**

Submitting Testimony:

- Written testimony: Email a PDF or word document to housing@dccouncil.us.
- Voicemail testimony: Call (202) 350-0894 and leave a 3-minute voicemail.
- All testimony received will be made part of the official record.
- Hearing Record: The hearing record for each budget hearing will close two business days following each budget.

Testifying Live:

- To sign up to testify, members of the public should email housing@dccouncil.us or call (202) 724-8198 no later than two business days before the hearing.
- Witnesses will receive a link to the Zoom hearing at least 24 hours prior to the hearing.
- If a witness is unable to testify via Zoom, they may testify by phone.

- To do this, witnesses should alert the Committee to this as early as possible, providing their name and number and the witness will receive a phone call before they are up to testify.
- All witnesses testifying on behalf of an organization will be given 5 minutes to testify, individual public witnesses will be given 3 minutes to testify.
- If interpretation services are needed, witnesses should alert the Committee no later than 6 business days before the hearing.

Viewing Hearings:

- Hearings can be viewed live on Cable Channel 13 (unless otherwise indicated), D.C. Council Website (Unless otherwise indicated), Zoom, or YouTube at <https://www.youtube.com/channel/UCgy5EojaMYGtwicWSfg9NeA> .

**Committee on Human Services
FY22 Budget**

Submitting Testimony:

- Written testimony: email to humanservices@dccouncil.us.
- Voicemail testimony: (202) 350-1927.
 - The Committee on Human Services has a unique voicemail number set up to accept budget testimony – (202) 741-2111. At the beginning of the message please state and spell your name clearly, provide the name of the organization you are representing and title (if any), the agency you are testifying about, and then begin your testimony. The voicemail program automatically limits each message to three minutes and generates an automated transcript of each message, which will be included as written testimony in the committee hearing record.
- All testimony received will be made part of the official record.
- Hearing Record: The hearing record for each budget hearing will close 1 week after the hearing concludes.

Testifying Live:

- If you would like to sign up to testify, please complete the witness form at <https://www.brianneknadeau.com/testify> or call the Committee on Human Services at 202-724-8170, by close of business 4 days before each hearing date.
- Witnesses may participate by phone or online.
- Representatives of an organization or ANC receive 5 minutes to testify. Other public witnesses (or ANC commissioners not officially designated as a representative of their Commission) receive 3 minutes.
- The Committee will email additional instructions on how to participate to those who have signed up and will be able to participate live. The virtual hearing will be password protected and witnesses may not share the password.

Viewing Hearings:

- Hearings can be viewed live at <https://www.brianneknadeau.com/committee>.

**Committee on the Judiciary and Public Safety
FY22 Budget**

Submitting Testimony:

- Please email all written testimony for agencies under the Committee’s jurisdiction to judiciary@dccouncil.us by COB May 6 for budget oversight hearings (pdfs preferred).
- All written testimony received will be made part of the official record.

Testifying Live:

- To register to provide live testimony for the Committee’s hearings that permit live public testimony, witnesses should email the Committee at judiciary@dccouncil.us **no later than 2 business days before a scheduled hearing. Please include your name, telephone number, and organizational affiliation and title (if applicable).**
- The Committee will confirm your registration if time allotted for the hearing permits and provide you with additional information about accessing the hearing through the Zoom platform.
- Length provided for oral testimony will be determined based on the number of registered witnesses and the time allotted for the hearing; more information will be provided by the Committee after confirming your registration, but the Committee customarily permits five minutes for the first individual testifying on behalf of an organization and three minutes for any subsequent organizational witnesses and individuals testifying on their own behalf.

Viewing Hearings:

- All hearings can be viewed live at <https://www.facebook.com/CMcharlesallen/>. The Committee will conduct the hearings using the Zoom platform but will restrict access to Zoom to only registered witnesses.

**Committee Labor and Workforce Development
FY22 Budget**

Submitting Testimony:

- Written testimony: Email labor@dccouncil.us. For individuals testifying live, please submit written testimony by noon on the day before the hearing.
- Voicemail testimony: (202) 455-0153
- All testimony received will be made part of the official record. Email testimony to labor@dccouncil.us
- Hearing Record: The hearing record for each budget hearing will close four business days after the hearing.

Testifying Live:

- Those who wish to testify must sign up no later than 5:00 p.m. two business days prior to the hearing, by providing their information on the online form. The forms are linked at <https://www.elissasilverman.com/performancebudgethearings2021> or below:
 - OEA, PERB, or OLRCB budget: <https://forms.gle/qoSd4rhkA8TdR3WF8>
 - DCHR budget: <https://forms.gle/t3RthAGQ3RQEHa337>

- WIC or DOES budget: <https://forms.gle/ex5p6FXJi9equocBA>
- Witnesses who require language interpretation or sign language interpretation are asked to complete the form linked above or email the Labor Committee at labor@dccouncil.us as soon as possible, but no later than 5:00 p.m. five full business days prior to the hearing date, stating their need for interpretation and requested language. The Council's Office of the Secretary will fulfill timely requests for language interpretation services; however, requests received later than 5 full days before the hearing may not be able to be fulfilled due to vendor availability.
- The day before the hearing, the Committee will email to witnesses who signed up by the deadline the details about how to participate in the roundtable via the Zoom platform. Only witnesses who have signed up by deadline will be permitted to participate.
- Individuals representing organizations will have 5 minutes to testify live and other witnesses will have 3 minutes to testify live.
- Those planning to testify are encouraged to submit an electronic copy of written testimony by noon the day before the hearing so that staff may distribute testimonies to Committee members and staff before the hearing.

Viewing Hearings:

- Hearings not broadcast live on Channel 13 can be viewed live at <https://www.facebook.com/CMElissaSilverman> .

**Committee on Recreation, Libraries, and Youth Affairs
FY22 Budget**

Instructions will be provided at a later date.

**Committee on Transportation and the Environment
FY22 Budget**

Submitting Testimony:

- Written testimony: If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record; testimony may be submitted to abenjamin@dccouncil.us. Testimony received prior to the close of the record will be made part of the official record.
- Voicemail testimony: The public may also leave voicemail testimony for the Committee by calling (202) 350-1344, which will be transcribed and made part of the hearing record. Members of the public leaving voicemail testimony should speak slowly and clearly, state their full name and the organization they represent, if any, and note the agency that they are submitting testimony on. Members of the public are asked to not provide an e-mail, phone number, or other person contact information in voicemail testimony.
- Hearing Record: The hearing record for each budget hearing will close 14 days after the hearing date.

Testifying Live:

- Anyone wishing to testify should contact Ms. Aukima Benjamin, Staff Assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us; witnesses will receive information on how to join the hearing at that time. Witnesses who anticipate needing language interpretation, or requiring sign language interpretation, are requested to inform the Committee of the need as soon as possible but no later than five business days before the hearing. We will make every effort to fulfill timely requests, however requests received in less than five business days may not be fulfilled and alternatives may be offered.

Viewing Hearings:

- Hearings may be viewed live at <https://www.facebook.com/cmmarycheh/>.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

NOTICE OF PUBLIC ROUNDTABLE ON

Transportation in the District After the Pandemic

March, 23, 2021, at 12:00 PM
Councilmember Cheh's Facebook Page (facebook.com/cmmarycheh)
DC Council Website (dccouncil.us)
Council Channel 13 (Cable Television Providers)
Office of Cable Television Website (entertainment.dc.gov)

On March, 23, 2021, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public roundtable on Transportation in the District after the pandemic. The roundtable will begin at 12:00 PM and will be broadcast live on DC Council Channel 13 and streamed live at www.dccouncil.us, facebook.com/cmmarycheh, and entertainment.dc.gov.

The purpose of the roundtable is for the Committee to hear from the community and the District Department of Transportation ("DDOT") about what transportation initiatives that began during the pandemic should continue. Topics of discussion will include Streateries, bus-only lanes, Slow Streets, and whether to ask the National Park Service to permanently close Beach Drive to cars.

On March 11, 2020, Mayor Muriel Bowser issued the Declaration of Public Emergency: Coronavirus (COVID-19) and the Declaration of Public Health Emergency: Coronavirus (COVID-19) due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of the coronavirus. These orders require that the Council adapt the methods by which committees may hold public hearings and roundtables to comply with social distancing, large public gathering, and other public health and safety requirements. Therefore, this public roundtable will be held remotely through the WebEx teleconferencing platform.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify should contact Ms. Aukima Benjamin, Staff Assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us; witnesses will receive information on how to join the roundtable at that time. Witnesses who anticipate needing language interpretation, or requiring sign language interpretation, are requested to inform the Committee of the need as soon as possible but no later than five business days before the roundtable, which is March 15, 2021. We will make every effort to fulfill timely requests, however requests received in less than five business days may not be fulfilled and alternatives may be offered.

If you are unable to testify at the public roundtable, written statements are encouraged and will be made a part of the official record; testimony may be submitted to abenjamin@dccouncil.us. The public may also leave voicemail testimony for the Committee by calling (202) 350-1344, which will be transcribed and made part of the roundtable record. Members of the public leaving voicemail testimony should speak slowly and clearly, state their full name and the organization they represent, if any, and note the bill, roundtable, or agency that they are submitting testimony on. Members of the public are asked to not provide an e-mail, phone number, or other person contact information in voicemail testimony.

The record will close at the end of the business day on April 6, 2021.

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B24-36, Adams Morgan Business Improvement District Emergency Amendment Act of 2021, **B24-38**, Fair Meals Delivery Temporary Act of 2021, **B24-40**, TOPA COVID-19 Tolling Exemption for Low Income Housing Tax Credit Transfers Temporary Amendment Act of 2021, and **B24-59**, Workplace Safety During the Covid-19 Pandemic Temporary Amendment Act of 2021 adopted on first reading on February 2, 2021. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on March 2, 2021.

COUNCIL OF THE DISTRICT OF COLUMBIA EXCEPTED SERVICE APPOINTMENTS AS OF JANUARY 31, 2021

NOTICE OF EXCEPTED SERVICE EMPLOYEES

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

COUNCIL OF THE DISTRICT OF COLUMBIA			
NAME	POSITION TITLE	GRADE	TYPE OF APPOINTMENT
Edwards, Lenace	Chief of Staff	8	Excepted Service - Reg Appt
Miranda, Maria	Communications Director	5	Excepted Service - Reg Appt
Taliadoros, Alexandros	Communications Director	4	Excepted Service - Reg Appt
Landrieu, Matthew	Constituent Services Coordinator	3	Excepted Service - Reg Appt
Maloney, Thomas	Legislative Director	7	Excepted Service - Reg Appt
Richburg, Mykelle	Legislative Assistant	4	Excepted Service - Reg Appt
Berrios-Vazquez, Ana	Constituent Services Director	4	Excepted Service - Reg Appt
Neville, Morrison	Legislative Clerk	1	Excepted Service - Reg Appt
Eyster, Katherine	Legislative Director	7	Excepted Service - Reg Appt
Cuddihy, Sean	Legislative Counsel	6	Excepted Service - Reg Appt
Crea, Joseph	Communications Director	7	Excepted Service - Reg Appt
Mitchell, Estelle	Legislative Counsel	6	Excepted Service - Reg Appt
Jones, Simona	Administrative Assistant	1	Excepted Service - Reg Appt

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 5, 2021
Protest Petition Deadline: April 12, 2021
Roll Call Hearing Date: May 3, 2021

License No.: ABRA-000394
Licensee: Discount Drugs Wisconsin, Inc.
Trade Name: Rodman's Discount Drugs
License Class: Retailer's Class "B" Grocery
Address: 5100 Wisconsin Avenue, N.W.
Contact: Nolan Rodman: (202) 363-3466

WARD 3 ANC 3E SMD 3E03

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 May 3, 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 a Class Change from Retailer's Class "B" Grocery to a Retailer's Class "B" Full-Service Grocery Store.

CURRENT HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday 10am - 7pm, Monday through Saturday 8am - 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
2/5/2021

Notice is hereby given that:

License Number: ABRA-112154

License Class/Type: B Retail-Full Service Gr

Applicant: Menomale Noma, LLC

Trade Name: Salumeria

ANC: 6C06

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

35 N ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
4/12/2021

A HEARING WILL BE HELD ON:
5/3/2021

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 11 pm	9 am - 11 pm
Monday:	9 am - 11 pm	9 am - 11 pm
Tuesday:	9 am - 11 pm	9 am - 11 pm
Wednesday:	9 am - 11 pm	9 am - 11 pm
Thursday:	9 am - 11 pm	9 am - 11 pm
Friday:	9 am - 11 pm	9 am - 11 pm
Saturday:	9 am - 11 pm	9 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****READVERTISEMENT**

Placard Posting Date: ** February 5, 2021
Protest Petition Deadline: ** April 12, 2021
Roll Call Hearing Date: ** May 3, 2021
Protest Hearing Date: ** June 30, 2021

License No.: ABRA-117332
Licensee: Boiling Crab Restaurant Group, LLC
Trade Name: The Boiling Crab
License Class: Retailer’s Class “C” Restaurant
Address: 400 H Street, N.E.
Contact: Christina Gonzales.: (213) 417-2357

WARD 6

ANC 6C

SMD 6C05

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on ** May 3, 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 30, 2021 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer’s Class C Restaurant with a seating capacity of 160 and Total Occupancy Load of 174. ****Sidewalk Café with 36 seats.**

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

****Saturday and Sunday 12pm – 12am, Monday through Friday 3pm – 12am**

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

Saturday and Sunday 12pm – 10pm, Monday through Friday 3pm – 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: ** December 18, 2020
 Protest Petition Deadline: ** February 22, 2021
 Roll Call Hearing Date: ** March 15, 2021
 Protest Hearing Date: ** May 19, 2021

License No.: ABRA-117332
 Licensee: Boiling Crab Restaurant Group, LLC
 Trade Name: The Boiling Crab
 License Class: Retailer’s Class “C” Restaurant
 Address: 400 H Street, N.E.
 Contact: Christina Gonzales.: (213) 417-2357

WARD 6

ANC 6C

SMD 6C05

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on ** March 15, 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 **** May 19, 2021 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer’s Class C Restaurant with a seating capacity of 160 and Total Occupancy Load of 174. ****Sidewalk Café** with 48 seats.

****HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES AND OUTSIDE IN SIDEWALK CAFÉ**

Saturday and Sunday 12pm – 10pm, Monday through Friday 3pm – 10pm

**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 Malcolm X, located at 1351 Alabama Avenue, SE (a 45,000 square foot portion of Square 5914, Lot 0806 located on the east side of the Malcolm X School building) (the “Property”), to obtain community input on the proposed use of the Property.

The date, time, and location of the public disposition hearing is:

Date: Wednesday, February 24, 2021

Time: 6:30 p.m. – 9:30 p.m.

Location: Online; See weblink below

<https://dcnet.webex.com/dcnet/onstage/g.php?MTID=ee46d9918adace6a1b15db1e43f66ff5b>

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 March 11, 2021.

Please feel free to contact Stacy Meyer at 202-322-0734 or Stacy.Meyer@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 March 11, 2021, at:

The Office of the Deputy Mayor for Planning and Economic Development
1350 Pennsylvania Avenue, NW, Suite 317, Washington, DC 20004
Attention: Stacy Meyer, Development Manager, Stacy.Meyer@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 Malcolm X, located at 1351 Alabama Avenue, SE (a 45,000 square foot portion of Square 5914, Lot 0806 located on the east side of the Malcolm X School building) (the “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: Wednesday, February 24, 2021

Time: 6:00 p.m. – 6:30 p.m.

Location: Online; See weblink below

<https://dcnet.webex.com/dcnet/onstage/g.php?MTID=ee46d9918adace6a1b15db1e43f66ff5b>

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 March 11, 2021.

Please feel free to contact Stacy Meyer at 202-322-0734 or Stacy.Meyer@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 March 11, 2021, at:

The Office of the Deputy Mayor for Planning and Economic Development
1350 Pennsylvania Avenue, NW, Suite 317, Washington, DC 20004
Attention: Stacy Meyer, Development Manager, Stacy.Meyer@dc.gov

**BOARD OF ZONING ADJUSTMENT
REVISED PUBLIC HEARING NOTICE
 WEDNESDAY, APRIL 7, 2021
 VIRTUAL HEARING via WEBEX**

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule but reserves the right to hear items on the agenda out of turn.

TIME: 9:30 A.M.

WARD THREE

Application of:	Bruno Fabi
Case No.:	20410
Address:	5504 Connecticut Avenue N.W. (Square 1859, Lot 86)
ANC:	3G
Relief:	Use Variance from: <ul style="list-style-type: none"> • the use permissions of Subtitle U § 510.1(g)(3) (pursuant to Subtitle X, Chapter 10)
Project:	To permit a fast food use in an existing mixed-use building in the MU-3A Zone.

WARD SIX

Application of:	Thurston Fisher
Case No.:	20414
Address:	1637 D Street N.E. (Square 4563, Lot 131)
ANC:	6A
Relief:	Special Exception under: <ul style="list-style-type: none"> • 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 two-story with basement addition to an existing, nonconforming two-story, semi-detached principal dwelling unit building in the RF-1 Zone.

REVISED BZA PUBLIC HEARING NOTICE

APRIL 7, 2021

PAGE NO. 2

WARD TWO

Application of:	Lia Dean
Case No.:	20426
Address:	1415 S Street N.W. (Square 206, Lot 801)
ANC:	2B
Relief:	<p>Special Exceptions from:</p> <ul style="list-style-type: none"> • the penthouse setback requirements of Subtitle C § 1502.1 (pursuant to Subtitle C § 1504.1 and Subtitle X § 901.2) • the rear addition requirements of Subtitle E § 205.4 (pursuant to Subtitle E §§ 205.5 and 5201) • the lot occupancy requirements of Subtitle E § 404.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)
Project:	To construct a single-story, rear, screened porch addition, with roof deck, to an existing, attached, two-story principal dwelling unit, in the RF-2 Zone.

WARD TWO

Application of:	1730 Pennsylvania Avenue, LP
Case No.:	20428
Address:	1730 Pennsylvania Avenue N.W. (Square 168, Lot 51)
ANC:	2A
Relief:	<p>Special Exceptions from:</p> <ul style="list-style-type: none"> • the penthouse wall enclosure requirements of Subtitle C § 1500.9(a) (pursuant to Subtitle C 1504.1 and Subtitle X § 901.2); and an Area Variance from: • the penthouse requirements of Subtitle C § 1500.3(d) (pursuant to Subtitle X, Chapter 10)
Project:	To convert existing mechanical space to habitable space, and to construct a permanent penthouse canopy to an existing office building in the D-6 Zone.

REVISED BZA PUBLIC HEARING NOTICE

APRIL 7, 2021

PAGE NO. 3

WARD ONE

Application of:	Prime Realty, LLC
Case No.:	20433
Address:	3556 13th Street N.W. (Square 2834, Lot 172)
ANC:	1A
Relief:	Special Exceptions from: <ul style="list-style-type: none"> • the lot dimension requirements of Subtitle E § 201.4 (pursuant to Subtitle E § 5206.2 and Subtitle X § 901.2) • the rear addition requirements of Subtitle E § 205.5 (pursuant to Subtitle E §§ 205.4 and 5201; and Subtitle X § 901.2) • the height requirements of Subtitle E 303.3 (pursuant to Subtitle E 5203 and
Project:	To subdivide the existing lot into two record lots, and to construct two flats, one on each new record lot, for a total of four units, one of which will be an Inclusionary Zoning unit, in the RF-1 Zone.

WARD TWO

Application of:	John F. Williams and Daniel S. Williams
Case No.:	20434
Address:	929 M Street N.W. (Square 368, Lot 124)
ANC:	2F
Relief:	Special Exception under: <ul style="list-style-type: none"> • the residential conversion requirements of Subtitle U § 320.2 (pursuant to Subtitle X § 901.2)
Project:	To convert an existing, two-story principal dwelling unit, into a three-unit apartment house in the RF-1 Zone.

REVISED BZA PUBLIC HEARING NOTICE

APRIL 7, 2021

PAGE NO. 4

WARD SIX

Application of:	Schmidt Development. LLC
Case No.:	20436
Address:	1300 I Street N.E. (Square 1026N, Lot 802)
ANC:	6A
Relief:	Special Exceptions under: <ul style="list-style-type: none"> • the residential conversion requirements of Subtitle U § 320.3 (pursuant to Subtitle X § 901.2), and from; • the rooftop and upper floor element requirements of Subtitle E § 206.1 (pursuant to Subtitle E § 5207 and Subtitle X § 901.2)
Project:	To construct a third story with rear and side additions, and to construct six residential units to an existing, two-story, detached building the RF-1 Zone.

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 basubmissions@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

REVISED BZA PUBLIC HEARING NOTICE

APRIL 7, 2021

PAGE NO. 5

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም)

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

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

French

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

Korean

참여하시는데 도움이 필요하세요?

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

Spanish

¿Necesita ayuda para participar?

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

Vietnamese

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

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

**FREDERICK L. HILL, CHAIRPERSON
LORNA L. JOHN, VICE-CHAIRPERSON
VACANT, MEMBER
CHRISHAUN SMITH, MEMBER,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, APRIL 28, 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 FIVE

Application of:	Paul DeYoung
Case No.:	20442
Address:	78 R Street N.W. (Square 3101, Lot 72)
ANC:	5E
Relief:	<p>Area Variances from:</p> <ul style="list-style-type: none"> • the vehicular access requirements of Subtitle C § 711.7 (pursuant to Subtitle X, Chapter 10) • the lot occupancy requirements of Subtitle E § 304.1 (pursuant to Subtitle X, Chapter 10) • the rear yard requirements of Subtitle E § 306.1(pursuant to Subtitle X, Chapter 10) • the nonconforming structure requirements of Subtitle C 202.2(b) (pursuant to Subtitle X, Chapter 10)
Project:	To construct a rear deck addition to an existing, attached, two-story flat, in the RF-1 Zone.

BZA PUBLIC HEARING NOTICE

APRIL 28, 2021

PAGE NO. 2

WARD TWO

Application of:	Georgetown 29K Acquisition, LLC
Case No.:	20443
Address:	1051-1055 29 th Street N.W. (Square 1193, Lots 45, 46, and 800-804)
ANC:	2E
Relief:	Special Exceptions under: <ul style="list-style-type: none"> • the loading berth requirements of Subtitle C § 901.1 (pursuant to Subtitle C § 909.2 and Subtitle X § 901.2) • the penthouse enclosure requirements of Subtitle C § 1500.6 (pursuant to Subtitle C § 1504.1 and Subtitle X § 901.2)
Project:	To convert an existing, detached, nonresidential building to a 10-story, 70-72 unit, detached, residential building with a parking garage and penthouse in the MU-13 Zone.

WARD THREE

Application of:	Johnathan Gillespie
Case No.:	20448
Address:	2022 37th Street N.W. (Square 1301, Lot 840)
ANC:	3B
Relief:	Special Exception under: <ul style="list-style-type: none"> • the lot occupancy restrictions of Subtitle D § 304.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)
Project:	To construct a one-story rear deck addition to an existing, two-story, detached principal dwelling unit in the R-3 Zone.

BZA PUBLIC HEARING NOTICE
 APRIL 28, 2021
 PAGE NO. 3

WARD SIX

Application of:	PD 236 Properties, LLC
Case No.:	20449
Address:	1173 3 rd Street N.E. (Square 773, Lot 274)
ANC:	6C
Relief:	Special Exceptions under: <ul style="list-style-type: none"> • the rooftop and upper floor requirements of Subtitle E § 206.1 (pursuant to Subtitles E §§ 206.4 and 5201; and Subtitle X § 901.2) • the lot occupancy requirements of Subtitle E § 304.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2) • the rear yard requirements of Subtitle E § 306.1 (pursuant to Subtitle E § 5201; and Subtitle X § 901.2)
Project:	To partially raze the existing, attached, principal dwelling unit, and to construct a third-story addition with both roof deck and rear deck additions, as well as a cellar, and carport below the rear deck addition, in the RF-1 Zone.

WARD SIX

Application of:	Mount Vernon Development Group, LLC
Case No.:	20451
Address:	950 3 rd Street N.W. (Square 527, Lots 866 and 867)
ANC:	6E
Relief:	Special Exception under: <ul style="list-style-type: none"> • the penthouse requirements of Subtitle C § 1500.3(c) (pursuant to Subtitle X § 901.2)
Project:	To permit a restaurant use within the penthouse of a proposed residential building to be constructed on an existing parking lot in the D-4-R Zone.

BZA PUBLIC HEARING NOTICE
 APRIL 28, 2021
 PAGE NO. 4

WARD SIX

Application of:	Airdome, LLC
Case No.:	20455
Address:	1101-1107 H Street N.E. (Square 982, Lots 65 and 70)
ANC:	6A
Relief:	Special Exception under: <ul style="list-style-type: none"> • the new building requirements of Subtitle H § 910.1 (pursuant to Subtitle H § 1202 and Subtitle X § 901.2) and an Area Variance from: <ul style="list-style-type: none"> • the loading berth requirements of Subtitle C § 901.1 (pursuant to Subtitle X, Chapter 10)
Project:	To raze the two existing buildings and to construct a six-story, mixed-use building with 53 residential units and ground floor retail and service use space in the NC-17 Zone.

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 bzasubmissions@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?

BZA PUBLIC HEARING NOTICE
APRIL 28, 2021
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Amharic

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

Chinese

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

French

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

Korean

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

Spanish

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

Vietnamese

Quý vị có cần trợ giúp gì để tham gia không?
Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

**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 VIRTUAL PUBLIC HEARING**

TIME AND PLACE: **Monday, April 12, 2021, @ 4:00 p.m.**
WebEx or Telephone – Instructions will be provided on the OZ website by Noon of the Hearing Date¹

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 20-12 (Westminster Presbyterian Church, Westminster Community Partners, Bozzuto Development Company, and Bozzuto Homes, Inc. [collectively, the “Applicant”] – Consolidated PUD and Related Map Amendment @ Square 499, Lot 52)

THIS CASE IS OF INTEREST TO ANC 6D

Westminster Presbyterian Church, Westminster Community Partners, Bozzuto Development Company, and Bozzuto Homes, Inc. (collectively, the “Applicant”) filed an application (the “Application”) on May 22, 2020, requesting that the Zoning Commission for the District of Columbia (the “Commission”) approve for property located at Square 499, Lot 52 (the “Property”):

- A consolidated planned unit development (“PUD”), pursuant to Subtitle X, Chapter 3, and Subtitle Z § 300 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the “Zoning Regulations,” to which all references are made unless otherwise specified), with
- A related Zoning Map amendment from the R-3 to the MU-2 zone.

The Property is located in southwest Washington, D.C. in Ward 6, and is currently zoned R-3.

The Applicant is proposing to redevelop the Property with a new mixed-use building with two towers with:

- A maximum building height of 90 feet; and
- Approximately 214,338 square feet of gross floor area (“GFA”) and a 7.06 FAR, including:
 - Approximately 18,513 square feet of GFA devoted to new facilities for the Westminster Presbyterian Church;
 - Approximately 192,236 square feet of GFA devoted to 222 residential units, with the eastern tower containing 123 senior affordable housing units and the western tower containing 99 market-rate units; and
 - Approximately 3,589 square feet of GFA devoted to shared service and loading areas.

The Application requests the following PUD flexibility pursuant to Subtitle X § 303.1:

- From the penthouse requirements of Subtitle C § 1500.9 to permit a sloped roof on a penthouse stair tower;

¹ 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. 3, *How to participate as a witness – written statements.*)

- From the maximum 90% lot occupancy of Subtitle G § 304.1 to permit a 98% lot occupancy on the ground level, with the second level having an 87% lot occupancy and the third level having a 73% lot occupancy;
- From the minimum 12-foot minimum rear yard required by Subtitle G § 305.1 to allow no rear yard; and
- From the prohibition on the concentration of Inclusionary Zoning (“IZ”) units by tenure, dwelling type, or floor of Subtitle C § 1005.5 to allow the concentration of all affordable units in the Senior Tower, although located on all floors and not segregated by unit type.

The Application proposes to rezone the Property within the PUD process under Subtitle X §§ 300.4 and 303.12 to the MU-2 zone, with the resulting changes to the following development standards:

	Current R-3 Zone	Proposed MU-2 Zone
Maximum Height	40 feet	90 feet
Maximum FAR	1.8	6.0 (7.2 with IZ); maximum 3.5 non-residential FAR
Maximum Lot Occupancy	60%	80% (90% with IZ)
Minimum Side Yard	8 feet	0 feet
Minimum Rear Yard	20 feet	12 feet

The Application also requested design flexibility to allow changes to specific aspects of the final plans submitted for the Commission’s review and approval.

The Generalized Policy Map of the Comprehensive Plan (“CP”) designates the Property as a Neighborhood Conservation Area in which new development should be compatible with the existing scale, natural features, and character of the area, with densities guided by the CP’s Future Land Use Map (“FLUM”) and CP policies.

The FLUM designates the Property for Moderate-Density Residential uses, characterized by a mix of row houses and low-rise garden apartment houses with a maximum density typically less than 1.8 FAR, although greater density would be allowed for an IZ development or a PUD, with the R-3 (the Property’s current zoning), RF, and RA-2 zones deemed consistent with this FLUM designation.

The Office of Planning filed a report on July 17, 2020, stating that the proposal would not be inconsistent with the Comprehensive Plan, especially when in light of the proposed changes to the Property’s FLUM designation pending before the D.C. Council, and recommending that the Commission set down the Application for a public hearing.

At its July 27, 2020 public meeting, the Commission voted to set down the Application for a public hearing.

The Applicant provided its prehearing statement on January 14, 2021.

This public hearing will be conducted in accordance with the contested case provisions of Subtitle Z, Chapter 4, as well as the text adopted by the Commission on October 15, 2020, in Z.C. Case

No. 20-11, as published in the Notice of Final Rulemaking published in the D.C. Register on October 30, 2020.

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.

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. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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

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

How to participate as a witness - written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record, provided that **all written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing, unless approved by the Commission upon request to be introduced at the public hearing.** The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by 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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참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

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Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለሙሳተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓም) 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።

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

TIME AND PLACE: **Thursday, April 22, 2021, @ 4:00 p.m. – 1st Case
WebEx or Telephone – Instructions will be provided on
the OZ website by Noon of the Hearing Date¹**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 20-23 (LDP Acquisitions, LLC and 525 Rhode Island Avenue, LP – Zoning Map Amendment at Square 3623 and Parcels 131/94, 131/146, 131/147, 131/155, 131/161, 131/162 & 131/217)

THIS CASE IS OF INTEREST TO ANC 5E

LDP Acquisitions, LLC and 525 Rhode Island Avenue, LP (collectively, the “Applicant”) filed an application (the “Application”) on September 30, 2020, requesting the Zoning Commission approve A Zoning Map amendment from the PDR-2 zone to the MU-10 zone for property currently recorded as Lots 1 and 2 in Square 3623 and Parcels 131/94, 131/146, 131/147, 131/155, 131/161, 131/162, and 131/217 (collectively the “Property”).

The Property, which contains approximately 122,631 square feet of land area, is generally bounded by Rhode Island Avenue, N.E. on the north, W Street, N.E. on the south, the Metrorail tracks and Rhode Island Avenue Metrorail Station to the east, and 5th Street, N.E. to the west. The Property has approximately 628 linear feet of frontage along Rhode Island Avenue, N.E., and is immediately adjacent to the Rhode Island Avenue Metrorail Station and the Metropolitan Branch Trail.

The Application’s proposed rezoning of the Property to the MU-10 zone would change the permitted uses of the Property to allow, among other uses, residential uses that are mostly prohibited in the Property’s current PDR-2 zone. The proposed rezoning would also change the development standards for the Property, including the following:

	Current PDR-2 Zone	Proposed MU-10 Zone
Maximum Height	60 feet	90 feet (100 ft with Inclusionary Zoning (“IZ”))
Maximum FAR	3.0 (4.5 for limited uses)	6.0 (7.2 with IZ); 3.0 maximum non-residential FAR
Maximum Lot Occupancy	60% residential (80% IZ) 100% non-residential	75% residential (80 % with IZ) 100% non-residential
Minimum Green Area Ratio	0.3	0.2

The Generalized Policy Map of the Comprehensive Plan (“CP”) designates the Property in two categories:

¹ 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. 3, How to participate as a witness – written statements.)

- The western three-quarters as a Neighborhood Conservation Area in which new development should be compatible with the existing scale, natural features, and character of the area, with densities guided by the CP's Future Land Use Map ("FLUM") and CP policies; and
- The eastern quarter as a Land Use Change Area, for which a change from the current land use is anticipated, with the CP's Area Elements providing additional guidance, including the desired mix of uses.

The FLUM designates the Property as mixed-use of the following two categories:

- High Density Residential, characterized by high-rise apartment buildings, with density typically greater than a 4.0 Floor Area Ratio ("FAR"), although greater density may be possible for IZ developments or Planned Unit Developments ("PUD"); and
- Medium Density Commercial, characterized predominantly by retail, office, and service uses, although residential uses are common, with density typically ranging between 4.0 and 6.0 FAR, although greater density may be possible for IZ developments or PUDs. The proposed MU-10 zone is deemed consistent with this FLUM designation.

The Property is located within the boundary of the Upper Northeast Area Element of the Comprehensive Plan for the National Capital. The Property is also within the boundary of the Rhode Island Avenue "Diamond of the District" Small Area Action Plan (the "SAP"), adopted by the D.C. Council on May 3, 2011, pursuant to PR 19-0019.

The Office of Planning ("OP") filed a January 4, 2021, report stating that the Application would not be inconsistent with the Comprehensive Plan because:

- The CP specifically identifies the proposed MU-10 zone as consistent with the Property's Medium-Density Commercial FLUM designation;
- The proposed rezoning would further multiple policies of various CP Elements as well as of the Upper Northeast Area Element;
- The proposed rezoning to the MU-10 zone would permit multi-family residential uses that are prohibited under the Property's current PDR-2 zoning, but which are identified as appropriate for the Property by the FLUM and Upper Northeast Area Element; and
- The proposed rezoning would be consistent with the SAP's recommendations for the Property.

The OP Report therefore recommended that the Commission set down the Application for a public hearing.

At its January 14, 2021, public meeting, the Zoning Commission voted to set the Application down for a public hearing.

The Applicant filed its Prehearing Submission with the Zoning Commission on January 20, 2021.

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>.

This public hearing will be conducted in accordance with the contested case provisions of Subtitle Z, Chapter 4, of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified) as well as the text adopted by the

Commission on October 15, 2020, in Z.C. Case No. 20-11, as published in the Notice of Final Rulemaking published in the D.C. Register on October 30, 2020.

How to participate as a witness – oral presentation

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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

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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.

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

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

TIME AND PLACE: **Thursday, April 22, 2021, @ 4:00 p.m. – 2nd Case
WebEx or Telephone – Instructions will be provided on
the OZ website by Noon of the Hearing Date¹**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 21-01 (Office of Planning – Zoning Map Amendment at Parcels 131/44 & 131/216 [Southeast Corner of the Intersection of 5th Street and Rhode Island Avenue, N.E.]

THIS CASE IS OF INTEREST TO ANC 5E

The Office of Planning (“OP”), on behalf of the Deputy Mayor for Planning and Economic Development, filed an application (the “Application”) on January 4, 2021, requesting the Zoning Commission (the “Commission”) approve a proposed amendment of the Zoning Map for Parcels 131/44 and 131/216 (collectively, the “Property”) from PDR-2 zone to the MU-10 zone.

The Property consists of approximately 30,574 square feet of land area at the southeast corner of the intersection of 5th Street and Rhode Island Avenue, N.E.

The Application’s proposed rezoning of the Property to the MU-10 zone would change the permitted uses of the Property to allow, among other uses, residential uses that are mostly prohibited in the Property’s current PDR-2 zone. The proposed rezoning would also change the development standards for the Property, including the following:

	Current PDR-2 Zone	Proposed MU-10 Zone
Maximum Height	60 feet	90 feet (100 ft with Inclusionary Zoning (“IZ”))
Maximum FAR	3.0 (4.5 for limited uses)	6.0 (7.2 with IZ); 3.0 maximum non-residential FAR
Maximum Lot Occupancy	60% residential (80% IZ) 100% non-residential	75% residential (80 % with IZ) 100% non-residential
Minimum Green Area Ratio	0.3	0.2

The Generalized Policy Map of the Comprehensive Plan (“CP”) designates the Property as a Neighborhood Conservation Area in which new development should be compatible with the existing scale, natural features, and character of the area, with densities guided by the CP’s Future Land Use Map (“FLUM”) and CP policies.

The FLUM designates the Property as mixed-use of the following two categories:

¹ 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. 3, How to participate as a witness – written statements.)

- High Density Residential, characterized by high-rise apartment buildings, with density typically greater than a 4.0 Floor Area Ratio (“FAR”), although greater density may be possible for IZ developments or Planned Unit Developments (“PUD”); and
- Medium Density Commercial, characterized predominantly by retail, office, and service uses, although residential uses are common, with density typically ranging between 4.0 and 6.0 FAR, although greater density may be possible for IZ developments or PUDs. The proposed MU-10 zone is deemed consistent with this FLUM designation.

The Property is located within the boundary of the Upper Northeast Area Element of the Comprehensive Plan for the National Capital. The Property is also within the boundary of the Rhode Island Avenue “Diamond of the District” Small Area Action Plan (the “SAP”), adopted by the D.C. Council on May 3, 2011, pursuant to PR 19-0019.

The Office of Planning (“OP”) filed a January 4, 2021, report stating that the Application would not be inconsistent with the Comprehensive Plan because:

- The CP specifically identifies the proposed MU-10 zone as consistent with the Property’s Medium-Density Commercial FLUM designation;
- The proposed rezoning would further multiple policies of various CP Elements as well as of the Upper Northeast Area Element;
- The proposed rezoning to the MU-10 zone would permit multi-family residential uses that are prohibited under the Property’s current PDR-2 zoning, but which are identified as appropriate for the Property by the FLUM and Upper Northeast Area Element; and
- The proposed rezoning would be consistent with the SAP’s recommendations for the Property.

The OP Report therefore recommended that the Commission set down the Application for a public hearing.

At its January 14, 2021, public meeting, the Zoning Commission voted to set the Application down for a public hearing as a contested case and requested that the public hearing occur on the same date as Z.C. Case No. 20-23, a similar Zoning Map amendment from PDR-2 to MU-10 for properties located immediately east of the Property.²

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>.

This public hearing will be conducted in accordance with the contested case provisions of Subtitle Z, Chapter 4, of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified) as well as the text adopted by the Commission on October 15, 2020, in Z.C. Case No. 20-11, as published in the Notice of Final Rulemaking published in the D.C. Register on October 30, 2020.

² The complete case record for Z.C. Case No. 20-23 (LDP Acquisitions, LLC and 525 Rhode Island Avenue, LP – Zoning Map Amendment at Square 3623 and Parcels 131/94, 131/146, 131/147, 131/155, 131/161, 131/162 & 131/217) is available at https://app.dcoz.dc.gov/CaseReport/CaseReportPage.aspx?case_id=20-23

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.

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. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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

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

How to participate as a witness - written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record, provided that **all written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing, unless approved by the Commission upon request to be introduced at the public hearing.** The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by 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.

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DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Behavioral Health (“the Department”), pursuant to the authority set forth in Sections 5113, 5115, 5117 and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.02, 7-1141.04, 7-1141.06 and 7-1141.07 (2018 Repl.)), hereby gives notice of the adoption of a new of Chapter 80, “Certification Standards for Behavioral Health Stabilization Providers,” to Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations.

The Department, in partnership with the Department of Health Care Finance, submitted a Section 1115 Behavioral Health Transformation Demonstration Program (“demonstration program”) application to the Centers for Medicare and Medicaid Services on June 3, 2019 and received federal approval on November 6, 2019. Under the demonstration program, the District received authority to provide new behavioral health services reimbursed by the Medicaid program between January 1, 2020 and December 31, 2024, including psychiatric stabilization and behavioral health outreach services. To comply with the demonstration program, the Department must establish certification requirements for crisis service providers.

The Notice of Final Rulemaking includes certification requirements for the following stabilization programs: (a) Comprehensive Psychiatric Emergency Program (“CPEP”); (b) Psychiatric Crisis Stabilization Programs; (c) Youth Mobile Crisis; and (d) Adult Mobile Crisis and Behavioral Health Outreach. This rulemaking contains changes from the Second Emergency and Proposed Rulemaking, which are summarized below:

Section Number	Description of Change	Reasoning
8002.6	Updated on-site survey requirements related to initial certification and certification renewal	To align with 22-A DCMR Chapter 63 (Certification Standards for Substance Use Disorder Treatment and Recovery Providers) updates on the same section
8002.8	Deleted language regarding issuance of a Statement of Deficiency (“SOD”) to applicants who fail to demonstrate compliance with certification standards	To align with Chapter 63 updates on the same section
8002.11; 8002.12; 8002.13	Deleted reference to “applicant”	To align with Chapter 63 updates on the same section
8002.14	Deleted reference to Corrective Action Plan (“CAP”)	To correctly reflect that an applicant for certification cannot

		have a CAP, only certified providers seeking recertification
8002.28	Moved language from GENERAL MANAGEMENT AND ADMINISTRATION STANDARDS section	To correctly reflect all elements regarding provider certification renewal under PROVIDER CERTIFICATION PROCESS
8003.3	Added clarifying language that nothing in this chapter requires the Director to issue an SOD or a Notice of Infraction (“NOI”) prior to decertifying a provider and clarified the Department may revoke an exemption at any time if related to health, safety or welfare	To comport with updates to Chapter 63 and Chapter 65
8004.1	Updated requirements for what constitutes good cause to deny the application for certification	To align with Chapter 63 updates on the same section
8004.4	Updated requirements for what constitutes good cause to decertify existing providers	To align with Chapter 63 updates on the same section
8006.3	Removed reference to “Storage and Retention of Records”	To align with Chapter 63 updates on the same section
8007.3	Amended to clarify the Department’s policy on major unusual incidents	To align with Chapter 63 updates on the same section
8007.6 & 8007.7	Removed requirement for a full time program director; amended duties of the clinical director; and added allowance for clinical director to delegate administrative activities to a program director	To properly reflect the Department’s requirements for level of effort association with these positions
8009.5	Added reference to Assertive Community Treatment (“ACT”) providers, Community Based Intervention (“CBI”) providers, and Clubhouse providers	To account for Chapter 34 requirements regarding plan of care responsibility
8009.5	Added requirement that Quality Improvement programs should measure and ensure coordination of care with substance use treatment and recovery providers in addition to Core Service Agencies, when applicable	To account for the care coordination needs of those with substance use disorder
8010.1	Defined “sufficient financial resources”	To align with Chapter 63 updates on the same section
8010.10	Changed business records maintenance requirements from six (6) to ten (10)	To comport with District policy on records retention
8012.1	Removed requirement for programs to document hours and days of operation of each site	To avoid confusion since each program must maintain operations twenty-four (24) hours per day, seven (7) days per week, year round at all certified sites

8014.15	Removed language prohibiting smoking inside a program’s facility	To avoid duplication of earlier language prohibiting on-site use of tobacco, alcohol, and drugs
8016.1	Removed reference to transportation “services”	To properly reflect that transportation is not a billable service under this rule
8017.3	Added language clarifying requirements for Certified Food Handlers	To align with Chapter 63 updates on the same section
8019.1	Added citation for District of Columbia Human Rights Act	To align with Chapter 63 updates on the same section
8019.5	Amended language regarding Medicaid beneficiary notice and appeal rights such that these also apply to non-Medicaid consumers	To align with Chapter 63 updates on the same section
8022.5	Amended to reflect that a provider’s computer system should create an electronic trail when data is released	To comport with the Department’s records expectations
8024.10	Removed language specifying applicability to residential providers only	To reflect the Department’s intention that this requirement applies to all Chapter 80 programs, not just psychiatric crisis stabilization providers
8024.12	Deleted language about overnight accommodations for children and youth	To accurately reflect that CPEP and crisis beds are not intended to serve parents with their children
8024.13	Added language regarding fraud, waste, and abuse	To comport with 22-A DCMR Chapter 34 and document expectations regarding fraud, waste, and abuse
8024.14-8024.17	Added language requiring providers to establish a Language Access Policy	To comport with Chapter 34 and document expectations regarding language access
8025.4-8025.21	Moved language from BEHAVIORAL HEALTH STABILIZATION PROGRAMS: GENERAL REQUIREMENTS to CPEP REQUIREMENTS	To more accurately categorize requirements which did not apply to all four Chapter 80 programs
8025.11	Deleted CPEP-specific requirements on language access services	To align with the addition of §§ 8024.14-17 documenting general Language Access Policy expectations for all providers
8025.22-8025.24	Deleted requirements related to CPEP program and clinical directors	To align with general requirements outlined in 8007.6-8007.7
8025.27-8025.28	Amended CPEP minimum staff requirements	To reflect appropriate program staffing needs and bring

		requirements into alignment with CPEP providers in NY and CA
8026.2	Amended the description of psychiatric crisis stabilization programs	To clarify that this program is intended to support individuals in crisis as to prevent acute psychiatric hospitalization
8026.4-8026.27	Moved language from BEHAVIORAL HEALTH STABILIZATION PROGRAMS: GENERAL REQUIREMENTS to PSYCHIATRIC CRISIS STABILIZATION PROGRAM REQUIREMENTS	To more accurately categorize requirements which did not apply to all four Chapter 80 programs
8026.10	Amended to replace “staff bedrooms” with “staff break rooms” and to allow for staff to take breaks in common living areas, if necessary	To reflect more appropriate level of requirement and afford flexibility for the program
8026.27	Amended requirements regarding inventory of personal property and securing any valuables and medications	To clarify the Department’s expectations and ensure that only those items secured by the provider need be documented via written inventory
8026.45 (a)(i)	Amended requirements to allow a program to directly provide the comprehensive health assessment or ensure its completion	To reflect more appropriate level of requirement and afford flexibility for the program
8026.45 (a)(ii)	Amended to require that nurses conduct ongoing (versus daily) assessment of individuals as clinically indicated and if an individual experiences a change in clinical status, the nurse must work with the on-call psychiatrist regarding a change in Plan of Care	To reflect more appropriate level of requirement and afford flexibility for the program
8026.45 (a)(iii)-(v)	Added reference to ACT providers, CBI providers, and Clubhouse providers	To account for Chapter 34 requirements regarding plan of care responsibility
8026.45 (b)(i)	Amended to reduce requirement that psychiatrist is available on-site from twenty (20) to fifteen (15) hours a week	To reflect more appropriate level of requirement and afford flexibility for the program
8026.45 (b)(iii)	Amended to allow psychiatrists to provide ongoing (versus daily) psychiatric management for the duration of an individual’s stay and requires psychiatrists conduct a review of a newly admitted individual’s status after forty-eight (48) hours and then every seventy-two (72) hours thereafter (versus every 48 hours for all individuals), at a minimum, unless there is a	To reflect more appropriate level of requirement and afford flexibility for the program

	change of status that requires more frequent visits	
8026.45 (d)	Replaced “Medication/Somatic Treatment” with “Medication Management” service that requires the program to monitor the side effects, interactions of medication,) and provide individuals education and direction for symptom and medication self-management	To reflect appropriate role for stabilization providers versus those required of Chapter 34 core services agency relative to medication/somatic treatment activities
8026.45 (e)(iii)	Amended to reflect that the psychiatric crisis stabilization provider must only coordinate post-discharge with a mobile crisis and outreach team to provide crisis stabilization services until an individual’s community based treatment begins	To more accurately reflect responsible party for post-discharge care
8027.2	Deleted reference to children	To clarify that children are not eligible for adult mobile crisis and outreach services
8027.5	Clarified that only one (1) DBH-certified officer-agent must participate in completing Application for Emergency Hospitalization (FD-12)	To more accurately reflect FD-12 staffing needs
8027.5	Removed requirement for psychiatrist availability	To more accurately reflect staffing needs of this program
8027.8	Added requirement for providers to establish a Natural Settings policy	Added to comport with Chapter 34 and ensure privacy/confidentiality in non-treatment settings
8027.14	Added language allowing that credentialed staff shall be permitted to provide psychiatric crisis stabilization services under the supervision of an independently licensed practitioner	To more accurately reflect staffing needs of this program, and align with CPEP and psychiatric crisis stabilization programs
8028.3	Clarified that only one (1) DBH-certified officer-agent must participate in completing an FD-12	To more accurately reflect FD-12 staffing needs
8028.3	Added requirement that each team must include at least one (1) independently licensed practitioner	Added to comport with requirement under Adult mobile crisis program
8028.6	Added requirement for providers to establish a Natural Settings policy	Added to comport with Chapter 34 and ensure privacy/confidentiality in non-treatment settings
8028.8	Deleted language disallowing provider from transporting children or youth	To clarify that it is not the Department’s intention to

		disallow providers from transporting children or youth
8028.8(r) and (s)	Added reference to CBI providers	To account for Chapter 34 requirements regarding plan of care responsibility
8028.14	Added language allowing for credentialed staff to provide youth mobile crisis services under the supervision of an independently licensed practitioner	To more accurately reflect staffing needs of this program, and align with CPEP and psychiatric crisis stabilization programs
8030	Added section detailing the services not reimbursable as behavioral health stabilization services	To align with Chapter 34
8099	Added definitions of “full-time,” ACT provider, Clubhouse Provider, and CBI provider	To ensure these terms newly introduced to the 3 rd Emergency and Proposed are defined
8099	Deleted definitions of Adult Substance Abuse Rehabilitative Services (“ASARS”), clinical care coordination, clinical care coordinator, co-occurring disorders, episode, in-service training, and interdisciplinary team	To ensure terms not used in the rule-making do not appear in the definitions
8099	Amended definitions of Core Services Agency and Mental Health Rehabilitation Services	To ensure definitions align with those definitions in other Department rule-makings

In response to the Notice of Emergency and Proposed Rulemaking, the Department received comments from Catholic Charities of the Archdiocese of Washington, So Others Might Eat, and Woodley House, Inc. The comments and any changes are addressed below.

One (1) commenter highlighted that repeated reference to “residential treatment programs” is confusing since that is often how Chapter 63-certified providers of Levels 3.1, 3.3., 3.5, and 3.7 services are referenced. The Department agrees and removed such references throughout the chapter.

Two commenters noted that the requirement for programs to list their hours and days of operation under § 8012.1 is unnecessary since all behavioral health stabilization programs must maintain operations twenty-four (24) hours a day seven (7) days a week year round at all certified sites. The Department agrees and removed the requirement for programs to document hours and days of operation.

A commenter requested that language under § 8024.8 be amended to allow providers to offer overnight accommodations that do not exceed the number of residents in acute psychiatric distress that is clinically indicated. The Department disagrees with this request, as providers are certified by the Department to serve a defined number of individuals in a given facility, which also correlates with the D.C. Department of Consumer and Regulatory Affairs corresponding Certificate of Occupancy for the facility.

Two commenters requested that the Department remove most dietary requirements under §§ 8026.31-8026.42, contending that they are more appropriate for a long-term group home or long-term residential treatment facility than a behavioral health stabilization program and would likely be disruptive to the quality of care. One (1) commenter also noted that behavioral health stabilization residents require flexibility with their diets, and that the structure of the dietary standards are intended for a long-term housing provider whose resident population does not often change. The Department disagrees, as this language establishes important dietary and nutrition standards, and aligns with similar requirements in 22-A DCMR Chapters 38 and 63 while affording individuals flexibility to honor their changing dietary and/or nutritional needs.

Two commenters requested that the Department amend the description of behavioral health stabilization providers as entities that serve those who may otherwise require hospitalization. The Department disagrees with this characterization of providers certified under this rule, and amended the description of psychiatric crisis stabilization programs under § 8026.2 to clarify that this program is intended to support individuals in crisis as to prevent acute psychiatric hospitalization.

A commenter noted that the standards under § 8026.26 requiring providers to inventory individuals' personal property and secure their valuables and medications did not comport with the nature or values of psychiatric crisis stabilization programs. The Department amended this section to clarify its expectations and ensure that only those items secured by the provider must be inventoried.

Two commenters requested that the Department adjust the requirements associated with practitioner-level service necessary to assess, treat, medicate, and stabilize resident reflected in § 8026.44. The Department agrees, and proposes the following changes as reflected in § 8026.44: (1) allow a program to either directly provide the comprehensive health assessment or ensure its completion; (2) require nurses to conduct ongoing (versus daily) assessment of individuals as clinically indicated; (3) reduce on-site psychiatrist availability from twenty (20) to fifteen (15) hours a week; (4) allow psychiatrists to provide ongoing (versus daily) psychiatric management for the duration of an individual's stay; (5) require psychiatrists to conduct an initial review of a newly admitted individual's status after forty-eight (48) hours and every seventy-two (72) hours thereafter (versus every 48 hours for all individuals), at a minimum, unless there is a change of status that requires more frequent visits; and (6) require that the psychiatric crisis stabilization provider only coordinate post-discharge with a mobile crisis and outreach team to provide crisis stabilization services until an individual's community based treatment begins.

A commenter requested clarity about the requirement that youth mobile crisis provider teams be staffed with two (2) individuals per team, and whether such a team can be comprised of only certified peer specialists. The Department clarified § 8028.3 to require youth mobile crisis providers be staffed with two (2) individuals per team. However, only one (1) non-licensed individual must participate in drafting an Application for Emergency Hospitalization (FD-12). One (1) independently licensed practitioner must be a member of each team.

A commenter asked under what circumstances a youth mobile crisis provider team can transport a child. In response, the Department deleted language under what was formerly § 8028.8 that prohibited providers from transporting children or youth.

A commenter asked whether a youth mobile crisis provider must provide and document a follow-up contact with the individual within twenty-four (24) hours of the individual's initial call to the provider if the provider does not deploy to the individual. The Department clarified language under § 8028.8 that follow-up contact is required as clinically indicated.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on July 3, 2020 at 67 DCR 008215. On October 16, 2020, a Notice of Second Emergency and Proposed Rulemaking was published in the *D.C. Register* at 67 DCR 012058. The Final Rulemaking was adopted on January 29, 2021 and shall become effective upon publication in the *D.C. Register*.

CHAPTER 80 CERTIFICATION STANDARDS FOR BEHAVIORAL HEALTH STABILIZATION PROVIDERS

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8000 GENERAL PROVISIONS

- 8000.1 The Department of Behavioral Health (“Department”) is the Single State Agency responsible for developing and promulgating rules, regulations, and certification standards for mental health and substance use treatment and recovery providers in the District of Columbia (“District”).
- 8000.2 The purpose of this rule is to set forth the requirements for certification as Department-certified behavioral health stabilization providers. Behavioral health stabilization providers are community-based and treat individuals in the District who are experiencing a behavioral health crisis but who do not require hospitalization.
- 8000.3 The provisions of this chapter apply to all behavioral health stabilization programs as defined by this chapter unless stated otherwise.
- 8000.4 Each provider shall meet and adhere to the terms and conditions of its Medicaid Provider Agreement with the Department of Health Care Finance (“DHCF”).
- 8000.5 No person or entity shall own or operate a behavioral health stabilization program that offers or proposes to offer behavioral health stabilization services unless certified by the Department pursuant to this chapter.
- 8000.6 The Department shall issue one (1) certification for each provider that is valid only for the programs stated on the certificate. The certificate is the property of the Department and must be returned upon request by the Department.
- 8000.7 The Department’s staff, upon presentation of proper identification, shall enter the premises of a behavioral health stabilization program to conduct announced or unannounced inspections and investigations.

8001 ELIGIBILITY FOR BEHAVIORAL HEALTH STABILIZATION SERVICES

- 8001.1 Providers certified under this chapter shall provide behavioral health stabilization services to any individual who presents in a behavioral health crisis, regardless of insurance status or ability to pay.
- 8001.2 An individual shall meet the following eligibility requirements to receive Medicaid-funded behavioral health stabilization services:
- (a) Be bona fide residents of the District, as defined in D.C. Official Code § 7-1131.02(29); and

- (b) Be enrolled in Medicaid, or be eligible for enrollment and have an application pending; or
- (c) For new enrollees and those enrollees whose Medicaid eligibility has lapsed:
 - (i) There is an eligibility grace period of ninety (90) calendar days from the date of first service for new enrollees, or from the date of eligibility expiration for enrollees who have a lapse in coverage, until the date the District's Economic Security Administration ("ESA") makes an eligibility or recertification determination.
 - (ii) In the event an individual appeals a denial of eligibility or recertification by the ESA, the Director may extend the ninety (90) calendar day eligibility grace period until the appeal has been exhausted. The ninety (90) calendar day eligibility grace period may also be extended at the discretion of the Director for other good cause shown.
 - (iii) Upon expiration of the eligibility grace period, services provided to the individual are no longer reimbursable by Medicaid. Nothing in this section alters the Department's timely-filing requirements for claim submissions.

8001.3 To qualify for locally-funded services, individuals must not be eligible for Medicaid or Medicare, not be enrolled in any other third-party insurance program except the D.C. HealthCare Alliance, or be enrolled in an insurance program that does not cover medically necessary services. All individuals receiving locally-funded services must also meet the following requirements:

- (a) For individuals eighteen (18) years of age and older, live in households with a countable income of less than two hundred percent (200%) of the Federal poverty level, and for individuals under eighteen (18) years of age, live in households with a countable income of less than three hundred percent (300%) of the Federal poverty level.
- (b) An individual who does not meet the income limits in paragraph (a) above may receive treatment services in accordance with the following requirements:
 - (i) The individual must, within ninety (90) days of enrollment for services, apply to the Department of Human Services Economic Security Administration for certification to verify income; and
 - (ii) The individual may receive treatment services in accordance with rates determined by the Department.

8002 PROVIDER CERTIFICATION PROCESS

- 8002.1 The Department shall utilize the certification process to thoroughly evaluate the applicant's capacity to provide high quality behavioral health stabilization services in accordance with this chapter and the needs of the District's behavioral health system.
- 8002.2 Each applicant seeking certification as a provider shall submit a certification application to the Department. A certified provider seeking renewal of certification shall submit a certification application at least ninety (90) calendar days prior to expiration of its current certification. The certification of a provider that has submitted a timely application for renewal of certification shall continue until the Department renews or denies renewal of the certification application.
- 8002.3 An applicant may apply for certification for one (1) or more of the following program types:
- (a) Comprehensive Psychiatric Emergency Program;
 - (b) Psychiatric Crisis Stabilization Program;
 - (c) Adult Mobile Crisis and Outreach Program; or
 - (d) Youth Mobile Crisis Intervention Program.
- 8002.4 Certification shall be considered terminated if the provider:
- (a) Fails to submit a complete certification application ninety (90) calendar days prior to the expiration date of the current certification;
 - (b) Voluntarily relinquishes certification; or
 - (c) Terminates operations.
- 8002.5 Upon receipt of a certification application, the Department shall review the certification application to determine whether it is complete. If a certification application is incomplete, the Department shall return the incomplete application to the applicant. An incomplete certification application shall not be regarded as a certification application. The Department shall not take further action to issue certification unless a complete certification application is submitted within ninety (90) calendar days prior to the expiration of the applicant's current certification.
- 8002.6 At the time of initial certification and certification renewal, the Department shall conduct an on-site survey of the applicant's facility, services, and activities to determine whether the applicant satisfies all the certification standards in this chapter. The Department shall have access to all records necessary to verify compliance with certification standards and may conduct interviews with staff, others in the community, and individuals served. Nothing in this section shall limit the Department's right to conduct on-site surveys at any other time during the certification period.

- 8002.7 Applicant or provider interference with the on-site survey, submission of false or misleading information, or lack of candor by the applicant or provider shall be grounds for an immediate suspension of any prior certification, or denial of a new certification application.
- 8002.8 A Statement of Deficiency (“SOD”) is a written notice to a provider identifying non-compliance with certification standards. The intent of the SOD is to provide existing certified providers with an opportunity to correct minor deficiencies to avoid decertification and disruption of service.
- 8002.9 When utilized, the SOD shall describe the areas of non-compliance, suggest actions needed to bring operations into compliance with the certification standards, and establish a timeframe of no more than ten (10) business days for the provider’s submission of a written Corrective Action Plan (“CAP”). The issuance of an SOD is a separate process from the issuance of a Notice of Infraction (“NOI”). The Department shall issue NOIs promptly upon observation of violations of this chapter, especially when they are recurrent, endanger individual or staff health or safety or when there is a failure to comply with core requirements of operating a behavioral health stabilization program.
- 8002.10 The Department is not required to utilize the SOD process. The Department may immediately deny certification or re-certification or proceed with decertification.
- 8002.11 A certified provider’s CAP shall describe the actions to be taken and specify a timeframe for correcting the areas of non-compliance. The provider shall submit the CAP to the Department within ten (10) business days after receipt of the SOD from the Department, or sooner if specified in the SOD.
- 8002.12 The Department shall notify the certified provider whether the provider’s CAP is accepted within ten (10) business days after receipt. The Department shall utilize the SOD process at any time to address a certified provider’s violation(s) of this chapter.
- 8002.13 The Department may only issue its renewal after the Department verifies that the certified provider has remediated all of the deficiencies identified in the CAP and meets all the certification standards in this chapter.
- 8002.14 The Department may grant full or provisional certification to an applicant after conducting on-site surveys and reviewing application materials. A determination to grant full certification to a provider or program shall be based on the Department’s review and validation of the information provided in the application, as well as facility inspection findings, CAPs, and the provider or program’s compliance with this chapter.
- 8002.15 The Department may grant provisional certification to a new provider or program that demonstrates substantial compliance with the certification requirements in this chapter and (a) has not previously held any certification issued by the Department or (b) is in the process of securing a facility within the District at the time of application.

- 8002.16 Provisional certification shall not exceed a period of six (6) months and may be renewed only once for an additional period not to exceed ninety (90) calendar days.
- 8002.17 Full Certification as a behavioral health stabilization provider shall be for one (1) calendar year for new applicants and two (2) calendar years for existing providers seeking renewal of certification. Certification shall start from the date of issuance of certification by the Department, subject to the provider's continuous compliance with these certification standards. Certification shall remain in effect until it expires, is renewed or is revoked pursuant to this chapter. The certification shall specify the effective date of the certification, the program(s), and services that the provider is certified to provide.
- 8002.18 The provider shall notify the Department within forty-eight (48) hours of any changes in its operation that affect the provider's continued compliance with these certification standards, including but not limited to changes in ownership or control, changes in service, and changes in its affiliation and referral arrangements.
- 8002.19 Prior to adding a new program during the term of certification, the provider shall submit a certification application describing the program. The Department may certify a provider to provide the new program and its required services after the Department determines that the provider is in compliance with the certification standards under this chapter.
- 8002.20 A provider that applies for certification during an open application period as published in the *District of Columbia Register* may appeal the denial of certification under this subsection by utilizing the procedures contained in § 8004. The Department shall not accept any applications for which a notice of moratorium is published in the *District of Columbia Register*.
- 8002.21 In the event that a certification application is under review while a moratorium is put in place, the Department will continue to process the application for a time period of no more than thirty (30) calendar days. If, after thirty (30) calendar days, the application is deemed incomplete, the provider will be granted ten (10) business days to resolve all items of incompleteness. Any items not resolved or provided by the due date will result in the incomplete application being returned to the applicant. The Department will take no further action to issue certification. The applicant must then wait until the moratorium is lifted to submit any subsequent certification application.
- 8002.22 Nothing in these rules shall be interpreted to mean that certification is a right or an entitlement. New certification as a provider depends upon the Director's assessment of the need for additional providers(s) and availability of funds.
- 8002.23 Certification shall be limited to the applicant granted the certification and shall be limited to the location and programs as indicated on the certificate. Certification is not transferable to any other organization.
- 8002.24 Written notice of any change in the name or ownership of a provider or program owned by an individual, partnership, or association, or in the legal or beneficial ownership of

ten percent (10%) or more of the stock of a corporation that owns or operates a provider or program, shall be given to the Department at least thirty (30) calendar days prior to the change in ownership.

8002.25 The provider shall notify the Department in writing thirty (30) calendar days prior to implementing any of the following operational changes, including all aspects of the operations materially affected by the changes:

- (a) A proposed change in the program's geographic location;
- (b) The proposed addition or deletion of programs and related services, which is anything that would alter or disrupt services where the individual would be impacted by the change, or any change that would affect compliance with this regulation;
- (c) A change in the required staff qualifications for employment;
- (d) A proposed change in organizational structure;
- (e) A proposed change in the population served; or
- (f) A proposed change in program capacity and, for residential programs, a proposed change in bed capacity.

8002.26 A provider shall forward to the Department within thirty (30) calendar days all inspection reports conducted by an oversight body and all corresponding corrective actions taken regarding cited deficiencies.

8002.27 A provider shall immediately report to the Department any criminal allegations involving provider staff or volunteers.

8002.28 Existing behavioral health stabilization programs applying for re-certification shall provide proof of current Basic Business Licenses ("BBL"(s)) issued by the Department of Consumer and Regulatory Affairs ("DCRA") as described in §8007.

8003 CERTIFICATION: EXEMPTIONS FROM STANDARDS

8003.1 Upon good cause shown, including but not limited to a conflict between a certification standard and a provider's third-party contract or agreement, the Department may exempt a provider from a certification standard if the exemption does not jeopardize the health and safety of individuals or staff, violates an individual's rights, or otherwise conflict with the purpose and intent of these rules.

8003.2 If the Department approves an exemption, such exemption shall end on the expiration date of the program certification, or at an earlier date if specified by the Department, unless the provider requests renewal of the exemption prior to expiration of its certificate or the earlier date set by the Department.

8003.3 The Department shall revoke an exemption at any time if it determines that the exemption may jeopardize the health, safety or welfare of the individuals served, staff, volunteers and/or the general public.

8003.4 All requests for an exemption from certification standards must be submitted in writing to the Department.

8004 DENIAL OR DECERTIFICATION PROCESS

8004.1 The Director may deny initial certification if the applicant fails to comply with any certification standard or the application fails to demonstrate the applicant's capacity to deliver high quality behavioral health stabilization services on a sustained and regular basis. Furthermore, to avoid an over concentration of providers in areas with existing providers and to encourage increased access to underserved areas of the District, the Director may deny certification if the applicant proposes to operate a facility in an area already served by one (1) or more providers. The Department's priority shall be to grant certification to applicants that will address unmet needs of the behavioral health system. While applicants may make minor corrections and substitutions to its application during the certification process, evidence of one (1) or more of the following shall constitute good cause to deny the application for certification when the circumstances demonstrate deliberate misrepresentations, organizational instability, or the lack of preparedness or capacity to meet and sustain compliance with this chapter:

- (a) An incomplete application;
- (b) False information provided by applicant or contained in an application;
- (c) One (1) or more changes to an organizational chart during the application process;
- (d) A facility that is inadequate in health, safety, size or configuration to provide services consistent with high quality care and privacy standards;
- (e) The lack of demonstrated experience providing behavioral health stabilization services by the applicant's clinical leadership, practitioners, or staff;
- (f) An applicant's lack of financial resources (e.g., inability to all pay staff, or inability to provide at least ninety (90) days of running capital as dictated by the provider's monthly operating budget, etc.) to carry out its commitments and obligations under this chapter for the foreseeable future;
- (g) An applicant's failure to timely respond to the Department's request for information; and
- (h) History of poor performance.

- 8004.2 Upon written request submitted by the applicant and received by the Department within fifteen (15) business days of the certification denial, the Department shall provide an applicant an impartial administrative review of the decision. The Department shall conduct the administrative review to determine whether the certification denial complied with § 8004.1. Each request for an administrative review shall contain a concise statement of the reason(s) why the certification denial was in error. The Director shall issue a written decision within fifteen (15) business days. The Director's decision is final and not subject to further appeal. An applicant and its principals shall not be allowed to reapply for certification for twelve (12) months following the date of denial.
- 8004.3 An applicant and its executive leadership shall not be allowed to reapply for certification for twelve (12) months following the date of the initial denial or, if applicable, the date of the denial pursuant to the Director's administrative review.
- 8004.4 The Department shall decertify existing providers who fail to comply with the certification requirements contained in this chapter. Evidence of one (1) or more of the following shall constitute good cause to decertify:
- (a) An incomplete recertification application;
 - (b) False information provided by provider or contained in a recertification application;
 - (c) High staff turnover where there are two or more changes made to the leadership staff within a certification period, demonstrating organizational instability;
 - (d) One (1) or more documented violations of the certification standards during the certification period that evidence a provider's lack of capacity to meet and sustain compliance with this chapter;
 - (e) Claims audit error rate in excess of twenty-five percent (25%);
 - (f) A provider's lack of financial resources to carry out its commitments and obligations under this chapter for the foreseeable future; evidenced by an inability to all pay staff, or an inability to provide at least ninety (90) calendar days of running capital as dictated by the provider monthly operating budget; or
 - (g) Failure to cooperate with Department investigations or lack of timely response to information requests.
- 8004.5 Nothing in this chapter requires the Director to issue a SOD or a Notice of Infraction ("NOI") prior to decertifying a provider. If the Director finds that there are grounds for decertification, the Director shall issue a written notice of decertification setting forth the factual basis for the decertification, the effective date, and the provider's right to request an administrative review.

- 8004.6 The provider may request an administrative review from the Director within fifteen (15) business days of the date on the notice of decertification.
- 8004.7 Each request for an administrative review shall contain a concise statement of the reason(s) why the provider asserts that it should not have had its certification revoked and include any relevant supporting documentation.
- 8004.8 Each administrative review shall be conducted by the Director and shall be completed within fifteen (15) business days of the receipt of the provider's request.
- 8004.9 The Director shall issue a written decision and provide a copy to the provider. If the Director denies the appeal and approves the decertification, the provider may request a hearing under the D.C. Administrative Procedure Act, within fifteen (15) business days of the receipt of the Director's written decision. The administrative hearing shall be limited to the issues raised in the administrative review request. The decertification shall be stayed pending resolution of the hearing.
- 8004.10 Upon decertification, the provider and its executive leadership shall not be allowed to reapply for certification for a period of two (2) years following the date of the order of revocation. If a provider reapplies for certification, the provider must reapply in accordance with the established certification standards for the type of services provided and show evidence that the grounds for the revocation have been corrected.

8005 NOTICES OF INFRACTION

- 8005.1 The Department may issue an NOI for any violation of this chapter. The fine amount for any NOI issued under this chapter shall be as follows:
- (a) For the first offense five hundred dollars (\$500.00);
 - (b) For the second offense one thousand dollars (\$1,000.00);
 - (c) For the third offense two thousand dollars (\$2,000.00);
 - (d) For the fourth and subsequent offenses four thousand dollars (\$4,000.00).
- 8005.2 The administrative procedure for the appeal of an NOI issued under this chapter shall be governed by 16 DCMR §§ 3100 *et seq.*

8006 CLOSURES AND CONTINUITY OF CARE

- 8006.1 A provider shall provide written notification to the Department at least ninety (90) calendar days before its impending closure, or immediately upon knowledge of an impending closure less than ninety (90) calendar days in the future. This notification shall include plans for continuity of care and preservation of individuals' records.
- 8006.2 The Department shall review the continuity of care plan and make recommendations to the provider. The plan must include provision for the referral and transfer of

individuals, and for the provision of relevant treatment information, medications, and information to the new provider. The provider shall incorporate all Department recommendations necessary to ensure a safe and orderly transfer of care.

8006.3 Closure does not absolve a provider from its legal responsibilities regarding the preservation and the storage of individual records as described in § 8022 of this chapter and all applicable Federal and District laws and regulations. A provider must take all necessary and appropriate measures to ensure individuals' records are preserved, maintained, and made available to the individuals upon request after closure of a program.

8006.4 A provider shall be responsible for the execution of its continuity of care plan in coordination with the Department.

8007 GENERAL MANAGEMENT AND ADMINISTRATION STANDARDS

8007.1 Each provider shall be a recognized legal entity in the District of Columbia and qualified to conduct business in the District. Evidence of qualification to conduct business includes a BBL and Clean Hands Certification issued by DCRA. The provider shall provide evidence of the BBL and Clean Hands Certification to the Department at certification and recertification.

8007.2 Each provider shall maintain the clinical operations, policies, and procedures described in this section. These operations, policies, and procedures shall be reviewed and approved by the Department during the certification and recertification process.

8007.3 All certified providers shall report to the Department in a form and manner prescribed by the Department's policy on major unusual incidents, including but not limited to abuse or neglect of individuals or any other event that may compromise the health, safety, or welfare of an individual.

8007.4 Each provider shall:

- (a) Comply with all applicable Federal and District laws and regulations; and
- (b) Hire personnel with the necessary qualifications to provide behavioral health stabilization services to meet the needs of individuals in crisis and the standards established in this chapter.

8007.5 All behavioral health stabilization programs shall operate twenty-four (24) hours per day, seven (7) days per week, year-round.

8007.6 Each provider shall have a clinical director responsible for the clinical direction and day-to-day delivery of clinical services provided to individuals of the program(s). The clinical director must be a clinician licensed to practice independently in the District of Columbia. The clinical director must be full-time, and able to supervise other clinical staff.

- 8007.7 The clinical director and/or a program director, depending on the provider needs, shall have authority and responsibility for the administration and day-to-day operation of the program(s).
- 8007.8 The program director shall devote adequate time and authority to ensure that service delivery complies with all applicable standards set forth in this chapter.
- 8007.9 Each provider shall establish and adhere to a Staff Selection Policy for selecting and hiring staff, which shall include but not be limited to:
- (a) Evidence of licensure, certification, or registration, as applicable and as required by the job being performed;
 - (b) Evidence of an appropriate degree, training program, or credentials, such as academic transcripts or a copy of degree;
 - (c) Evidence of all required criminal background checks and child abuse registry checks (for both state of residence and employment). Non-licensed staff shall comply with the criminal background check requirements contained in District Official Code §§ 44-551 *et seq.* and 22-B DCMR §§ 4700 *et seq.*;
 - (d) Evidence of quarterly checks to determine whether an individual should be excluded from participation in a Federal health care program as listed on the Department of Health and Human Services List of Excluded Individuals/Entities or the General Services Administration Excluded Parties List System, or any similar succeeding governmental list; and
 - (e) Evidence of a negative result on a tuberculosis test or medical clearance related to a positive result.
- 8007.10 Each provider shall establish and adhere to written job descriptions for all positions, including at a minimum the role, responsibilities, reporting relationships, and minimum qualifications for each position. The minimum qualifications established for each position shall be appropriate for the scope of responsibility and clinical practice (if any) described for each position.
- 8007.11 Each provider shall establish and adhere to a Performance Review Policy, which shall require a periodic evaluation of clinical and administrative staff performance, an assessment of clinical competence (if appropriate), general organizational work requirements, and key functions as described in the job description. The periodic evaluation shall also include an annual individual development plan for each staff member.
- 8007.12 Each provider shall establish and adhere to a supervision policy to ensure that services are provided according to this chapter and Department policies on supervision and service standards as well as District laws and regulations.

- 8007.13 Each provider shall establish and adhere to a training policy in accordance with § 8018 of this chapter.
- 8007.14 Personnel policies and procedures shall apply to all staff and volunteers and shall include:
- (a) Compliance with Federal and District equal opportunity laws, including the Americans with Disabilities Act (42 USC § 12101) and the D.C. Human Rights Act (D.C. Official Code §§ 2-1401.1 *et seq.*);
 - (b) A current organizational flow chart reflecting each program position and, where applicable, the relationship to the larger program or provider of which the program is a part;
 - (c) Written plans for developing, posting, and maintaining files pertaining to work and leave schedules, time logs, and on-call schedules for each functional unit, to ensure adequate coverage during all hours of operation;
 - (d) A written policy requiring that a designated individual be assigned responsibility for management and oversight of the volunteer program, if volunteers are utilized;
 - (e) A written policy regarding volunteer recruitment, screening, training, supervision, and dismissal for cause, if volunteers are utilized; and
 - (f) Provisions through which the program shall make available to staff a copy of the personnel policies and procedures.
- 8007.15 Providers shall develop and implement procedures that prohibit the possession, use, and distribution of controlled substances and alcohol by staff during their duty hours, unless medically prescribed and used accordingly. Staff possession, use, or distribution of controlled substances or alcohol during off duty hours that affects job performance shall be prohibited. These policies and procedures shall ensure that the provider:
- (a) Provides information about the adverse effects of the non-medical use and abuse of controlled substances and alcohol to all staff;
 - (b) Initiates disciplinary action for the possession, use or distribution of controlled substances or alcohol, which occurs during duty hours or which affects job performance; and
 - (c) Provides information and assistance to any impaired staff member to facilitate his or her recovery.
- 8007.16 The provider shall maintain individual personnel records for each person employed by the provider including, at a minimum, the following:
- (a) A current job description for each person, that is revised as needed;

- (b) Evidence of a negative result on a tuberculosis test or medical clearance related to a positive result;
- (c) Evidence of the education, training, and experience of the individual, and a copy of the current appropriate license, registration, or certification credentials (if any);
- (d) Documentation that written personnel policies were distributed to the employee;
- (e) Notices of official tour of duty: day, evening, night, or rotating shifts; payroll information; and disciplinary records;
- (f) Documentation that the employee has received all health care worker immunizations recommended by the District of Columbia Department of Health; and
- (g) Criminal background checks as required in Title 22-B, District of Columbia Municipal Regulation, §§ 4700 *et seq.* and 22-B DCMR §§ 4700 *et seq.*

8007.17 The provider shall maintain all personnel records during the course of an individual's employment with the provider and for three (3) years following the individual's separation from the provider.

8008 EMPLOYEE CONDUCT

8008.1 All staff shall adhere to ethical standards of behavior in their relationships with individuals as follows:

- (a) Staff shall maintain an ethical and professional relationship with individuals at all times;
- (b) Licensed or certified staff shall adhere to their professional codes of conduct, as required by District licensing laws and regulations;
- (c) Staff shall not enter into dual or conflicting relationships with individuals that might affect professional judgment, therapeutic relationships, or increase the risk of exploitation; and
- (d) The provider shall establish written policies and procedures regarding staff relationships with both current and former individuals that are consistent with this section.

8008.2 No staff, including licensed professionals, support personnel, and volunteers, shall engage in sexual activities or sexual contact with individuals in the program.

- 8008.3 No staff, including licensed professionals, support personnel, and volunteers, shall engage in sexual activities or sexual contact with individuals formerly served by the program.
- 8008.4 No staff, including licensed professionals, support personnel, and volunteers, shall engage in sexual activities or sexual contact with individuals' relatives or other individuals with whom individuals maintain a close personal relationship.
- 8008.5 No staff, including licensed professionals, support personnel, and volunteers, shall provide services to individuals with whom they have had a prior sexual or other significant relationship.
- 8008.6 Staff, including licensed professionals, support personnel, and volunteers, shall only engage in appropriate physical contact with individuals in the program and are responsible for setting clear, appropriate, and culturally sensitive boundaries that govern such physical contact.
- 8008.7 No staff, including licensed professionals, support personnel, and volunteers, shall sexually harass any individual. Sexual harassment includes, but is not limited to, sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

8009 QUALITY IMPROVEMENT

- 8009.1 Each provider shall establish and adhere to policies and procedures governing quality improvement ("Quality Improvement Policy").
- 8009.2 The Quality Improvement Policy shall require the provider to adopt a written quality improvement ("QI") plan describing the objectives and scope of its QI program and require provider staff, individual, and family involvement in the QI program.
- 8009.3 The Department shall review and approve each provider's QI program at a minimum as part of the certification and recertification process. The QI program shall submit data to the Department upon request.
- 8009.4 The QI program shall be directed by a coordinator ("QI Coordinator") who has direct access to the Program Director. In addition to directing the QI program's activities as detailed in § 8009.5, the QI Coordinator shall also review unusual incidents, deaths, and other sentinel events; monitor and review utilization patterns; and track individuals' complaints and grievances. The QI Coordinator shall be:
- (a) A Physician;
 - (b) A Psychologist;
 - (c) A Licensed Independent Clinical Social Worker ("LICSW");
 - (d) An Advanced Practice Registered Nurse ("APRN");

- (e) A Licensed Professional Counselor (“LPC”);
- (f) A Licensed Marriage and Family Therapist (“LMFT”);
- (g) A Registered Nurse (“RN”);
- (h) A Licensed Independent Social Worker (“LISW”);
- (i) A Licensed Graduate Professional Counselor (“LGPC”);
- (j) A Licensed Graduate Social Worker (“LGSW”);
- (k) A Certified Addiction Counselor (“CAC”) I or II;
- (l) A Physician Assistant (“PA”); or
- (m) An individual with a Bachelors’ Degree and a minimum of two (2) years of relevant, qualifying experience, such as experience in behavioral health care delivery or health care quality improvement initiatives.

8009.5 The QI program shall be operational and shall measure and ensure at least the following:

- (a) Easy and timely access and availability of services;
- (b) Close monitoring and review of high volume or repeat utilizers of behavioral health stabilization services;
- (c) Coordination of care with Core Service Agencies (“CSAs”), Assertive Community Treatment (“ACT”) providers, Community Based Intervention (“CBI”) providers, Clubhouse providers, and/or substance use treatment and recovery provider, when applicable;
- (d) Compliance with all certification standards;
- (e) Adequacy, appropriateness, and quality of care for individuals in the program;
- (f) Efficient utilization of resources;
- (g) Individual and family satisfaction with services; and
- (h) Any other indicators that are part of the Department QI program for the larger system.

8009.6 When the provider identifies a significant problem or quality of service issue, the provider shall notify the Department, act to correct the problem or improve the effectiveness of service delivery, or both, and shall assess corrective or supportive actions through continued monitoring.

8010 FISCAL MANAGEMENT STANDARDS

- 8010.1 Applicants or providers that are in financial distress and at risk of imminent closure represent a risk both to individuals served by the Department and the behavioral health system. The Department shall not certify any applicant or re-certify any provider without evidence that the applicant or provider has sufficient financial resources (e.g., ability to provide at least ninety (90) calendar days of running capital as dictated by the provider's monthly operating budget) to carry out its commitments and obligations under this chapter for the foreseeable future. The provider shall have adequate financial resources to deliver all required services and shall provide documented evidence at the time of certification and recertification that it has adequate resources to operate behavioral health stabilization program. Documented evidence shall include Federal and District tax returns, including Form 990s for non-profit organizations, for the three (3) most recent tax reporting years, and a current financial statement.
- 8010.2 A provider shall have fiscal management policies and procedures and keep financial records in accordance with generally accepted accounting principles.
- 8010.3 A provider shall include adequate internal controls for safeguarding or avoiding misuse of individual or organizational funds.
- 8010.4 A provider shall have a uniform budget of expected revenue and expenses as required by the Department. The budget shall:
- (a) Categorize revenue by source;
 - (b) Categorize expenses by type of service; and
 - (c) Estimate costs by unit of service.
- 8010.5 A provider shall have the capacity to determine direct and indirect costs for each type of service provided.
- 8010.6 The provider shall conspicuously post and make available to all a written schedule of rates and charges.
- 8010.7 Fiscal reports shall provide information on the relationship of the budget to actual spending, including revenues and expenses by category and an explanation of the reasons for any substantial variance.
- 8010.8 Providers shall correct or resolve all adverse audit findings prior to recertification.
- 8010.9 A provider shall have policies and procedures regarding:
- (a) Purchase authority, product selection and evaluation, property control and supply, storage, and distribution;
 - (b) Billing;

- (c) Controlling accounts receivable;
- (d) Handling cash;
- (e) Management of individual fund accounts;
- (f) Arranging credit; and
- (g) Applying discounts and write-offs.

8010.10 All business records pertaining to costs, payments received and made, and services provided to individuals shall be maintained for a period of ten (10) years or until all audits and ongoing litigations are complete, whichever is longer.

8010.11 All providers must maintain proof of liability insurance coverage, which must include malpractice insurance of at least three million dollars (\$3,000,000.00) aggregate and one million dollars (\$1,000,000.00) per incident and comprehensive general coverage of at least three million dollars (\$3,000,000.00) per incident that covers general liability, vehicular liability, and property damage. The insurance shall include coverage of all personnel, consultants, or volunteers working for the provider.

8011 ADMINISTRATIVE PRACTICE ETHICS

8011.1 All providers shall operate in an ethical manner, including but not limited to complying with the provisions of this section.

8011.2 A provider shall not offer or imply to offer services not authorized on the certification issued by the Department.

8011.3 A provider shall not use any advertising that contains false, misleading, or deceptive statements or claims or that contains false or misleading information about fees.

8011.4 A provider shall comply with all Federal and District laws and regulations, including but not limited to the False Claims Act, 31 USC §§ 3729-3733, the Anti-Kickback Statute, 42 USC § 1320a-7b, the Physician Self-Referral Law (Stark law), 42 USC § 1395nn, and the Exclusion Statute, 42 USC § 1320a-7.

8011.5 The provider shall inform all employees of any policy change that affects the performance of their duties.

8011.6 The provider shall treat all alleged ethical violations as major unusual incidents.

8011.7 The provider, and its personnel, consultants or volunteers must conduct any research in accordance with all Federal law and regulations.

8012 PROGRAM POLICIES AND PROCEDURES

8012.1 Each program must document the following:

- (a) Organization and program mission statement, philosophy, purpose, and values;
- (b) Organizational and leadership structure;
- (c) Staffing;
- (d) Relationships with parent organizations, affiliated organizations, and organizational partners;
- (e) Treatment philosophy and approach;
- (f) Services provided;
- (g) Characteristics and needs of the population served;
- (h) Performance metrics, including intended outcomes and process methods;
- (i) Contract services, if any;
- (j) Affiliation agreements, if any;
- (k) The scope of volunteer activities and rules governing the use of volunteers, if any; and
- (l) Location of service sites and specific designation of the geographic area to be served.

8012.2 Each program shall establish written policies and procedures subject to review by the Department to ensure each of the following:

- (a) Service provision based on the individual's needs;
- (b) Consideration of special needs of the individual served and the program's population of focus;
- (c) Placement of individuals in the least restrictive setting necessary to address the acuity of the individual's presenting illness and circumstances; and
- (d) Facilitation of access to other more appropriate services for individuals who do not meet the criteria for admission into a program offered by the provider.

- 8012.3 Each program shall develop and document policies and procedures subject to review by the Department related to each of the following:
- (a) Program admission and exclusion criteria;
 - (b) Termination of treatment and discharge or transition criteria;
 - (c) Infection control procedures and use of universal precautions, addressing at least those infections that may be spread through contact with bodily fluids;
 - (d) Volunteer utilization, recruitment, and oversight;
 - (e) Crisis intervention and medical emergency procedures;
 - (f) Safety precautions and procedures for participant volunteers, employees, and others;
 - (g) Record management procedures in accordance with "Confidentiality of Substance Use Disorder Patient Records" ("42 CFR Part 2"), as applicable, the Health Insurance Portability and Accountability Act ("HIPAA") (42 U.S.C. §§ 1320d *et seq.*, and the regulations promulgated under HIPAA, including 45 CFR Part 160, 162 and 164), the D.C. Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code §§ 7-1201.01 *et seq.*), this chapter, and any other Federal and District laws and regulations regarding the confidentiality of individuals' records;
 - (h) The on-site prohibition on use of tobacco, alcohol, and other substances;
 - (i) Individuals' rules of conduct and commitment to treatment regimen, including restrictions on carrying weapons and specifics of appropriate behavior while in or around the program;
 - (j) Individuals' rights;
 - (k) Addressing and investigating major unusual incidents;
 - (l) Addressing individuals' grievances;
 - (m) Addressing issues of an individual's non-compliance with established treatment regimen and/or violation of program policies and requirements;
 - (n) The purchasing, receipt, storage, distribution, return, and destruction of medication, including accountability for and security of medications located at any of its service site(s);
 - (o) Selecting and hiring staff; and
 - (p) Quality improvement.

8012.4 Gender-specific programs shall ensure that staff of that specific gender is in attendance at all times when individuals are present in the program.

8013 EMERGENCY PREPAREDNESS PLAN

8013.1 Each provider shall establish and adhere to a written disaster evacuation and continuity of operations plan in accordance with the Department policy on Disaster Evacuation/Continuity of Operations Plans.

8013.2 A provider shall immediately notify the Department and implement its continuity of operations plan if an imminent health hazard exists because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, gross unsanitary conditions, or other circumstances that may endanger the health, safety, or welfare of the individuals served.

8014 FACILITIES MANAGEMENT

8014.1 A provider shall establish and maintain a safe environment for its operation, including adhering to the following provisions:

- (a) Each provider's service site(s) shall be located and designed to provide adequate and appropriate facilities for private, confidential individual and group counseling/therapy sessions;
- (b) Each provider's service site(s) shall have appropriate space for group activities and educational programs;
- (c) Each provider shall comply with applicable provisions of the Americans with Disabilities Act (42 USC § 12101) in all business locations;
- (d) Each service site shall be located within reasonable walking distance of public transportation;
- (e) Providers shall maintain fire safety equipment and establish practices to protect all occupants. This shall include clearly visible fire extinguishers with a charge that are inspected annually by a qualified service company or trained staff member; and
- (f) Each provider shall annually obtain a written certificate of compliance from the District of Columbia Department of Fire and Emergency Medical Services indicating that all applicable fire and safety code requirements have been satisfied for each facility.

8014.2 Each window that opens shall have a screen.

8014.3 Each rug or carpet in a facility shall be securely fastened to the floor or shall have a non-skid pad.

- 8014.4 Each hallway, porch, stairway, stairwell, and basement shall be kept free from any obstruction at all times.
- 8014.5 Each ramp or stairway used by individuals in the program shall be equipped with a firmly secured handrail or banister.
- 8014.6 Each provider shall maintain a clean environment free of infestation and in good physical condition.
- 8014.7 Each facility shall be appropriately equipped and furnished for the services delivered.
- 8014.8 Each provider shall properly maintain the outside and yard areas of the premises in a clean and safe condition.
- 8014.9 Each exterior stairway, landing, and sidewalk shall be kept free of snow and ice.
- 8014.10 Each facility shall be located in an area reasonably free from noxious odors, hazardous smoke and fumes, and where interior sounds may be maintained at reasonably comfortable levels.
- 8014.11 A provider shall take necessary measures to ensure pest control, including:
- (a) Refuse shall be stored in covered containers that do not create a nuisance or health hazard; and
 - (b) Recycling, composting, and garbage disposal shall not create a nuisance, permit transmission of disease, or create a breeding place for insects or rodents.
- 8014.12 A provider shall ensure that medical waste is stored, collected, transported, and disposed of in accordance with applicable Federal and District laws and guidelines from the Centers for Disease Control and Prevention (“CDC”).
- 8014.13 Each provider shall ensure that its facilities have comfortable lighting, proper ventilation, and moisture and temperature control. Rooms, including bedrooms and activity rooms below ground level, shall be dry and the temperature shall be maintained within a normal comfort range.
- 8014.14 Each facility shall have potable water available for each individual.
- 8014.15 The physical design of the provider’s structure shall be sufficient to accommodate staff, individuals receiving services and the program(s). Each location shall make available the following:
- (a) A reception area;
 - (b) Private areas for individual treatment services;
 - (c) An area(s) for dining, if applicable; and

- (d) Separate bathrooms and/or toilet facilities in accordance with District law where the:
 - (i) Required path of travel to the bathroom shall not be through another bedroom;
 - (ii) Windows and doors provide privacy; and
 - (iii) Showers and toilets not intended for individual use provide privacy.
- 8014.16 If activity space is used for purposes not related to the program's mission, the provider shall ensure that:
 - (a) The quality of services is not reduced;
 - (b) Activity space in use by other programs shall not be counted as part of the required activity space; and
 - (c) Individual confidentiality is protected, as required by HIPAA, the D.C. Mental Health Information Act, 42 CFR Part 2, and all other applicable Federal and District laws and regulations.
- 8014.17 The use of appliances such as cell phones, computers, televisions, radios, CD players, recorders, and other electronic devices shall not interfere with the therapeutic program.
- 8014.18 Each facility shall maintain an adequately supplied first-aid kit which:
 - (a) Shall be maintained in a place known and readily accessible to individuals in the program and employees; and
 - (b) Shall be adequate for the number of persons in the facility, including individuals, staff, consultants and volunteers.
- 8014.19 Each provider shall post emergency numbers near its telephones for fire, police, and poison control, along with contact information and directions to the nearest hospital.
- 8014.20 Each provider shall have on site at each facility a fully functioning automatic external defibrillator ("AED") and shall ensure that all staff are trained in how to use the AED.
- 8014.21 Each provider shall have on-site at each facility at least two (2) unexpired doses of naloxone at all times and shall ensure that all staff are trained in how to administer the naloxone.
- 8014.22 A provider shall have an interim plan addressing safety and continued service delivery during construction.
- 8014.23 As part of each certification and re-certification application, the provider shall present the Department permits (including DCRA building permit(s)) and post-work

inspection(s) for all plumbing and electrical work completed at the program facility during the last twelve (12) months.

8015 MEDICATION STORAGE AND ADMINISTRATION STANDARDS

- 8015.1 Providers shall maintain all controlled substances in accordance with applicable Federal and District laws and regulations.
- 8015.2 Providers shall implement written policies and procedures to govern the acquisition, safe storage, prescribing, dispensing, labeling, administration and self-administration of medication. This section shall include medications individuals bring to the program.
- 8015.3 A provider shall ensure that any prescription medication that an individual brings to the program has a record of the prescribing physician's order, including the prescribing physician's approval to self-administer the medication, if applicable.
- 8015.4 No medication brought into the facility may be administered or self-administered until the medication is identified and the attending practitioner's written order or approval is documented in the individual's record.
- 8015.5 Verbal orders may only be given by the attending practitioner to another physician, PA, APRN, RN, or pharmacist. Verbal orders shall be noted in the individual's record as such and countersigned and dated by the prescribing practitioner within twenty-four (24) hours. However, pursuant to District law and regulations, orders for seclusion or restraint shall always be made as written orders.
- 8015.6 Providers shall ensure that medication, both prescription and over-the-counter, brought into a facility is packaged and labeled in accordance with Federal and District laws and regulations.
- 8015.7 Providers shall ensure that medication, both prescription and over-the-counter, brought into a facility by an individual that is not approved by the attending practitioner is packaged, sealed, stored, and returned to the individual upon discharge.
- 8015.8 The administration of medications, excluding self-administration, shall be permitted only by licensed individuals pursuant to applicable Federal and District laws and regulations.
- 8015.9 Medications shall be administered only in accordance with the prescribing practitioner's order.
- 8015.10 Only a physician, APRN, RN, or PA shall administer controlled substances or injectable drugs, excluding self-administered drugs.
- 8015.11 Program staff responsible for supervising the self-administration of medication shall document consultations with a physician, APRN, RN, or pharmacist, or referral to appropriate reference material regarding the action and possible side effects or adverse reactions of each medication.

- 8015.12 A program shall provide training to the staff designated to supervise the self-administration of medication. The training shall include but not be limited to the expected action of and adverse reaction to self-administered medications.
- 8015.13 Medication administration training shall be facilitated by the following Qualified Practitioners, as led by signature and date on the training certificate:
- (a) Physicians;
 - (b) PAs;
 - (c) APRNs; or
 - (d) RNs.
- 8015.14 Only staff trained pursuant to the requirements of this chapter shall be responsible for observing the self-administration of medication.
- 8015.15 A program shall ensure that medication is available to individuals as prescribed.
- 8015.16 A program shall maintain records that track and account for all medication, ensuring the following:
- (a) That each individual receiving medication shall have a medication administration record, which includes the individual's name, the name of medication, the type of medication (including classification), the amount of medication, the dose and frequency of administration/self-administration, and the name of staff who administered or observed the self-administration of the medication;
 - (b) That documentation shall include each omission and refusal of medication administration;
 - (c) That the medication administration record shall note the amount of medication originally present and the amount remaining after each dose;
 - (d) That documentation of medication administration shall include all over-the-counter drugs administered or self-administered; and
 - (e) That behavioral health stabilization providers who are administering controlled substances, including but not limited to initiating medication assisted treatment (MAT), shall follow the requirements of all applicable Federal and District laws and regulations.
- 8015.17 An attending practitioner shall be notified immediately of any medication error or adverse reaction. The staff responsible for the medication error shall complete a major unusual incident report ("MUI"). The provider shall document the practitioner's recommendations and the program's subsequent actions in response to the medication

error or adverse reaction in the individual's record.

- 8015.18 A program shall ensure that all medications, including those that are self-administered, are secured in locked storage areas.
- 8015.19 The locked medication area shall provide for separation of internal and external medications.
- 8015.20 A program shall maintain lists of personnel with access to the locked medication area and personnel qualified to administer medication.
- 8015.21 A program shall comply with all Federal and District laws and regulations concerning the acquisition and storage of pharmaceuticals.
- 8015.22 Each individual's medication shall be properly labeled as required by Federal and District laws and regulations, shall be stored in its original container, and shall not be transferred to another container or taken by anyone other than the individual for whom it was originally prescribed.
- 8015.23 Medications requiring refrigeration shall be maintained in a separate and secure refrigerator, labeled "FOR MEDICATION ONLY" and shall be maintained at a temperature between thirty-six degrees Fahrenheit (36°F) and forty-six degrees Fahrenheit (46°F). All refrigerators shall have thermometers, which are easily readable, in proper working condition, and accurate within a range of plus or minus two (2°F) degrees Fahrenheit.
- 8015.24 A program shall conspicuously post in the drug storage area the following information:
- (a) Telephone numbers for the regional Poison Control Center; and
 - (b) Metric-apothecaries weight and conversion measure charts.
- 8015.25 A program shall conduct monthly inspections of all drug storage areas to ensure that medications are stored in compliance with Federal and District laws and regulations. The program shall maintain records of these inspections for verification.
- 8015.26 Where applicable, the program shall implement written policies and procedures for the control of stock pharmaceuticals.
- 8015.27 The receipt and disposition of stock pharmaceuticals must be accurately documented as follows:
- (a) Invoices from companies or pharmacies shall be maintained to document the receipt of stock pharmaceuticals;
 - (b) A log shall be maintained for each stock pharmaceutical that documents receipt and disposition; and

- (c) At least quarterly, each stock pharmaceutical shall be reconciled as to the amount received and the amount dispensed.

8015.28 A program shall implement written procedures and policies for the disposal of medication.

8015.29 Any medication left by the individual at discharge shall be destroyed within thirty (30) calendar days after the individual has been discharged, with the exception of methadone and other controlled substances which must be returned to the point of issue or destroyed in accordance with Federal regulations.

8015.30 The disposal of all medications shall be witnessed and documented by two (2) staff members.

8016 VEHICLE ENVIRONMENTAL AND SAFETY STANDARDS

8016.1 A provider shall implement measures to ensure the safe operation of transportation, if applicable. These measures shall include, but are not limited to:

- (a) Automobile insurance with adequate liability coverage;
- (b) Regular inspection and maintenance of vehicles, as required by law;
- (c) Adequate first aid supplies and fire suppression equipment secured in the vehicles;
- (d) Training of vehicle operators in emergency procedures and in the handling of accidents and road emergencies; and
- (e) Annual verification that all authorized motor vehicle operators have valid, unexpired and unrestricted motor vehicle license to operate assigned vehicles.

8017 FOOD AND NUTRITION STANDARDS

8017.1 The provisions of this section apply to any provider that prepares or serves food to individuals.

8017.2 All programs that prepare food shall have a current Certified Food Protection Manager (“CFPM”) certification from the Department of Health. The CFPM must be present whenever food is prepared and served.

8017.3 The provider shall require each CFPM (or a Certified Food Handler (“CFH”), for providers serving food prepared off-site) to monitor any staff members who are not certified as CFPMs (or CFHs) in the storage, handling, and serving of food and in the cleaning and care of equipment used in food preparation in order to maintain sanitary conditions at all times.

- 8017.4 The kitchen, dining, and food storage areas shall be kept clean, orderly, and protected from contamination.
- 8017.5 A program providing meals shall maintain a fully equipped and supplied code-compliant kitchen area unless meals are catered by an organization licensed by the District to serve food.
- 8017.6 A program may share kitchen space with other programs if the accommodations are adequate to perform required meal preparation for all programs using the kitchen.
- 8017.7 Each food and drink item procured, stored, prepared, or served by the facility shall be clean, free from spoilage, prepared in a manner that is safe for human consumption, and protected from contamination.
- 8017.8 A program providing meals shall clean dishes, cooking utensils, and eating utensils after each meal and store them to maintain to maintain their sanitary condition.
- 8017.9 Each facility shall provide hot and cold water, soap, and disposable towels for hand washing in or adjacent to food preparation areas.
- 8017.10 Each facility shall maintain adequate dishes, utensils, and cookware in good condition and in sufficient quantity for the facility.

8018 PERSONNEL TRAINING STANDARDS

- 8018.1 Behavioral health stabilization staff shall have annual training that meets the Occupational Safety & Health Administration (“OSHA”) regulations that govern behavioral health facilities and any other applicable infection control guidelines, including use of universal precaution and avoiding exposure to hepatitis, tuberculosis, and HIV.
- 8018.2 A behavioral health stabilization provider shall have at least two (2) staff persons trained and certified by a nationally recognized authority that meets OSHA guidelines for basic first aid and cardiopulmonary resuscitation (“CPR”) present at all times.
- 8018.3 A behavioral health stabilization provider shall have a current written plan for staff development and organizational onboarding, approved by the Department, which reflects the training and performance improvement needs of all employees working in that program. The plan should address the steps the provider will take to ensure the recruitment and retention of highly qualified employees and the reinforcement of staff development through training, supervision, the performance management process, and activities such as shadowing, mentoring, skill testing, and coaching. The plan shall include culturally competent training and onboarding activities in the following core areas:
- (a) The program’s approach to addressing behavioral health stabilization services, including philosophy, goals and methods;

- (b) The staff member's specific job description and role in relationship to other staff;
- (c) The emergency preparedness plan and all safety-related policies and procedures;
- (d) The proper documentation of services in individuals' records, as applicable;
- (e) Policies and procedures governing infection control, protection against exposure to communicable diseases, and the use of universal precautions;
- (f) Laws, regulations, and policies governing confidentiality of individual information and release of information, including HIPAA, the D.C. Mental Health Information Act, and 42 CFR Part 2 (as applicable);
- (g) Laws, regulations, and policies governing reporting abuse and neglect;
- (h) Individual rights; and
- (i) Other trainings as directed by the Department.

8019 INDIVIDUALS' RIGHTS AND PRIVILEGES, INCLUDING GRIEVANCES

8019.1 A program shall protect the following rights and privileges of each individual:

- (a) Right to be admitted and receive services in accordance with the District of Columbia Human Rights Act;
- (b) Right to make choices regarding provider, treatment, medication, and advance directives;
- (c) Right to receive prompt evaluation, care, and treatment, in accordance with the highest quality standards;
- (d) Right to receive services and live in a healthy, safe, and clean environment;
- (e) Right to be evaluated and cared for in the least restrictive and most integrated environment appropriate to an individual's needs;
- (f) Right to participate in the treatment planning process, including decisions concerning treatment, care, and other services, and to receive a copy of the Plan of Care;
- (g) Right to have records kept confidential;
- (h) Right to privacy;
- (i) Right to be treated with respect and dignity in a humane treatment environment;

- (j) Right to be safe from harm and from verbal, physical, or psychological abuse;
- (k) Right to be free of discrimination;
- (l) Right to own personal belongings;
- (m) Right to refuse treatment and/or medication;
- (n) Right to give, not give, or revoke already-given consent to treatment, supports, and/or release of information;
- (o) Right to give, not give, or revoke informed, voluntary, written consent of the individual or a person legally authorized to act on behalf of the individual to participate in research; the right to protection associated with such participation; and the right and opportunity to revoke such consent;
- (p) Right to be informed in advance of charges for services;
- (q) Right to be afforded the same legal rights and responsibilities as any other citizen, unless otherwise stated by law;
- (r) Right to request and receive documentation on the performance track record of a program with regard to treatment outcomes and success rates;
- (s) Right to provide feedback on services and supports, including evaluation of providers;
- (t) Right to assert grievances with respect to infringement of these rights, including the right to have such grievances considered in a fair, timely, and impartial manner;
- (u) Right to receive written and oral information on individual rights, privileges, program rules, and grievance procedures in a language understandable to the individual;
- (v) Right to access services that are culturally appropriate, including the use of adaptive equipment, sign language, interpreter, or translation services, as appropriate; and
- (w) Right to vote.

8019.2 A provider shall conspicuously post a statement of individual rights, program rules, and grievance procedures. The grievance procedures must inform individuals that they may report any violations of their rights to the Department and shall include the telephone numbers of the Department and any other relevant agencies for the purpose of filing complaints.

- 8019.3 At the time of admission, staff shall explain program rules, individual's rights, and grievance procedures. Program staff shall document this explanation by including a form, signed by the individual and witnessed by the staff person, in the individual's record.
- 8019.4 A program shall develop and implement written grievance procedures to ensure a prompt, impartial review of any alleged or apparent incident of violation of rights or confidentiality. The procedures shall be consistent with the principles of due process and Department requirements and shall include but not be limited to:
- (a) Reporting the allegation or incident to the Department within twenty-four (24) hours of it coming to the attention of program staff;
 - (b) The completion of the investigation of any allegation or incident within thirty (30) calendar days;
 - (c) Providing a copy of the investigation report to the Department within twenty-four (24) hours of completing the investigation of any complaint; and
 - (d) Cooperating with the Department in completion of any inquiries related to individuals' rights conducted by Department staff.
- 8019.5 Medicaid beneficiaries are entitled to Notice and Appeal rights pursuant to 29 DCMR § 9508 in cases of intended adverse action such as an action to deny, discontinue, terminate, or change the manner or form of Medicaid-funded services. The Department shall provide local-only beneficiaries the same Notice and Appeal rights as those provided to Medicaid beneficiaries in 29 DCMR § 9508.

8020 INDIVIDUALS' CHOICE

- 8020.1 Each provider shall establish and adhere to policies and procedures governing the means by which individuals receiving services shall be informed of the full choices of providers and how to access these services ("Choice Policy").
- 8020.2 The Department shall review and approve each provider's Choice Policy during the certification and recertification process.
- 8020.3 The Choice Policy shall comply with applicable Federal and District laws and regulations.
- 8020.4 Each provider shall:
- (a) Make its Choice Policy available to individuals and their families; and
 - (b) Establish and adhere to a system for documenting that individuals and families receive the Choice Policy.

8020.5 The providers' Choice Policy shall ensure that each individual presenting for services is informed that they may choose to have services provided by any certified providers that offer appropriate services for that individual.

8021 RECORDS MANAGEMENT AND CONFIDENTIALITY

8021.1 A program shall create and maintain an organized record for each individual receiving services.

8021.2 All records must be secured in a manner that provides protection from unauthorized disclosure, access, use, or damage in accordance with Federal and District laws and regulations.

8021.3 Each individual's records shall be kept confidential and shall be handled in compliance with HIPAA, the Mental Health Information Act, and 42 CFR Part 2 (if applicable), and all other Federal and District laws and regulations regarding the confidentiality of an individual's records.

8021.4 Each provider shall have a designated Privacy Officer responsible for ensuring compliance with privacy requirements.

8021.5 A program shall inform staff and individuals receiving services of this chapter's privacy requirements during orientation.

8021.6 A provider's decision to disclose protected health information ("PHI") must comply with Federal and District laws and regulations and shall be made only by the Privacy Officer or his/her designee with appropriately administered consent procedures.

8021.7 A program shall ensure its policies and procedures comply with the Department's Privacy Policy and shall implement policies and procedures governing the release of PHI consistent with Federal and District laws and regulations regarding the confidentiality of individual records, including 42 CFR Part 2, the D.C. Mental Health Information Act, and HIPAA.

8021.8 A provider shall participate through a formal agreement with a registered Health Information Exchange ("HIE") entity of the DC Health Information Exchange ("DC HIE"), defined in Chapter 87 of Title 29 DCMR.

8021.9 For non-substance use treatment ("SUD") programs, the behavioral health stabilization provider shall develop policies and procedures to disclose protected behavioral health information to other certified providers, primary health care providers, and other health care organizations when necessary to coordinate the care and treatment of its individuals. These procedures may include entering into an agreement with an HIE. The program shall advise each prospective individual of the program's notice of privacy practices that authorizes this disclosure to other providers and shall afford the individual the opportunity to opt-out of that disclosure in accord with the D.C. Mental Health Information Act. The program shall document the individual's decision.

- 8021.10 The program director shall designate a staff member to be responsible for the maintenance and administration of records.
- 8021.11 A program shall arrange and store records according to a uniform system approved by the Department.
- 8021.12 A program shall maintain records such that they are readily accessible for use and review by authorized staff and other authorized parties.
- 8021.13 A program shall organize the content of records so that information can be located easily and so that Department surveys and audits can be conducted with reasonable efficiency.

8022 STORAGE AND RETENTION OF RECORDS

- 8022.1 A program shall retain individuals' records (either original or accurate reproductions) until all litigation, adverse audit findings, or both, are resolved. If no such conditions exist, a program shall retain individuals' records for at least ten (10) years after the individual's discharge.
- 8022.2 Records of minors shall be kept for at least ten (10) years after the minor has reached the age of eighteen (18) years.
- 8022.3 The provider shall establish a Document Retention Schedule with all medical records retained in accordance with Federal and District laws and regulations.
- 8022.4 The provider shall give the individual or legal guardian a written statement concerning individual's rights and responsibilities ("Rights Statement") in the program during orientation. The individual or guardian shall sign the statement attesting that they understand their rights and responsibilities. A provider staff member shall be available to answer an individual or legal guardian's questions about the Rights Statement and to witness the individual's or guardian's signature. This document shall be placed in the individual's record.
- 8022.5 If program records are maintained on computer systems, the system shall:
- (a) Have a backup system to safeguard the records in the event of operator or equipment failure, natural disasters, power outages, and other emergency situations;
 - (b) Identify the name of the person making each entry into the record;
 - (c) Be secure from inadvertent or unauthorized access to records in accordance with HIPAA, the D.C. Mental Health Information Act, 42 CFR Part 2 (if applicable), and all Federal and District laws and regulations regarding the confidentiality of individual records;

- (d) Limit access to providers who are involved in the care of the individual and who have permission from the individual to access the record; and
- (e) Create an electronic trail when data is released.

8022.6 A program shall maintain records that safeguard confidentiality in the following manner:

- (a) Records shall be stored with access controlled and limited to authorized staff and authorized agents of the Department;
- (b) Written records that are not in use shall be maintained in either a secured room, locked file cabinet, safe, or other similar container;
- (c) The program shall implement policies and procedures that govern individual access to their own records;
- (d) The provider's policies and procedures shall only restrict an individual's access to their record or information in the record after an administrative review with clinical justification has been made and documented;
- (e) Individuals shall receive copies of their records as permitted under HIPAA, the D.C. Mental Health Information Act, and 42 CFR Part 2;
- (f) All staff entries into the record shall be clear, complete, accurate, and recorded in a timely fashion;
- (g) All entries shall be dated and authenticated by the recorder with full signature and title;
- (h) All non-electronic entries shall be typewritten or legibly written in indelible ink that will not deteriorate from photocopying;
- (i) Any documentation error shall be marked through with a single line and initialed and dated by the recorder; and
- (j) Limited use of symbols and abbreviations shall be pre-approved by the program and accompanied by an explanatory legend.

8022.7 Any records that are retained off-site must be kept in accordance with this chapter. If an outside vendor is used, the provider must submit the vendor's name, address, and telephone number to the Department.

8023 RECORD CONTENTS

8023.1 As applicable, all records shall include:

- (a) Documentation of the referral and initial screening and its findings;

- (b) The individual's consent to services (if applicable);
- (c) A copy of the Application for Emergency Hospitalization ("FD-12") (if applicable);
- (d) The Rights Statement;
- (e) Documentation that the individual received:
 - (i) An orientation to the program's services, rules, confidentiality practices, and individual's rights; and
 - (ii) Notice of privacy practices and opt-out form.
- (f) Confidentiality forms and releases signed to permit the facility to obtain and/or release information;
- (g) Diagnostic interview and assessment record, including any Department-approved screening and assessment tools;
- (h) Evaluation of medical needs and, as applicable, medication intake sheets and special diets which shall include:
 - (i) Documentation of physician's orders for medication and treatment, change of orders, and/or special treatment evaluation;
 - (ii) For drugs prescribed following admissions, any prescribed drug product by name, dosage, and strength, as well as date(s) medication was administered, discontinued, or changed; and
 - (iii) For any prescribed over-the-counter ("OTC") medications following admissions, any OTCs by product name, dosage, and strength, as well as date(s) medication was administered, discontinued, or changed.
- (i) Assessments and individual treatment plans pursuant to the presenting behavioral health situation and the individual's needs, including crisis diversion or safety plans, if applicable;
- (j) Encounter notes, which provide sufficient written documentation to support each therapy, service, activity, or session for which billing is made that, at a minimum, consists of:
 - (i) The specific service type rendered;
 - (ii) Dated and authenticated entries with their authors identified, that include the duration, and actual time (beginning and ending as well as a.m. or p.m.), during which the services were rendered. To constitute a valid signature, digital signatures must include a date and time stamp

contemporaneous with the signature function and must be recorded and readily retrievable in the electronic system's audit log;

- (iii) Name, title, and credentials of the person providing the services;
 - (iv) The setting in which the services were rendered;
 - (v) Confirmation that the services delivered are contained in the individual's record and are identified in the encounter note;
 - (vi) A description of each encounter or intervention provided to the individual, which is sufficient to document that the service was provided in accordance with this chapter;
 - (vii) A description of the individual's response to the intervention sufficient to show, particularly in the case of group interventions, the individual's unique participation in the service; and
 - (viii) Provider's observations.
- (k) Documentation of all services provided to the individual as well as activities directly related to the individual's care that are not included in encounter notes;
 - (l) Documentation of missed appointments and efforts to contact and reengage the individual;
 - (m) Documentation of any personal articles of the individual held by the provider for safekeeping and any statements acknowledging receipt of the property;
 - (n) Documentation of all referrals to other agencies and the outcome of such referrals if known;
 - (o) Documentation establishing all attempts to acquire necessary and relevant information from other sources;
 - (p) Pertinent information reported by the individual, family members, or significant others regarding a change in the individual's condition and/or an unusual or unexpected occurrence in the individual's life;
 - (q) Drug test results and incidents of drug use;
 - (r) Discharge summary and aftercare plan;
 - (s) Outcomes of care and follow-up data concerning outcomes of care;
 - (t) Documentation of correspondence including with other medical providers, community providers, human services, social service, and criminal justice entities pertaining to an individual's treatment and follow-up services; and

- (u) Documentation of an individual’s legal guardian, as applicable.

8024 BEHAVIORAL HEALTH STABILIZATION PROGRAMS: GENERAL REQUIREMENTS

8024.1 All behavioral health stabilization programs shall, at a minimum, assess individuals during intake to determine if the individual may suffer from a mental illness or SUD. Assessment shall include an initial health screening that incorporates the following, as applicable:

- (a) Presenting problem, including source of distress, precipitating events, associated problems or symptoms, and recent progression;
- (b) Immediate risks for self-harm, suicide and violence;
- (c) Past and present substance use;
- (d) Immediate risks related to serious intoxication or withdrawal;
- (e) Past and present mental disorders, including posttraumatic stress disorder (“PTSD”) and other anxiety disorders, mood disorders, and eating disorders;
- (f) Past and present experience of violence and trauma, including sexual victimization and interpersonal violence;
- (g) Legal history, including whether an individual is court-ordered to treatment or under the supervision of the Department of Corrections; and
- (h) Employment and housing status.

8024.2 If an individual screens positive for SUD, the provider shall do the following:

- (a) Offer the opportunity for the individual to receive SUD treatment in addition to behavioral health stabilization services, if the provider also offers the applicable services. If the individual declines, the provider shall make referrals for the individual to receive SUD treatment at another qualified provider; or
- (b) If the provider does not offer treatment for SUD, the provider shall ensure the individual is referred to an appropriate SUD provider.

8024.3 A certified provider shall not deny admission for services to an individual because that individual is receiving MAT services.

8024.4 Each provider shall ensure that all staff comply with all Federal and District laws and regulations pertaining to scope of practice, licensing requirements, and supervision requirements.

8024.5 Behavioral health stabilization facilities’ physical design and structure shall have

sufficient area(s) for indoor social and recreational activities.

- 8024.6 Behavioral health stabilization providers shall comply with all construction codes housing codes and zoning requirements applicable to the facility, including all Certificate of Occupancy, BBL, and Construction Permit requirements.
- 8024.7 Each newly established behavioral health stabilization provider shall provide proof of a satisfactory pre-certification inspection by DCRA for initial certification, dated not more than forty-five (45) calendar days prior to the date of submission to the Department, including proof that the provider is in compliance with the District of Columbia Property Maintenance Code (12-G DCMR) and Housing Code (14 DCMR), documentation of the inspection date, findings and proof of abatement certified by DCRA of all deficiencies identified during the inspection (as applicable). This requirement may be met by submission of a Certificate of Occupancy or a BBL dated within the past six (6) months, provided that the applicant can demonstrate that DCRA performed an onsite inspection of the premises.
- 8024.8 A provider that offers overnight accommodations shall not operate more beds than the number for which it is authorized by the Department.
- 8024.9 Other than routine household duties, no individual shall be required to perform unpaid work.
- 8024.10 Each behavioral health stabilization program shall have rules consistent with this chapter and that include rules concerning the following, as appropriate:
- (a) The use of tobacco, alcohol, and other substances;
 - (b) The use of the telephone;
 - (c) Utilizing, viewing, or listening to cell phones, television, radio, computers, CDs, DVDs, or other media such as social media;
 - (d) Movement of individuals in and out of the facility, including a requirement for escorted movements by program staff or another agency-approved escort;
 - (e) A policy that addresses search and drug testing upon return to the site; and
 - (f) The prohibition of sexual relations between staff or volunteers and individuals served.
- 8024.11 Each provider shall make available the rules defined in §8024.10.
- 8024.12 A program that provides overnight accommodations shall ensure that evening and overnight shifts have at least two (2) staff members on duty. A clinician shall be on-call or on-site at all times.

- 8024.13 Each provider shall operate according to all applicable Federal and District laws and regulations relating to fraud, waste, and abuse in health care, the provision of mental health services and the Medicaid program. A provider's failure to report potential or suspected fraud, waste or abuse may result in sanctions, cancellation of a contract, or exclusion from participation as a behavioral health stabilization provider. Each provider shall:
- (a) Cooperate and assist any District or Federal agency charged with the duty of identifying, investigating, or prosecuting suspected fraud, waste or abuse;
 - (b) Provide the Department with regular access to the provider's medical and billing records, including electronic medical records, within twenty-four (24) hours of a Departmental request, or, immediately in the case of emergency;
 - (c) Be responsible for promptly reporting suspected fraud, waste, or abuse to the Department, taking prompt corrective actions consistent with the terms of any contract or subcontract with the Department, and cooperating with DHCF or other governmental investigations; and
 - (d) Ensure that none of its practitioners have been excluded from participation as a Medicaid or Medicare provider. If a practitioner is determined to be excluded by the Center for Medicare and Medicaid Services ("CMS"), the provider shall notify the Department immediately.
- 8024.14 Each provider shall establish and adhere to policies and procedures requiring the provider to make language access services available at no cost as needed for Limited or Non-English proficient individuals, ("Language Access Policy"). The Language Access Policy shall:
- (a) Document primary language information in an individual's clinical record at the point of entry, if known, with notations on how to engage the individual in communication if unknown;
 - (b) Arrange for the provision of language access services at no cost to Limited or Non-English proficient individual;
 - (c) Ensure public notices regarding language access services are posted in regularly encountered waiting rooms, reception areas, and other areas of initial contact;
 - (d) Ensure that the public is aware of language interpretation services;
 - (e) Provide a quarterly report on the number of enrolled individuals who receive language access services to the Department's Language Access Coordinator. The information shall include the following information:

- (i) The number of individuals who have Limited or Non-English proficiency, and the languages spoken;
 - (ii) The frequency with which Limited or Non-English proficient individuals come into contact with the provider; and
 - (iii) The number and types of languages spoken by agency staff.
- (f) Provide annual training to all public access staff on how to provide ongoing language services; and
 - (g) Ensure immediate notification of the DBH Language Access Coordinator when unable to meet language access needs.

8024.15 The Language Access Policy shall allow staff and contractors who do not possess valid certification from the Registry of Interpreters for the Deaf to be credentialed based on skills in mental health interpreting gained through supervised experience. For purposes of this rule, supervised experience shall include supervision by an interpreter certified by the National Registry of Interpreters for the Deaf and ongoing training in sign language interpreting, preferably related to mental health, and may include on-the-job learning prior to employment by the provider.

8024.16 Each provider shall utilize a Tele Typewriter (“TTY”) communications line (or an equivalent) to enhance the provider’s ability to respond to service requests and needs of individuals. Provider staff shall be trained in the use of such communication devices as part of the annual language access training.

8024.17 Each provider shall establish and adhere to anti-discrimination policies and procedures relative to hiring, promotion, and provision of services to individuals that comply with applicable Federal and District laws and regulations (“Anti-Discrimination Policy”).

8025 COMPREHENSIVE PSYCHIATRIC EMERGENCY PROGRAM (CPEP) REQUIREMENTS

8025.1 A comprehensive psychiatric emergency program (“CPEP”) shall directly provide or ensure the provision of psychiatric emergency services, which shall include assessments, brief and extended stabilization visits, and extended observation visits for individuals eighteen (18) years of age and older experiencing a behavioral health crisis.

8025.2 Psychiatric emergency services shall be provided by the CPEP twenty-four (24) hours per day, seven (7) days per week year-round. Services shall include psychiatric and medical evaluations and assessments which are used to determine the appropriateness of admission to and retention in the CPEP.

8025.3 A CPEP shall not operate more than sixteen (16) beds.

8025.4 Each CPEP shall permit, as appropriate, each individual served to bring reasonable

- personal possessions, including clothing and personal articles, to the facility unless the provider demonstrates that it is not practical, feasible, or safe.
- 8025.5 Each CPEP shall, as appropriate, provide individuals with access to reasonable individual storage space for private use.
- 8025.6 Upon an individual's discharge, the CPEP shall return, as appropriate, to the individual or the individual's representative any personal articles held by the provider for safekeeping. The provider shall also ensure that the individual is permitted to take all of their personal possessions from the facility. The provider may require the individual or the individual's representative to sign a statement acknowledging receipt of the property. A copy of that receipt shall be placed in the individual's record.
- 8025.7 Each CPEP shall maintain, as appropriate, a separate and accurate record of all funds that the individual, individual's representative or representative payee deposits with the provider for safekeeping. This record shall include the signature of the individual for each withdrawal and the signature of facility staff for each deposit and disbursement made on behalf of an individual served.
- 8025.8 Each CPEP shall be equipped with a functioning landline or mobile telephone for use by individuals served, as appropriate. The telephone numbers shall be provided to residents and to the Department.
- 8025.9 Each CPEP shall ensure each individual's privacy and safety in the bathroom.
- 8025.10 Each CPEP shall ensure that individuals can access all scheduled or emergency medical and dental appointments.
- 8025.11 Each CPEP shall inventory each individual's personal property, secure any valuables and medications, and maintain a current written inventory of secured property. Each CPEP shall ensure that both the staff and individual (and guardian as appropriate) sign the written inventory. The CPEP shall provide a copy of the written inventory to the individual (or guardian, as appropriate) upon request copy of which shall be provided, signed by the individual and staff, to the individual. The written inventory shall note any personal articles to be held by the provider for safekeeping.
- 8025.12 Each CPEP shall take appropriate measures to safeguard and account for personal property brought into the facility.
- 8025.13 Each item of bed linen, towel, and washcloth shall be changed and cleaned as often as necessary to maintain cleanliness.
- 8025.14 Each CPEP shall offer at least three (3) meals per day and in-between-meal snacks that:
- (a) Are nourishing and well-balanced in accordance with dietary guidelines established by the United States Department of Agriculture;
 - (b) Are suited to the special needs of each individual; and

- (c) Are adjusted for seasonal changes and allow for the use of fresh fruits and vegetables.
- 8025.15 Each meal shall be scheduled so that the maximum interval between each meal is no more than six (6) hours, with no more than fourteen (14) hours between a substantial evening meal and breakfast the following day.
- 8025.16 If an individual refuses food or misses a scheduled meal, the CPEP shall offer appropriate food substitutions of comparable nutritional value.
- 8025.17 If an individual will be away from the CPEP during mealtime for necessary medical care, work, or other scheduled appointments, the program shall provide an appropriate meal and in-between-meal snack for the individual to carry with him or her and shall ensure that the meal is nutritious as required by these rules and suited to the individual's special needs.
- 8025.18 A CPEP shall implement a written Nutritional Standards Policy that outlines their procedures to meet the dietary needs of the individuals in its program, ensuring access to nourishing, well-balanced, and healthy meals. The policy shall identify the methods and parties responsible for food procurement, storage, inventory, and preparation.
- 8025.19 The Nutritional Standards Policy shall include procedures for individuals unable to have a regular diet as follows:
- (a) Providing clinical diets for medical reasons, when necessary;
 - (b) Recording clinical diets in the individual's record;
 - (c) Providing special diets for individuals' religious needs; and
 - (d) Maintaining menus of special diets or a written plan stating how special diets will be developed or obtained when needed.
- 8025.20 A CPEP shall make reasonable efforts to prepare meals that consider the cultural background and personal preferences of the individuals.
- 8025.21 Any individual with a need for medical or surgical care or treatment which cannot be provided in the CPEP shall be transported to a hospital for appropriate observation and treatment.
- 8025.22 Any CPEP certified pursuant to this chapter shall receive and retain voluntary and involuntarily admissions for any individual experiencing a behavioral health crisis that is likely to result in serious harm to the individual or others and for whom immediate observation, care, and treatment in the CPEP is appropriate. No individual may be involuntarily retained in a CPEP for more than twenty-four (24) hours unless the individual is admitted for extended observation in accordance with § 8025.29(c).
- 8025.23 The CPEP shall develop a contingency plan with other local affiliated hospitals,

emergency medical services, and law enforcement for the diversion of admissions during periods of high demand and overcrowding.

- 8025.24 The CPEP clinical director or their designee may prevent new admissions to the CPEP emanating from emergency medical services, ambulance services, and law enforcement if the program's ability to deliver quality service would be jeopardized. The CPEP clinical director or their designee shall review the continued necessity for such prevention at least once every twenty-four (24) hours.
- 8025.25 In order to assure that individuals admitted to the CPEP are adequately supervised and are cared for in a safe and therapeutic manner, the CPEP shall meet each of the following requirements:
- (a) Appropriate professional staff shall be available to assist in emergencies on at least an on-call basis at all times; and
 - (b) A psychiatrist shall be available on-site at all times.
- 8025.26 A CPEP shall continuously employ an adequate number of staff and an appropriate staff composition to carry out its goals and objectives as well as to ensure the continuous provision of sufficient ongoing and emergency supervision. A CPEP shall submit a staffing plan to the Department as part of its certification and recertification process, which shall include the qualifications and duties of each staff position by title. The staffing plan and its rationale shall be subject to approval by the Department.
- 8025.27 The CPEP shall have on-site the following types and numbers of staff:
- (a) At least one (1) board-certified or board-eligible psychiatrist (24-hour coverage);
 - (b) At least two (2) registered nurses (24-hour coverage);
 - (c) At least one (1) clinician licensed to practice independently in the District of Columbia (at minimum during business hours);
 - (d) At least two (2) staff to provide mental health counseling services who at a minimum meet the qualifications described in §§ 8025.39 or 8025.40 (24-hour coverage); and
 - (e) A sufficient number of security personnel (24-hour coverage).
- 8025.28 A CPEP shall only use restraint and seclusion in compliance with all governing Federal and District laws and regulations.
- 8025.29 A CPEP shall provide the following array of visits in accordance with the individual's needs:
- (a) Brief psychiatric crisis visit:

- (i) A brief psychiatric crisis visit includes a face-to-face interaction between an individual experiencing a behavioral health crisis and CPEP staff operating within the scope of their licensure to determine the services required. It shall include a mental health diagnostic examination, and, as appropriate, treatment interventions on the individual's behalf and a discharge plan. Other activities include medication monitoring, observation, and care coordination with other providers.
 - (ii) A brief psychiatric crisis visit requires documentation using at least one encounter note explaining the array of services provided during the visit.
 - (iii) A brief psychiatric crisis visit may last up to four (4) hours. If an individual cannot be reasonably treated and discharged in less than four (4) hours, the individual shall be admitted to an extended psychiatric crisis visit in accordance with § 8025.29(b).
- (b) Extended psychiatric crisis visit:
- (i) An extended psychiatric crisis visit includes a face-to-face interaction between an individual experiencing a behavioral health crisis and CPEP staff operating within the scope of their licensure to determine the services required. It shall include a psychiatric or mental health diagnostic examination; psychosocial assessment; and medical examination; which results in a comprehensive psychiatric emergency treatment plan and a discharge plan. Other activities include any clinically indicated examinations and assessments as appropriate for the individual's presenting problems, medication monitoring, observation, and care coordination with other providers.
 - (ii) An extended psychiatric crisis visit requires documentation using at least one encounter note explaining the array of services provided during the visit.
 - (iii) An extended psychiatric crisis visit may last up to twenty-four (24) hours. If an individual cannot be reasonably treated and discharged in that time, the individual shall be admitted to an extended observation visit in accordance with § 8025.35(c).
- (c) Extended observation visit:
- (i) An extended observation visit includes a face-to-face interaction between an individual experiencing a behavioral health crisis and CPEP staff operating within the scope of their licensure to determine the services required. This shall include a psychiatric or mental health diagnostic examination; psychosocial assessment; and medical

examination; which results in a comprehensive psychiatric emergency treatment plan and a discharge plan. Other activities include any clinically indicated examinations and assessments as appropriate for the individual's presenting problems, medication monitoring, observation, and care coordination with other providers.

- (ii) An extended observation visit requires documentation using at least one encounter note explaining the array of services provided during the visit.
- (iii) An extended observation visit is used for individuals retained in a CPEP for more than twenty-four (24) hours but not to exceed seventy-two (72) hours, voluntarily or involuntarily. If an individual cannot be reasonably treated and discharged in that time, the individual shall be transferred to a hospital for inpatient treatment.

8025.30 Brief psychiatric visits, extended psychiatric visits, and extended observation visits shall not be billed on the same day as one another.

8025.31 The duration of psychiatric emergency services varies with the severity of the individual's symptoms and their response to treatment but shall not last more than seventy-two (72) hours in total at a CPEP.

8025.32 Qualified Practitioners of services delivered in accordance with brief psychiatric visits, extended psychiatric visits, and extended observation visits and within their scope of practice are:

- (a) Psychiatrists;
- (b) Physicians;
- (c) Psychologists;
- (d) LICSWs;
- (e) APRNs;
- (f) RNs;
- (g) PAs;
- (h) LISWs;
- (i) LPCs;
- (j) LGSWs;
- (k) LGPCs;

- (l) Psychology Associates;
 - (m) Certified Peer Specialists; and
 - (n) Certified Recovery Coaches.
- 8025.33 Credentialed staff shall be permitted to provide CPEP services under the supervision of an independently licensed practitioner.
- 8025.34 Discharge planning shall be conducted for all individuals discharged from a CPEP who require additional mental health services after a brief or extended psychiatric visit and individuals admitted to extended observation beds who require additional mental health services. Discharge planning criteria shall include at least the following activities prior to discharge from the CPEP:
- (a) A review of the individual's psychiatric, social, and physical needs;
 - (b) Completion of referrals to appropriate community services providers, where the individual so desires, to address the individual's identified needs;
 - (c) If the individual so desires, the CPEP shall arrange for appointments with community providers which shall be made as soon as possible after release from the CPEP; and
 - (d) The CPEP shall give each individual the opportunity to participate in the development of his or her discharge plan, including development of a crisis plan. With the consent of the individual and when clinically appropriate, the CPEP shall make reasonable attempts to contact family members for their participation in the discharge planning process. However, no individual or family member shall be required to agree to a discharge. The CPEP shall make a notation in the individual's record if any objection is raised to the discharge plan.

8026 PSYCHIATRIC CRISIS STABILIZATION PROGRAM REQUIREMENTS

- 8026.1 Psychiatric crisis stabilization services offer therapeutic, community-based, home-like treatment for individual age eighteen (18) or older living in the community; who are in need of support to ameliorate psychiatric symptoms; who are voluntary; and, based upon a psychiatric assessment conducted on-site, are deemed appropriate for residential services within a structured, closely monitored temporary setting.
- 8026.2 Psychiatric crisis stabilization services shall provide an opportunity for individuals to move out of a stressful situation into a safe and secure therapeutic environment in order to prevent acute psychiatric hospitalization or to maintain stabilization following a hospital stay.
- 8026.3 Psychiatric crisis stabilization programs shall ensure that all referrals are screened by a psychiatrist upon admission and that there is documented evidence of the need for

psychiatric crisis stabilization services.

- 8026.4 Each program shall be equipped, furnished, and maintained to provide a functional, safe, and comfortable home-like setting.
- 8026.5 Psychiatric crisis stabilization programs shall permit, as appropriate, each individual served to bring reasonable personal possessions, including clothing and personal articles, to the facility unless the provider demonstrates that it is not practical, feasible, or safe.
- 8026.6 Each program shall, as appropriate, provide individuals with access to reasonable individual storage space for private use.
- 8026.7 Upon an individual's discharge, the provider shall return to the individual or the individual's representative as appropriate, any personal articles held by the provider for safekeeping. The provider shall also ensure that the individual is permitted to take all of their personal possessions from the facility. The provider may require the individual or the individual's representative to sign a statement acknowledging receipt of the property. The provider shall place a copy of that in the individual's record.
- 8026.8 Each program shall maintain, as appropriate, a separate and accurate record of all funds that the individual, individual's representative or representative payee deposits with the provider for safekeeping. This record shall include the signature of the individual for each withdrawal and the signature of facility staff for each deposit and disbursement made on behalf of an individual served.
- 8026.9 Each program site shall be equipped with a functioning landline or mobile telephone for use by individuals served, as appropriate. The telephone numbers shall be provided to residents and to the Department.
- 8026.10 Staff break rooms shall be separate from resident bedrooms.
- 8026.11 Each program site shall have a functioning doorbell or knocker.
- 8026.12 Each bedroom shall comply with the space and occupancy requirements for habitable rooms in 14 DCMR § 402.
- 8026.13 The provider shall ensure each individual has the following items:
- (a) A bed, which is not a cot;
 - (b) A mattress that was new when purchased by the provider, has a manufacturer's tag or label attached to it, and is in good, intact condition with unbroken springs and clean surface fabric;
 - (c) A bedside table or cabinet and an individual reading lamp with at least a seventy-five (75) watt, or its LED light bulb equivalent, rate of capacity;

- (d) Storage space in a stationary cabinet, chest, or closet that provides at least one (1) cubic foot of space for each individual served for valuables and personal items;
 - (e) Sufficient suitable storage space, including a dresser and closet space, for personal clothing, shoes, accessories, and other personal items; and
 - (f) A waste receptacle and clothes hamper with lid.
- 8026.14 Each bed shall be placed at least three (3) feet from any other bed and from any uncovered radiator.
- 8026.15 Each bedroom shall have direct access to a major corridor and at least one (1) window to the outside, unless DCRA, or a successor agency responsible for enforcement of the D.C. Housing Code, has determined that it otherwise meets the lighting and ventilation requirements of the D.C. Housing Code for habitable rooms.
- 8026.16 Each facility housing a residential program shall provide one (1) or more bathrooms for individuals that are equipped with the following fixtures, properly installed and maintained in good working condition:
- (a) Toilet (water closet);
 - (b) Sink (lavatory);
 - (c) Shower or bathtub with shower, including a handheld shower; and
 - (d) Grab bars in showers, bathtubs, and by the toilets.
- 8026.17 Each program site shall provide at least one (1) bathroom for each six (6) occupants in compliance with 14 DCMR § 602.
- 8026.18 Each bathroom shall be adequately equipped with the following:
- (a) Toilet paper holder and toilet paper;
 - (b) Paper towel holder and paper towels or clean hand towels;
 - (c) Soap;
 - (d) Mirror;
 - (e) Adequate lighting;
 - (f) Waste receptacle;
 - (g) Floor mat;
 - (h) Non-skid tub mat or decals; and

- (i) Shower curtain or shower door.
- 8026.19 The provider shall ensure each individual's privacy and safety in the bathroom.
- 8026.20 Each residential program shall promote each individual's participation and skill development in menu planning, shopping, food storage, and kitchen maintenance, if appropriate.
- 8026.21 Each residential program shall provide appropriate equipment (including a washing machine and dryer) and supplies on the premises or through a laundry service to ensure sufficient clean linen and the proper sanitary washing and handling of linen and the individual's personal clothing.
- 8026.22 Each program shall ensure that every individual has at least three (3) washcloths, two (2) towels, two (2) sheet sets that include pillow cases, a bedspread, a pillow, a blanket, and a mattress cover in good and clean condition.
- 8026.23 Each blanket, bedspread, and mattress cover shall be cleaned regularly, whenever soiled, and before being transferred from one resident to another.
- 8026.24 Each piece of bed linen, towel, and washcloth shall be changed and cleaned as often as necessary to maintain cleanliness, provided that all towels and bed linen shall be changed at least once each week.
- 8026.25 Only individuals being served and staff members may reside at each program site.
- 8026.26 Providers shall ensure that individuals can access all scheduled or emergency medical and dental appointments.
- 8026.27 Each provider shall inventory each individual's personal property and secure any valuables and medications, etc., and maintain a current written inventory of secured property, a copy of which shall be provided, signed by the individual and staff, to the individual.
- 8026.28 Each provider shall take appropriate measures to safeguard and account for personal property brought into the facility by a resident.
- 8026.29 Each provider shall provide the individual, or the individual's representative, with a receipt for any personal articles to be held by the provider for safekeeping. The provider shall document the date that the personal articles were deposited with the provider and maintain a record of all articles held for safekeeping.
- 8026.30 Each piece of bed linen, towel, and washcloth shall be changed and cleaned as often as necessary to maintain cleanliness, provided that all towels and bed linen shall be changed at least once each week.

- 8026.31 No person who is not an individual served by the program, staff member, or child of an individual served by the program may reside at a facility that houses a residential program.
- 8026.32 Each residential program shall have a licensed dietitian or nutritionist available, a copy of whose current license shall be maintained on file, to provide the following services:
- (a) Review and approval of menus;
 - (b) Education for individuals with nutrition deficiencies or special needs;
 - (c) Coordination with medical personnel, as appropriate; and
 - (d) A nutritional assessment for each individual within three (3) calendar days of admission unless the individual has a current assessment or doctor's order for dietary guidelines.
- 8026.33 The provider shall offer at least three (3) meals per day and in-between-meal-snacks that:
- (a) Are nourishing and well-balanced in accordance with dietary guidelines established by the United States Department of Agriculture;
 - (b) Are suited to the special needs of each individual; and
 - (c) Are adjusted for seasonal changes and allow for the use of fresh fruits and vegetables.
- 8026.34 The provider shall ensure that menus are written on a weekly basis, that the menus provide for a variety of foods at each meal, and that menus are varied from week to week. Menus shall be posted for the individuals' review.
- 8026.35 The provider shall retain a copy of each weekly menu for a period of six (6) months. The menus retained shall include special diets and reflect meals as planned and as actually served, including handwritten notations of any substitutions. The provider shall also retain receipts and invoices for food purchases for six (6) months. The records required to be retained by this subsection are subject to review by the Department.
- 8026.36 Each meal shall be scheduled so that the maximum interval between each meal is no more than six (6) hours, with no more than fourteen (14) hours between a substantial evening meal and breakfast the following day.
- 8026.37 If an individual refuses food or misses a scheduled meal, the provider shall offer appropriate food substitutions of comparable nutritional value.

- 8026.38 If an individual will be away from the program during mealtime for necessary medical care, work, or other scheduled appointments, the program shall provide an appropriate meal and in-between-meal snack for the individual to carry with him or her and shall ensure that the meal is nutritious as required by these rules and suited to the special needs of the individual.
- 8026.39 A residential program providing meals shall implement a written Nutritional Standards Policy that outlines their procedures to meet the dietary needs of the individuals in its program, ensuring access to nourishing, well-balanced, and healthy meals. The policy shall identify the methods and parties responsible for food procurement, storage, inventory, and preparation.
- 8026.40 The Nutritional Standards Policy shall include procedures for individuals unable to have a regular diet as follows:
- (a) Providing clinical diets for medical reasons, when necessary;
 - (b) Recording clinical diets in the individual's record;
 - (c) Providing special diets for individuals' religious needs; and
 - (d) Maintaining menus of special diets or a written plan stating how special diets will be developed or obtained when needed.
- 8026.41 A program shall make reasonable efforts to prepare meals that consider the cultural background and personal preferences of the individuals.
- 8026.42 Meals shall be served in a pleasant, relaxed dining area.
- 8026.43 The dining area shall have a sufficient number of tables and chairs to seat all individuals residing in the facility at the same time. Dining chairs shall be sturdy, non-folding, without rollers unless retractable, and designed to minimize tilting.
- 8026.44 Upon admission, a program shall submit new or revised Plan of Care, along with a Discharge Plan, to the Department with the authorization request.
- 8026.45 Psychiatric crisis stabilization programs shall provide the following services necessary to assess, treat, medicate, and stabilize residents:
- (a) Comprehensive Nursing Assessment and Plan of Care:
 - (i) Programs shall provide or ensure a comprehensive health assessment is completed within twenty-four (24) hours of admission in order to determine medical necessity for primary health care and coordinate care with the health care provider;
 - (ii) A nurse shall perform ongoing assessment of individuals as clinically indicated. A nurse shall coordinate development of a new or revised Plan

of Care, and monitor that care is rendered as outlined in the Plan of Care. A nurse shall perform medication evaluations, including the administration and monitoring of medications, obtaining consent to accept medications, and educating individuals as to the benefits, risks, and side effects of the medications prescribed. If an individual experiences a change in clinical status, the nurse must work with the on-call psychiatrist regarding a change in Plan of Care;

- (iii) Pursuant to the requirements set forth in 22-A DCMR §§ 3411 and 3412:
 - (A) CSAs, ACT providers, or CBI providers shall coordinate the Plan of Care for individuals enrolled in MHRS; and
 - (B) For individuals only receiving Clubhouse services, who are not linked with a CSA, ACT provider, or CBI provider, the Clubhouse shall coordinate the Plan of Care;
 - (iv) Services provided at a psychiatric crisis stabilization program shall be coordinated with the individual's assigned CSA, ACT provider, CBI provider, or Clubhouse provider (whichever is applicable), to ensure continuity of care; and
 - (v) If the individual is not yet enrolled with a CSA, ACT provider, or CBI provider; or is only enrolled with a Clubhouse provider, the psychiatric crisis stabilization provider shall work with the Department to enroll in MHRS services and establish a new Plan of Care.
- (b) Psychiatric Consultation and Assessment:
- (i) A psychiatrist shall be available for consult by telephone twenty-four (24) hours per day, seven (7) days per week year-round. A psychiatrist shall be available on-site at least part-time (fifteen [15] hours per week);
 - (ii) A psychiatric assessment shall be performed within twenty-four (24) hours of admission;
 - (iii) A psychiatrist shall provide ongoing psychiatric management for the duration of an individual's stay. A psychiatrist shall conduct a review of a newly admitted individual's status after forty-eight (48) hours, and then every seventy-two (72) hours thereafter, at a minimum, unless there is a change of status that requires more frequent visits;
 - (iv) A psychiatrist shall perform medication evaluations, including the prescribing, monitoring, and titration of medications; including obtaining consent to accept medications and educating individuals as to the benefits, risks, and side effects of the medications prescribed;

- (v) A psychiatrist shall facilitate admission of individuals to inpatient settings as required; and
 - (vi) A psychiatrist shall oversee the clinical care of all individuals served in a psychiatric crisis stabilization program.
- (c) **Crisis Counseling:** Crisis counseling is immediate and short-term psychological care designed to assist individuals in a behavioral health crisis situation. Crisis counseling focuses on minimizing the stress of the precipitating event, providing emotional support, and improving the individual's coping strategies.
- (d) **Medication Monitoring:** This includes monitoring the side effects and interactions of medication and the adverse reactions which an individual may experience, and providing education and direction for symptom and medication self-management.
- (e) Discharge planning shall be conducted for all individuals discharged from a psychiatric crisis stabilization program. Discharge planning criteria shall include at least the following activities prior to discharge from the program:
- (i) A review of the individuals' psychiatric, social, and physical needs;
 - (ii) Completion of referrals to appropriate community services providers, where the individual so desires, to address the individual's identified needs;
 - (iii) If the individual so desires, the provider shall arrange for appointments with community providers which shall be made as soon as possible after leaving the psychiatric crisis stabilization program. When an appointment for behavioral health services cannot be made within a reasonable period of time, the psychiatric crisis stabilization provider shall coordinate with a mobile crisis and outreach team to provide crisis stabilization services until the initial appointment occurs; and
 - (iv) Each individual shall be given the opportunity to participate in the development of his or her discharge plan. If clinically appropriate, the provider shall immediately and intensely engage the individuals' family and community supports in post-discharge planning. However, no person or family member shall be required to agree to an individual's discharge. The provider shall note any person who objects to the individual's discharge plan or any part thereof in the individual's record.

- 8026.46 Qualified practitioners of psychiatric crisis stabilization services in accordance with this chapter and with their scope of practice are:
- (a) Psychiatrists;
 - (b) Psychologists;
 - (c) LICSWs;
 - (d) APRNs;
 - (e) RNs;
 - (f) PAs;
 - (g) LISWs;
 - (h) LPCs;
 - (i) Psychology Associates;
 - (j) LGSWs; and
 - (k) LGPCs.
- 8026.47 Credentialed staff shall be permitted to provide psychiatric crisis stabilization services under the supervision of an independently licensed practitioner.

8027 ADULT MOBILE CRISIS AND OUTREACH PROGRAMS

- 8027.1 Mobile crisis and outreach providers, or community response teams (“teams”), shall be dispatched into a home or community setting where a crisis may be occurring to begin the process of assessment and treatment. Teams shall provide acute behavioral health crisis interventions and behavioral health outreach services to individuals in the community while minimizing the individual’s involvement as appropriate with law enforcement, emergency room use, or hospitalizations.
- 8027.2 Crisis intervention services provide rapid response, assessment, and treatment of behavioral health crisis situations that involve adults.
- 8027.3 Behavioral health outreach services identify individuals in the community who need behavioral health and other social services. Providers make repeated visits to individuals to build relationships and connect them to needed services.
- 8027.4 Teams shall identify individuals in need of behavioral health services and begin the process of engaging them in treatment, including screening for mental health and substance use service needs, developing rapport, support while assisting with immediate needs, and referrals to appropriate resources. Teams shall assist with

connections to treatment, care coordination, and other social services as required. Teams shall also administer First Aid, CPR, and naloxone as appropriate.

- 8027.5 Teams shall be available on-call twenty-four (24) hours per day, seven (7) days per week and shall be staffed with two (2) individuals per team at all times pursuant to § 8027.12, one (1) of whom must be licensed. In the event services are needed to complete an FD-12, only one (1) DBH-certified officer-agent need participate.
- 8027.6 Teams shall serve all who present for services, regardless of insurance status or ability to pay.
- 8027.7 Teams shall offer services in a community setting, including the individual's home, on the streets, residential facilities, hospitals, and nursing homes, for assessing the individual's immediate behavioral health needs.
- 8027.8 Each provider shall establish and adhere to policies and procedures which govern the provision of services in natural settings ("Natural Settings Policy"), including the individual's home or community setting. The Natural Settings Policy shall require the provider to document how it respects individual's and families' rights to privacy and confidentiality when services are provided in natural settings.
- 8027.9 Teams shall include co-response with local law enforcement as appropriate.
- 8027.10 An Officer Agent shall complete and follow all FD-12 protocol for individuals who appear to be in imminent danger of harming themselves or others due to mental illness.
- 8027.11 Adult mobile crisis and outreach providers shall ensure all team members participate in the Department's Officer Agent training.
- 8027.12 Adult mobile crisis and outreach programs shall provide the following services:
- (a) Mobile crisis interventions, subject to the following provisions:
 - (i) Rapid response, assessment, and resolution of behavioral health crisis situations involving adults. Services shall optimize clinical interventions by meeting individuals in home or community settings.
 - (ii) Face-to-face or telephonic service provided to individuals involved in an active behavioral health crisis. The provider shall rapidly respond to, evaluate and screen the presenting situation, assist in immediate stabilization and resolution, reduce the risk of immediate danger to the individual or others, and ensure necessary referrals for the individual's access to care at the appropriate level.
 - (iii) Mobile crisis interventions that are short-term and provide follow-up stabilization services, including additional therapeutic responses as needed, psychiatric consultation, and referrals and linkages to all medically necessary behavioral health services and supports.

- (iv) Mobile crisis intervention activities shall also include, as appropriate:
 - (A) Screening for eligibility and referral for SUD and/or mental health services;
 - (B) Pre-arrest diversion;
 - (C) Development of a safety plan or crisis diversion plan;
 - (D) Linkage to additional stabilization services;
 - (E) Secure access to higher levels of care; and
 - (F) Assistance identifying natural supports and community supports during a crisis.
- (v) Mobile crisis intervention services require documentation using at least one (1) encounter note explaining the array of services provided during the service.
- (b) Behavioral health outreach services, subject to the following provisions:
 - (i) The behavioral health outreach service shall include an initial evaluation and assessment for individuals in the community who are unable or unwilling to use clinic- or hospital-based services, or for individuals for whom hospitalization is not clinically appropriate. Other activities include linkages to other services or providers; providing emotional support; life skills education; and therapeutic interventions as appropriate.
 - (ii) Teams shall offer these services in a community setting, including the individual's home and on the streets.
 - (iii) Behavioral health outreach encounters shall also include, as appropriate:
 - (A) Linkage to relevant insurance and public assistance programs;
 - (B) Counseling;
 - (C) Recovery coaching; and/or
 - (D) Screening for eligibility and referral for SUD and/or mental health services.
 - (iv) Behavioral health outreach services require documentation using at least one (1) encounter note explaining the array of services provided during the service.

- 8027.13 Qualified practitioners of adult mobile crisis and behavioral health outreach services in accordance with this chapter and with their scope of practice are:
- (a) Physicians;
 - (b) Psychologists;
 - (c) LICSWs;
 - (d) APRNs;
 - (e) PAs;
 - (f) RNs;
 - (g) LISWs;
 - (h) LPCs;
 - (i) LMFTs;
 - (j) LGPCs;
 - (k) LGSWs;
 - (l) Psychology Associates;
 - (m) CACs I and II;
 - (n) Certified Peer Specialists;
 - (o) Certified Recovery Coaches;
 - (p) An individual with at least a bachelor's degree from an accredited college or university in social work, counseling, psychology, or closely related field, *and* training or relevant experience in substance use or mental health; or
 - (q) An individual with at least four (4) years of relevant, qualifying full-time-equivalent experience in behavioral health service delivery who demonstrates skills in developing positive and productive community relationships and the ability to negotiate complex service systems to obtain needed services and resources for individuals.
- 8027.14 Credentialed staff shall be permitted to provide psychiatric crisis stabilization services under the supervision of an independently licensed practitioner.

8028 YOUTH MOBILE CRISIS INTERVENTION PROGRAMS

- 8028.1 Youth mobile crisis intervention providers are dispatched into a home or community setting where children or youth may be experiencing a behavioral health crisis to begin assessment and treatment. Providers shall administer acute behavioral health crisis stabilization and psychiatric assessments to children, youth, and their families as necessary. Services shall be provided in the community, schools, or other settings as necessary, while avoiding unnecessary law enforcement involvement, emergency room use, or hospitalizations.
- 8028.2 Providers shall engage children and youth in treatment, including screening for mental health and SUD service needs, developing rapport, and providing support, while assisting with immediate needs and providing referrals to appropriate resources, including longer-term mental health or SUD rehabilitative services. Providers shall assist with connections to treatment, care coordination, and other social services as required.
- 8028.3 Youth mobile crisis intervention provider teams shall be available on-call twenty-four (24) hours per day seven (7) days per week year round. The youth mobile crisis intervention provider shall be staffed with two (2) individuals per team at all times pursuant to § 8028.15, one (1) of whom must be licensed. In the event services are needed to complete an FD-12, only one (1) DBH-certified officer-agent need participate. Youth mobile crisis intervention provider teams shall maintain sufficient resources and supports for communication and mobile capabilities. One (1) independently licensed practitioner must be available twenty-four (24) hours per day, seven (7) days per week. A psychiatrist shall be available by phone or for in-person assessment as needed and as clinically indicated.
- 8028.4 Youth mobile crisis intervention provider teams shall facilitate linkages to other social services, medical care, and any additional behavioral health services as needed. Youth mobile crisis provider teams shall assist families in enrolling children and youth in any other needed services in their community.
- 8028.5 Youth mobile crisis intervention provider teams shall offer services in a community setting, including the individual's home, on the streets, schools, residential facilities, hospitals, and nursing homes.
- 8028.6 Each provider shall establish and adhere to policies and procedures which govern the provision of services in natural settings ("Natural Settings Policy"), including the individual's home or community setting. The Natural Settings Policy shall require the provider to document how it respects individuals' and families' rights to privacy and confidentiality when services are provided in natural settings.
- 8028.7 An Officer Agent shall complete an FD-12 and follow all FD-12 protocol for individuals who appear to be in imminent danger of harming themselves or others due to mental illness.

- 8028.8 In addition to the provider and service requirements in this chapter, youth mobile crisis intervention providers are also responsible to:
- (a) Provide and maintain a crisis hotline to receive crisis calls directly by a live person, twenty-four (24) hours per day, seven (7) days per week year-round;
 - (b) Provide systematic response for crisis call intake, triage, and deployment determinations;
 - (c) Provide and fully document phone support, crisis consultation, information sharing, and follow-up to all calls that are not deployed;
 - (d) Maximize parent and caregiver in crisis intervention and any follow-up;
 - (e) Respond to calls for District youth placed in foster care homes in Virginia and Maryland that are within a fifty (50) mile radius of the District;
 - (f) Provide and document a follow-up contact, as clinically indicated, with the individual within 24 (twenty-four) hours of the initial call or deployment;
 - (g) Provide population-appropriate approaches for evaluation and assessment of children and youth experiencing a behavioral health crisis;
 - (h) Implement a standardized crisis assessment tool;
 - (i) Provide specialized clinical training in Crisis Theory, Risk Assessment, and Intervention for staff;
 - (j) Provide a minimum of two (2) Certified Peer Specialists;
 - (k) Attend all trainings the Department determines are relevant to the nature and scope of service;
 - (l) Minimize placement disruption;
 - (m) Provide children, youth, and their families with education on conflict resolution, triggers, coping skills, and problem-solving techniques;
 - (n) Develop a crisis, safety, and continuity of operations plan for deploying teams;
 - (o) Ensure all team members participate in the Department's Officer Agent training;
 - (p) Partner with mental health, substance use, and other community-based providers in the District;
 - (q) Provide access to psychiatric consultation by phone or in-person as needed;

- (r) If the youth is enrolled with a CSA and/or CBI provider, notify the CSA and/or CBI provider within twenty four (24) hours of the initial call or deployment and collaborate with the CSA and/or CBI provider thereafter; and
- (s) If the youth is not currently enrolled with a CSA and/or CBI provider, facilitate enrollment with a new CSA and/or CBI provider and initiate further assessment and corresponding treatment as clinically appropriate.

8028.9 Youth mobile crisis intervention programs shall provide the following service:

- (a) Mobile crisis interventions, subject to the following provisions:
 - (i) Mobile crisis interventions that provide rapid response, assessment, and resolution of behavioral health crisis situations that involve children, youth, and their families. Services shall optimize clinical interventions by meeting individuals in home or community settings and reducing the risk of immediate danger to the individual or others.
 - (ii) A mobile crisis intervention is a short-term, face-to-face, or telephonic service provided to individuals involved in an active behavioral health crisis and consists of any or all of the following activities:
 - (A) Rapid response to evaluate and screen the presenting situation;
 - (B) Therapeutic responses to de-escalate and stabilize the immediate behavioral health crisis;
 - (C) Referrals for the individual's access to appropriate care;
 - (D) Facilitate community tenure while the individual is waiting for a first visit with another provider;
 - (E) Crisis support in schools;
 - (F) Screening for eligibility and referral for SUD services;
 - (G) Psychiatric consultation;
 - (H) Development of a safety plan or crisis diversion plan;
 - (I) Linkage to additional stabilization services; and
 - (J) Assistance identifying natural supports and community supports during a crisis.

- 8028.10 Youth mobile crisis provider teams shall provide consultation, information, and ongoing follow-up to ensure individuals are provided the supports that best meet their needs. For calls that do not require deployment, the youth mobile crisis provider team shall continue to monitor whether deployment is necessary to prevent further disruption or crisis.
- 8028.11 Youth mobile crisis provider teams shall provide clear information to the caller on deployment availability and status, including estimated time for deployment. Teams shall respond to the scene of a crisis within one (1) hour of the time of the call for sites within the District and up to one hour (1) and forty-five (45) minutes of calls outside of the District.
- 8028.12 For children and youth in CFSA custody, teams shall coordinate with the assigned CFSA social worker, including but not limited to youth in the following situations:
- (a) Children and youth at risk of a placement disruption; and
 - (b) Children and youth at risk of acute care hospitalization.
- 8028.13 Qualified practitioners of youth mobile crisis outreach services in accordance with this chapter and with their scope of practice are:
- (a) Physicians;
 - (b) Psychologists;
 - (c) LICSWs;
 - (d) APRNs;
 - (e) PAs;
 - (f) RNs;
 - (g) LISWs;
 - (h) LPCs;
 - (i) LMFTs;
 - (j) LGPCs;
 - (k) LGSWs;
 - (l) Psychology Associates;
 - (m) CACs I and II;
 - (n) Certified Peer Specialists;

- (o) Certified Recovery Coaches;
- (p) An individual with at least a bachelor's degree from an accredited college or university in social work, counseling, psychology, or closely related field, *and* training or relevant experience in substance use or mental health; or
- (q) An individual with at least four (4) years of relevant, qualifying full-time-equivalent experience in behavioral health service delivery who demonstrates skills in developing positive and productive community relationships and the ability to negotiate complex service systems to obtain needed services and resources for individuals.

8028.14 Credentialed staff shall be permitted to provide youth mobile crisis services under the supervision of an independently licensed practitioner.

8029 REIMBURSEMENT

8029.1 Reimbursement rates using non-Medicaid local funds are equivalent to the reimbursement rates for equivalent services that may be reimbursable by Medicaid, pursuant to rates as established by the Department of Health Care Finance.

8030 NON-REIMBURSABLE SERVICES

8030.1 Services not covered as behavioral health stabilization services include, but are not limited to:

- (a) Room and board residential costs;
- (b) Inpatient hospital services, including hospital, nursing facility, intermediate care facility for individuals with intellectual disabilities, and institutions for mental diseases;
- (c) Transportation services;
- (d) Educational, vocational, and job training services;
- (e) Services rendered by parents or other family members;
- (f) Social or recreational services;
- (g) Universal screening and prevention services (other than those provided under Early and Periodic Screening, Diagnosis, and Treatment requirements);
- (h) Services that are not medically necessary;
- (i) Services that are not provided and documented in accordance with these certification standards;

- (j) Services that are not behavioral health stabilization services as described in these rules; and
- (k) Services furnished to persons other than the individual, when those services are not directed primarily to the well-being and benefit of the individual.

8099 DEFINITIONS

Assertive Community Treatment Provider (“ACT provider”) – A Department-certified provider that has entered into a Human Care Agreement with the Department to provide Assertive Community Treatment services in accordance with the requirements of 22-A DCMR Chapter 34.

Advanced Practice Registered Nurse (“APRN”) – A person licensed or authorized to practice as an advanced practice registered nurse pursuant to the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2019 Supp.)).

Affiliation Agreement – A legal agreement between a provider and another entity that describes how they will work together to benefit individuals served.

Aftercare Plan – A plan developed with an individual and their treatment team to identify goals and action steps the individual can use to move forward once they leave treatment services.

Applicant – A program that has applied to the Department for certification as a behavioral health stabilization provider.

Assessment – A process that gathers information and engages with the individual to enable the provider to determine the presence or absence of a mental health or substance use condition or co-occurring disorder.

Behavioral Health Crisis – An unplanned event during which an individual struggles to manage their psychiatric or substance use related symptoms without de-escalation or other intervention. Also includes situations in which an individual’s daily life challenges result in or put them at risk of an escalation in symptoms.

Certification – The process of establishing that the standards described in this chapter are met; or approval from the Department indicating that an applicant has successfully complied with all requirements for the operation of a behavioral health stabilization program in the District.

Certified Addiction Counselor (“CAC”) – A person certified to provide SUD counseling services in accordance with Health Occupations Revision Act of

1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2019 Supp.)).

Certified Peer Specialist – An individual who has completed the Peer Specialists Certification Program requirements and is approved to deliver Peer Support Services within the District’s public behavioral health network.

Certified Recovery Coach – A Certified Recovery Coach is an individual with any Department-approved recovery coach certification.

Child and Family Services Agency (“CFSA”) – The District agency responsible for the coordination of foster care, adoption, and child welfare services and services to protect children against abuse or neglect.

Clinician – Individuals licensed by the District Department of Health, Health Regulation and Licensing Administration (“HRLA”) to provide clinical services.

Clubhouse Provider – A Department-certified provider that has entered into a Human Care Agreement with the Department to provide Clubhouse services in accordance with the requirements of 22-A DCMR Chapter 34 and 22-A DCMR Chapter 39.

Communicable Disease – Any disease as defined in Title 22-B, § 201 of the District of Columbia Municipal Regulations (“DCMR”).

Community Based Intervention Provider (“CBI provider”) – A Department-certified provider that has entered into a Human Care Agreement with the Department to provide Community Based Intervention services in accordance with the requirements of 22-A DCMR Chapter 34.

Continuity of Care Plan – A plan that provides for the ongoing care of individuals in the event that a certified provider is no longer able to provide adequate care.

Core Services Agency (“CSA”) – A Department-certified MHRS provider that has entered into a Human Care Agreement with the Department to provide specific MHRS in accordance with the requirements of 22-A DCMR Chapter 34.

Credentialed Staff – Non-licensed staff who are permitted to provide behavioral health stabilization services or components of behavioral health stabilization services if under the supervision of an independently licensed practitioner in accordance with applicable laws and regulations.

Crisis – An event that significantly jeopardizes an individual’s treatment, recovery, health, or safety.

Department – The District of Columbia Department of Behavioral Health.

Director – The Director of the District of Columbia Department of Behavioral Health.

Discharge – The time when an individual’s active involvement with a program is terminated.

Discharge Planning – Activities with or on behalf of an individual to arrange for appropriate follow-up care to sustain recovery after being discharged from a program, including educating the individual on how to access or reinstate additional services, as needed.

District – The District of Columbia.

Drug – Substances that have the likelihood or potential to be misused or abused, including alcohol, prescription drugs, and nicotine.

Facility – Any physical premises which houses one (1) or more behavioral health stabilization programs.

Family Member – A person with whom the individual in/seeking treatment has a significant relationship and whose participation is important to the individual’s recovery.

Full-Time – An individual employed on average at least thirty (30) hours per week.

Human Care Agreement (“HCA”) – A written agreement entered into by the certified behavioral health stabilization provider and the Department which establishes a contractual relationship between the parties. **Licensed Graduate Professional Counselor (“LGPC”)** – A person licensed as a graduate professional counselor in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2019 Supp.)).

Licensed Graduate Social Worker (“LGSW”) – A person licensed as a graduate social worker in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2019 Supp.)).

Licensed Independent Clinical Social Worker (“LICSW”) – A person licensed as an independent clinical social worker in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2019 Supp.)).

Licensed Independent Social Worker (“LISW”) – A person licensed as a licensed independent social worker in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2019 Supp.)).

Licensed Marriage and Family Therapist (“LMFT”) – A person licensed as a marriage and family therapist in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2019 Supp.)).

Licensed Practical Nurse (“LPN”) – A person licensed as practical nurse in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2019 Supp.)).

Licensed Professional Counselor (“LPC”) – A professional counselor licensed in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2019 Supp.)).

Major Unusual Incidents (“MUI”) – Adverse events that can compromise the health, safety, and welfare of persons; employee misconduct; fraud; and actions that are violations of law and policy.

Medicaid – The medical assistance program, as approved by the Federal Centers for Medicare and Medicaid Services (“CMS”) and administered by DHCF, that enables the District to receive Federal financial assistance for its medical assistance program and other purposes as permitted by law.

Medical Necessity (or Medically Necessary) – Health care services or products that a prudent provider would provide to an individual to prevent, diagnose, or treat an illness, injury, disease, or its symptoms in a manner that is: (a) in accordance with generally accepted standards of health care practice; (b) clinically appropriate in terms of type, frequency, extent, site, and duration; and (c) not primarily for the economic benefit of the health plans and purchasers or for the convenience of the individual or treating provider.

Medical Waste – Any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or in the testing of biologicals, including but not limited to: soiled or blood-soaked bandages, needles used to give shots or draw blood, and lancets.

Mental Health Rehabilitation Services (“MHRS”) – The Department’s rehabilitative services as covered by the District’s Medicaid State Plan.

Mental Illness – A diagnosable mental, behavioral, or emotional disorder (including those of biological etiology) which substantially impairs the mental health of the person or is of sufficient duration to meet diagnostic criteria specified within the most recent Diagnostic and Statistical Manual (“DSM”) or its most recent International Classification of Diseases equivalent.

Mobile Crisis Intervention – A home- or community-based service that addresses a behavioral health crisis by using therapeutic communication, interactions, and

supporting resources to interrupt and/or ameliorate acute behavioral health distress and associated behaviors.

Notice of Infraction (“NOI”) – An action taken by agencies to enforce alleged violations of regulatory provisions.

Organizational Onboarding – Mechanism through which new employees acquire the necessary knowledge, skills, and behaviors to become effective performers. It begins with recruitment and includes a series of events, one (1) of which is employee orientation, which helps new employees understand performance expectations and contribute to the success of the organization.

Parent – A person who has custody of a child such as a natural parent, stepparent, adopted parent, or a person who has been appointed as a guardian for the child by a court of competent jurisdiction.

Pharmacist – A person licensed or authorized to practice pharmacy pursuant to Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2019 Supp.)).

Physician – A person licensed or authorized to practice medicine pursuant to Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2019 Supp.)).

Physician Assistant – A person licensed or authorized to practice as a physician assistant pursuant to Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2019 Supp.)).

Privacy Officer – A person designated by an organization that routinely handles protected health information, to develop, implement, and oversee the organization’s compliance with the U.S. Health Insurance Portability and Accountability Act (“HIPAA”) privacy rules, 42 CFR Part 2, and the District’s Mental Health Information Act.

Program – An entity that provides behavioral health stabilization services as certified by the Department.

Program Director – An individual having authority and responsibility for the day-to-day operation of a behavioral health stabilization program.

Protected Health Information (“PHI”) – Any written, recorded, electronic (“ePHI”), or oral information which either (1) identifies, or could be used to identify, an individual; or (2) relates to the physical or mental health or condition of an individual, provision of health care to an individual, or payment for health care provided to an individual. PHI does not include information in the records listed in 45 CFR § 160.103.

Provider – An entity certified by the Department to administer behavioral health stabilization programs.

Psychiatrist – A person licensed as a psychiatrist in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2019 Supp.)).

Psychologist – A person licensed to practice psychology in accordance with applicable District laws and regulations.

Psychology Associate – A person registered as a psychology associate in accordance with applicable laws and regulations.

Qualified Practitioner – Staff authorized to provide treatment and other services based on the definition of the service.

Registered Nurse (“RN”) – A person licensed as a registered nurse in accordance with Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2016 Repl. & 2019 Supp.)).

Representative Payee – An individual or organization appointed by the Social Security Administration to receive Social Security or Supplemental Security Income (“SSI”) benefits for someone who cannot manage or direct someone else to manage his or her money.

Residential Program – Any behavioral health stabilization program which houses individuals overnight; this includes CPEPs and psychiatric crisis stabilization programs.

Screening – A determination of the likelihood that an individual has co-occurring substance use and mental disorders or that their presenting signs, symptoms, or behaviors may be influenced by co-occurring issues. Screening is a formal process that typically is brief and occurs soon after the individual presents for services.

Statement of Deficiencies (“SOD”) – A written statement of non-compliance issued by the Department, which describes the areas in which an applicant for certification or the certified provider fails to comply with the certification standards pursuant to this chapter.

Substance Use Disorder (“SUD”) – A chronic relapsing disease characterized by a cluster of cognitive, behavioral, and psychological symptoms indicating that the individual continues using a substance despite significant substance-related problems. A diagnosis of SUD requires an individual to have had persistent, substance related problem(s) within a twelve (12)-month period in accordance with the most recent version of the DSM.

Treatment – A therapeutic effort to improve an individual’s cognitive or emotional conditions or the behavior of an individual, consistent with generally recognized principles or standards in the behavioral health stabilization field, provided or supervised by a Qualified Practitioner.

OFFICE OF OUT OF SCHOOL TIME GRANTS AND YOUTH OUTCOMES

NOTICE OF FINAL RULEMAKING

The Office of Out of School Time Grants and Youth Outcomes (“OST Office”), pursuant to the authority set forth in Section 5 of the District of Columbia Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code § 2-1555.04 (2016 Repl.)), adopts a new Chapter 40 (Out of School Time Grant Program) to Title 1 (Mayor and Executive Agencies) of the District of Columbia Municipal Regulations (“DCMR”).

This rulemaking formally establishes the Out of School Time Grant Program of the OST Office and establishes eligibility criteria for nonprofit organizations, programming hours, scoring and review parameters, and reporting requirements.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on September 4, 2020, at 67 DCR 10799. No comments were received during the public comment period and no changes were made to the rules as proposed.

These rules were adopted by the Director as final on February 12, 2020, and will become effective upon publication of this notice in the *D.C. Register*.

Title 1 DCMR, MAYOR AND EXECUTIVE AGENCIES, is amended by adding a new Chapter 40, OUT OF SCHOOL TIME GRANT PROGRAM, to read as follows:

CHAPTER 40 OUT OF SCHOOL TIME GRANT PROGRAM

- 4000 General Provisions**
- 4001 Competitive Grants: Request for Applications**
- 4002 Competitive Grants: Review Panels**
- 4003 Competitive Grants: Priority Points**
- 4004 Competitive Grants: Awards and Appeals**
- 4005 Competitive Grants: Grant Agreements**
- 4006 Competitive Grants: Performance Measures and Reporting**
- 4007 Competitive Grants: Monitoring, Compliance, and Records**
- 4008 Continuation Grants**
- 4009 Non-Competitive Grants: Eligibility**
- 4010 Non-Competitive Grants: Grant Agreement**
- 4011 Non-competitive grants: Monitoring, Compliance, and Records**
- 4012 Disbursement of Grant Funds for Competitive and Non-Competitive Grants**
- 4013 Use of Grant Funds by Competitive and Non-Competitive Grantees**
- 4014 Suspension or Termination of Grant Funds**
- 4099 Definitions**

4000 GENERAL PROVISIONS

4000.1 The purpose of this chapter is to:

- (a) Establish the Out of School Time Grant Program (“OST Grant Program”) within the Office of Out of School Time Grants and Youth Outcomes (“OST Office”);
- (b) Establish the process for awarding competitive grants through the OST Grant Program;
- (c) Establish the process for awarding non-competitive grants through the OST Grant Program; and
- (d) Set forth the authority of the OST Office to monitor compliance with and enforce this chapter.

4000.2 The OST Office may publish policies, procedures, or guidance related to the OST Grant Program to supplement this chapter.

4000.3 The OST Office does not accept unsolicited grant applications.

4001 COMPETITIVE GRANTS: REQUEST FOR APPLICATIONS

4001.1 Before the award of competitive grant funding and in accordance with Section 1094 of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.13), the OST Office shall issue a Request for Applications (“RFA”).

4001.2 Each RFA shall include the following:

- (a) A description of the minimum requirements that an applicant must meet to be eligible for an award (for example, Internal Revenue Service 501(c)(3) designation; good standing with the District of Columbia);
- (b) A description of any minimum requirements that a program must meet in order to be eligible to receive an award (for example, the minimum number of youth that must be served by the program)
- (c) A description of any financial information of an applicant that must be submitted with an application (for example, financial audits, financial reviews, and/or statements of financial position);
- (d) A requirement that the applicant provide a narrative description of its youth development out-of-school time program (“OST Program”) proposed for grant funding;

- (e) A requirement that the applicant provide a detailed budget for its OST Program proposed for grant funding;
 - (f) A description of the eligible uses of grant funds;
 - (g) The maximum indirect cost recovery rate that will be allowed under a grant award;
 - (h) The grant period (that is, the period of time of OST Program operations for which the grant funding will be provided);
 - (i) The maximum total dollar amount of grants that will be awarded pursuant to the RFA;
 - (j) The maximum dollar amount of any individual grant that will be awarded pursuant to the RFA;
 - (k) The criteria by which each application will be evaluated and scored;
 - (l) The deadline for submission of an application;
 - (m) A description of the process for submitting an application; and
 - (n) The date by which grant award decisions will be made by the OST Office;
- 4001.3 Applications must be received by the deadline set forth in the RFA to be considered for award.
- 4001.4 The OST Office may suspend, terminate, or rescind an RFA at any time for any reason.
- 4001.5 The OST Office may issue amendments and addenda to an RFA after the issuance of an RFA.
- 4001.6 Each applicant shall be responsible for all costs associated with the preparation and submission of its application in response to an RFA.
- 4001.7 Applicants are responsible for providing all information requested in the RFA. The OST Office is not responsible for notifying applicants of non-responsive or incomplete proposals.

4002 COMPETITIVE GRANTS: REVIEW PANELS

- 4002.1 The OST Office shall appoint a review panel or multiple review panels to evaluate the applications received in response to an RFA in an impartial manner based on the scoring criteria set forth in the RFA.
- 4002.2 Members of a review panel may be District government employees or members of the public; provided that no more than half of a review panel's members may be employees or contractors of the OST Office or members of the Commission on Out of School Time Grants and Youth Outcomes ("OST Commission").
- 4002.3 A member of the public must apply to, and be accepted by, the OST Office in order to serve as a member of a review panel. A member of the public who applies to serve as a member of a review panel must have at least two (2) years of experience with, and knowledge of, youth development and OST programming and must meet any other qualification standards of the OST Office in order to be accepted as a member of a review panel by the OST Office.
- 4002.4 All reviewers shall be screened for conflicts of interest and each reviewer must affirm his or her ability to be impartial before serving as a member of a review panel.
- 4002.5 Each reviewer shall receive training on how to review applications. The training shall be provided by the OST Office or an individual or entity designated by the OST Office.

4003 COMPETITIVE GRANTS: PRIORITY POINTS

- 4003.1 The OST Office may establish a priority or set of priorities for each grant competition to improve the equitable distribution of OST programs and funding.
- 4003.2 In establishing a priority or set of priorities for a grant competition, the OST Office shall follow the priorities established by the OST Commission's for at-risk students, geographic distribution of OST programs and funding, and program quality established pursuant to Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code § 2-1555.04(c)). In the absence of any such established priorities, the OST Office may establish a priority or set of priorities for a grant competition after consultation with the OST Commission.
- 4003.3 The OST Office may provide additional points to an application if the OST Program requested to be funded by the application meets the priority or priorities established for the grant competition.

4004 COMPETITIVE GRANTS: AWARDS AND APPEALS

- 4004.1 The Executive Director of the OST Office (“OST Executive Director”) shall make determinations of competitive grant awards and grant denials. The OST Executive Director’s determinations shall be based on review panel scores and priority points.
- 4004.2 Promptly after determinations have been made by the OST Executive Director under § 4004.1, the OST Office shall provide a notice of grant award or grant denial to each applicant.
- 4004.3 All grant award decisions of the OST Executive Director are final. The decisions are not subject to review, appeal, or protest.

4005 COMPETITIVE GRANTS: GRANT AGREEMENTS

- 4005.1 After notice of a grant award is provided to an applicant, the OST Office and applicant shall enter into grant agreement negotiations. The negotiations may make changes to the funding amount proposed in the applicant’s application, the program budget included in the applicant’s application, and other elements of the applicant’s application provided.
- 4005.2 If the OST Office and the applicant do not agree upon the terms of the grant agreement within fifteen (15) business days after the OST Office provides notice of the grant award, the OST Office may terminate the grant award.
- 4005.3 In addition to such other terms that may be included in the grant agreement, the grant agreement shall specify that the awardee shall comply with:
- (a) The Youth Bullying Prevention Act of 2012, effective September 14, 2012 (D.C. Law 19-167; D.C. Official Code §§ 2-1535.01 *et seq.*);
 - (b) The District of Columbia Human Rights Act of 1977, effective December 13, 2011 (D.C. Law 2-38; D.C. Official Code §§ 2-1401 *et seq.*);
 - (c) Background check policy: All employees, volunteers, and contractors of the applicant who work with youth have undergone the necessary background checks and clearances, including those required by the Criminal Background Checks for the Protection of Children Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code §§ 4-1501.01 *et seq.*); and
 - (d) All other applicable District and federal laws and regulations.
- 4005.4 Grant awards shall not be final until the execution of the grant agreement by both the awardee and the OST Office and, if necessary, approval by the Council.

4005.5 A grantee may not use grant funds to pay for costs incurred before the grant award is final.

4006 COMPETITIVE GRANTS: PERFORMANCE MEASURES AND REPORTING

4006.1 Each grantee shall, as a condition of the grant award, administer youth surveys and program evaluation tools as determined by the OST Office; provided, that the OST Office may waive this requirement for a program model that does not match the requirements of the surveys or evaluations.

4006.2 Each grantee shall, as a condition of the grant award, submit to the OST Office, on a quarterly or semiannual basis (as set forth in the grant agreement), a report describing the grantee's progress in implementing the OST program, including a description of the specific services provided to youth, the location of services provided to youth, demographic information on service recipients, and information on the expenditure of the grant funds, including the amount of grant funds expended on program costs and the amount of grant funds expended on other costs.

4006.3 Each grantee shall, as a condition of the grant award, track service recipient information, including demographics, and OST program attendance in a database administered by the OST Office, and shall maintain supporting documents for information provided in the database for at least five (5) years after the end of the grant period.

4006.4 Within forty-five (45) days after the end of a grant period, the grantee shall submit a final report that includes a narrative description of the achievements of the OST Program (including the information listed in Subsection 4006.2) and detailed information on the expenditure of grant funds.

4007 COMPETITIVE GRANTS: MONITORING, COMPLIANCE, AND RECORDS

4007.1 The OST Office shall conduct regular compliance and programming reviews of grantees.

4007.2 (a) Grantees shall be subject to a minimum of one (1) administrative compliance monitoring visit and one (1) programmatic monitoring visit per grant period.

(b) Administrative compliance monitoring includes review of: compliance with applicable District laws, rules, regulations, procedures, and policies; grantee's use of grant funds; verification of appropriate clearances and

background checks for personnel; financial and organizational documentation; and participant files to verify enrollment, attendance, consent forms, data entry, and other information.

- (c) Programmatic monitoring includes: review of facilities where programming occurs to verify programming activities; access to program procedures and policies; and access to participants and staff to interview, verify, and confirm program details, procedures, and policies.

4007.3 Grantees shall be subject to scheduled and unscheduled programmatic site visits by the OST Office to monitor and assess program quality.

4007.4 Each grantee shall maintain its financial records in accordance with generally accepted accounting principles and shall account for all funds, tangible assets, revenues, and expenditures in such records. Each grantee shall ensure that all of its financial records are accurate, complete, and current at all times. Each grantee shall make its financial records available for audit and inspection by the OST Office, or its agents, upon the request of the OST Office.

4007.5

- (a) At the completion of a grant period, the OST Office shall provide the grantee an accountability risk profile (“ARP”), which shall designate the grantee as “low-risk”, “medium-risk”, or “high-risk”.
- (b) As part of the process of making an ARP risk, the OST Office shall review whether the grantee met all grant agreement requirements, including program reporting and financial reporting.
- (c) The ARP risk classification will determine the amount of monitoring required for future grants and the eligibility of the grantee to apply to future RFAs or receive future grants from the OST Office.
- (d) An organization designated as “high-risk” shall not be eligible to apply for a grant from the OST Office until both: (1) one year has elapsed since the date of the designation; and (2) appropriate documentation has been provided to the OST Office that documents that the organization’s performance has improved. Performance improvement can be documented either in the form of an audit or an independent program assessment.

4007.6 Each grantee shall maintain programmatic and financial documentation, in either physical or electronic format, related to the grant for five (5) years after submission of the final report.

4008 CONTINUATION GRANTS

- 4008.1 Pursuant to D.C. Official Code § 2-1555.04(e), grants supporting OST Programs, except for OST summer programs, shall be eligible for continuation awards for at least two (2) years, subject to the availability of funding.
- 4008.2 RFAs are not released for continuation grants. Continuation grants are awarded based on the grantee's performance under the grant agreement.
- 4008.3 The OST Office will notify a grantee of a continuation grant at least thirty (30) days before the end of the grant period.

4009 NON-COMPETITIVE GRANTS: ELIGIBILITY

4009.1 As provided in Section 4(b)(2) and (3) of the Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code §§ 2-1555.04(b)(2) and (3)), the OST Office may award non-competitive grants to:

- (a) A nonprofit organization that does not provide out-of-school-time programs, provided that:
- (1) The nonprofit organization has a proven track record of success in grant-making;
 - (2) The nonprofit organization agrees to use a minimum of ninety percent (90%) of the OST Office's grant to award subgrants to other nonprofit organizations that provide out-of-school time programs; and
 - (3) The nonprofit organization agrees to undergo an annual audit and submit quarterly reports to the OST Office on its financial health and its use of the OST Office's grant; and
- (b) Nonprofit organizations for the purpose of providing training or technical assistance to the OST Commission or to nonprofit organizations that provide out-of-school time programs.

4009.2 In order to be eligible to receive a non-competitive grant under Subsection 4009.1, an organization must be in good standing with the District government by:

- (a) Having filed all required reports with the District government
- (b) Holding all required licenses, registrations, and certifications;
- (c) Being compliant with all District and federal tax requirements;

- (d) Having a current Certificate of Clean Hands issued by the District government; and
- (e) Having a current Certificate of Good Standing issued by the District government.

4009.3

- (a) The OST Office may authorize a grantee under § 4009.1(a) to serve as a grantmaking partner of the OST Office.
- (b) As a grantmaking partner of the OST Office, the grantee shall be responsible, in whole or in part, as designated by the OST Office, for administering and managing the OST Grant Program; monitoring grant progress; and supporting grantees in meeting the grant requirements.
- (c) In carrying out its responsibilities, a grantmaking partner must adhere to the rules, policies, and procedures of OST Office for managing the OST Grant Program.
- (d) The rules governing the eligibility for and process for issuance of competitive grants set forth in this chapter shall apply to all subgrants of the grantmaking partner.

4009.4

With the exception of non-competitive grants provided to a grantmaking partner to administer the OST Grant Program under Subsection 4009.1(a), a non-competitive grant awarded by the OST Office shall not exceed one hundred thousand dollars (\$100,000) per organization in any fiscal year.

4010**NON-COMPETITIVE GRANTS: GRANT AGREEMENT**

4010.1

After providing notice of the award of a non-competitive grant to a nonprofit organization, the OST Office and the nonprofit organization shall enter into negotiations on a grant agreement. The negotiations shall include negotiation of the grant amount, the scope of services to be provided by the nonprofit organization, the budget for the services to be provided by the nonprofit organization, and such other terms and conditions as the OST Office considers appropriate.

4010.2

If the OST Office and the applicant do not agree upon the terms of the grant agreement within fifteen (15) business days after the OST Office provides notice of the grant award, the OST Office may terminate the grant award.

4010.3

In addition to such other terms that may be included in the grant agreement, the grant agreement shall specify that the awardee shall comply with:

- (a) The Youth Bullying Prevention Act of 2012, effective September 14, 2012 (D.C. Law 19-167; D.C. Official Code §§ 2-1535.01 *et seq.*);
- (b) The District of Columbia Human Rights Act of 1977, effective December 13, 2011 (D.C. Law 2-38; D.C. Official Code §§ 2-1401 *et seq.*);
- (c) Background check policy: All employees, volunteers, and contractors of the applicant who work with youth have undergone the necessary background checks and clearances, including those required by the Criminal Background Checks for the Protection of Children Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code §§ 4-1501.01 *et seq.*); and
- (d) All other applicable District and federal laws and regulations.

4010.4 Grant awards shall not be final until the execution of the grant agreement by both the awardee and the OST Office and, if necessary, approval by the Council.

4010.5 A grantee may not use grant funds to pay for costs incurred before the grant award is final.

4011 NON-COMPETITIVE GRANTS: MONITORING, COMPLIANCE, AND RECORDS

4011.1 Each non-competitive grantee shall be required to provide periodic reports to the OST Office on its performance and expenses related to the grant. Details of the required reports, including a final report, shall be specified in the grant agreement.

4011.2 The OST Office may conduct evaluations, and perform on-site monitoring, of each non-competitive grantee's performance and compliance with the grant agreement at such times and with such frequency as is deemed appropriate by the OST Office.

4011.3 Each grantee shall maintain programmatic and financial documentation, in either physical or electronic format, related to the grant for five (5) years after submission of the final report.

4012 DISBURSEMENT OF GRANT FUNDS FOR COMPETITIVE AND NON-COMPETITIVE GRANTS

4012.1 The OST Grant Program may disburse grants in advance of expenses, except if the grantee has been designated high-risk by the OST Office as described in Subsection 4007.5. Disbursement details and timelines shall be set forth in the grant agreement.

4013 USE OF GRANT FUNDS BY COMPETITIVE AND NON-COMPETITIVE GRANTEES

4013.1 Grant funds may not be used for to pay for:

- (a) Costs paid for with other District government funds;
- (b) Serving youth who reside outside the District;
- (c) Alcohol;
- (d) Bad debts;
- (e) Contingencies;
- (f) Indemnity insurance;
- (g) Pension plans;
- (h) Post-retirement benefits;
- (i) General legal or other legal professional services (except that grant funds may be used to pay program-related legal fees if approved in advanced by the OST Office);
- (j) Land, buildings, or capital improvements;
- (k) The purchase of vehicles;
- (l) Entertainment or social activities;
- (m) Food or beverages associated with entertainment or social activities;
- (n) Food or beverages for staff, contractors, or volunteers;
- (o) Interest on loans;
- (p) Fines or penalties;
- (q) Fundraising;
- (r) Investment management costs;
- (s) Lobbying activities;
- (t) Membership to lobbying organizations;

- (u) Direct gifts to lobbying campaigns;
- (v) Public relations of the organization (for example, displays, advertisements, exhibits, conventions, travel);
- (w) Faith-based activities;
- (x) Staff or board bonuses or staff or board incentives; or
- (y) Fees or other payments to government agencies except as may be needed to comply with the OST Program's background checks policy.

4013.2 Additional restrictions on the use of grant funds may be imposed by the OST Office in a grant agreement.

4013.3 In addition to the restrictions set forth in § 4013.1, a grantee may not make an expenditure of OST grant funds that is inconsistent with the budget in the grantee's grant agreement. A grantee may request a modification to the budget in the grant agreement by submitting a budget modification request to the OST Office. The budget modification request must include an updated budget and a detailed rationale for each significant change to the budget. The budget modification request is subject to approval by the OST Office and approval shall be in the OST Office's sole discretion. Notwithstanding the foregoing, the grantee may modify the budget in the grantee's grant agreement without the approval of the OST Office if the modification to the budget, in combination with any other prior budget modifications under this provision, does not result in a change of ten percent (10%) or more in any budget line item throughout the grant period, unless otherwise provided in the grant agreement.

4014 SUSPENSION OR TERMINATION OF GRANT FUNDS

4014.1 The OST Office may suspend or terminate a grant agreement or grant funding if a grantee has not demonstrated satisfactory performance or financial accountability under a grant agreement; has not spent grant funds in a timely manner; is in default under the grant agreement; or is not in compliance with all applicable District and federal laws and regulations.

4014.2 Upon notice of termination, the OST Office shall be entitled to the repayment or return of unexpended and unobligated grant funds, and any expended or obligated grant funds that were not expended or obligated in accordance with the grant agreement or applicable laws or regulations.

4014.3 Before terminating a grant agreement, the OST Office shall provide a notice of planned termination to the grantee at least thirty (30) days before the planned termination is to take effect. The notice shall describe the reason for the planned termination and shall provide at least fourteen (14) days for the grantee to respond

to and/or cure the deficiency(ies) described in the notice of planned termination. After receipt of the grantee's response to the notice of planned termination, the OST Office may rescind the notice of planned termination if the grantee has satisfactorily cured the deficiency(ies) described in the notice of planned termination and/or has provided sufficient evidence establishing that the deficiency(ies) did not exist.

4014.4 Notwithstanding, § 4013.3, the OST Office may terminate a grant with no prior notice or opportunity to respond or cure if the OST Office determines that such a termination is in the interests of the District government.

4099 DEFINITIONS

4099.1 For the purposes of this chapter, the following words and phrases shall have the meanings ascribed:

Applicant – an entity that submits an application to be considered for grant funding from the OST Office.

At-risk – has the same meaning as set forth in Section 4(a) of the Fair Student Funding and School-Based Budgeting Amendment Act of 2013, effective February 22, 2014 (D.C. Law 20-87; D.C. Official Code § 38-2901(2A)).

Grantmaking partner – a non-profit organization that administers and monitors the OST Grant Program, or any portion of the OST Grant Program, on behalf of the OST Office.

Out-of-school time program (OST Program) – a structured, supervised learning or youth development program offered before school, after school, on weekends, or during seasonal school breaks.

Request for Application (RFA) – a document that solicits entities to submit an application to be considered for grant funding from the OST Office.

Reviewer – an individual that evaluates and scores grant applications.

Youth – an individual of twenty-one (21) years of age or less who is eligible to enroll in a District primary or secondary school, or an individual of twenty-two (22) years of age or less who is eligible to receive special education services from a District local educational agency.

Youth development – a programmatic or service delivery approach that engages youth within their communities, schools, organizations, peer groups, and families in a manner that is productive and constructive; recognizes, utilizes, and enhances youths' strengths; and promotes positive outcomes

for youth by providing opportunities, fostering positive relationships, and furnishing the support needed to build on their strengths.

Youth development program – a program or service that engages youth in a variety of social, emotional, educational, and recreational activities to promote improvements to their intellectual, behavioral, and physical well-being, consistent with a youth development approach.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF FINAL RULEMAKING****Z.C. Case No. 20-16¹****Office of Planning****(Zoning Map Amendment @ Square 442, Lot 106)****December 17, 2020**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2018 Repl.)), and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206, as amended; D.C. Official Code § 2-505 (2013 Repl.)), hereby gives notice of its adoption of the following amendment to the Zoning Map: a rezoning of Lot 106 in Square 442 (Property) from the ARTS-2 zone to the ARTS-4 zone.

Setdown

On July 17, 2020, the Office of Planning (OP) filed a report that served as a petition (Petition) requesting the Commission approve a proposed amendment of the Zoning Map for the Property from the current ARTS-2 zone to the ARTS-4 zone (Map Amendment). (Exhibit [Ex.] 2.)

The Property consists of approximately 15,317 square feet on the northeast corner of the intersection of 7th Street and Rhode Island Avenue, N.W. To the north is a multifamily building in the ARTS-2 zone; to the east are a vacant property and row dwellings in the RF-1 zone and a multifamily residential building developed as a PUD under the C-2-B Zone District; to the south across Rhode Island Avenue are row dwellings in the RF-1 zone and an apartment building in the MU-4 zone; to the southwest is the Shaw Library in the MU-5A and RA-2 zones; and to the west is the Shaw-Howard University Metro Station entrance and an apartment building in the ARTS-2 zone. The area is characterized by a mixture of row dwellings, apartments, small retail, and institutional uses.

The Generalized Policy Map (GPM) of the Comprehensive Plan (CP) designates the Property as a Main Street Mixed-Use Corridor, which the CP's Framework Element² defines as traditional commercial business corridors with a pedestrian-oriented environment with traditional storefronts with upper-story residential office uses. Redevelopment of these corridors should foster economic and housing opportunities, serve neighborhood needs, support transit use, and enhance the pedestrian environment.

¹ For Office of Zoning tracking purposes only, this Notice of Final Rulemaking shall also be known as Z.C. Order No. 20-16.

² The OP Petition referred to the Framework Element, which became law on August 27, 2020, as the "new" Framework Element" because at the time of the OP Petition it had been approved by the Council and Mayor but not yet become law.

The CP's Future Land Use Map (FLUM) designates the Property for Mixed-Use Medium-Density Residential/Medium-Density Commercial. The CP's Framework Element defines medium-density residential as including neighborhoods with mid-rise apartment buildings up to a 4.0 floor area ratio (FAR) (with additional FAR anticipated for Inclusionary Zoning [IZ] developments and for Planned Unit Developments [PUD]) as the predominant use, with some taller residential buildings surrounded by large areas of permanent open space, with the RA-3 zone specifically identified as a consistent zone, although other zones may apply. The CP's Framework Element defines medium-density commercial as for retail, office, and service businesses with buildings that are up to 6.0 FAR (with additional FAR anticipated for IZ developments and PUDs), with the MU-8 and MU-10 zones specifically identified as consistent zones, although other zones may apply.

The Property's current ARTS-2 zone is intended to permit medium-density, compact mixed-use development, with an emphasis on residential development. The ARTS-2 zone permits a maximum building height of 65 feet (70 feet for IZ developments); a maximum 3.5 FAR (4.2 for IZ developments), of which a maximum 1.5 FAR may be devoted to non-residential uses; and a maximum lot occupancy of 60% (80% for IZ developments) for residential uses or 100% for non-residential uses.

The ARTS-4 zone proposed for the Property is intended to permit medium- to high-density, mixed-use development, with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions. The ARTS-4 zone permits a maximum building height of 90 feet (100 feet for IZ developments), with buildings above 65 feet subject to a one-to-one setback from property lines abutting a residential zone; a maximum 6.0 FAR (7.2 for IZ developments), of which a maximum 3.0 FAR may be devoted to non-residential uses; and a maximum lot occupancy of 75% (80% for IZ developments) for residential uses or 100% for non-residential uses.

The Petition asserted that the Map Amendment is not inconsistent with the CP because:

- The increased height and density allowed under the proposed ARTS-4 zoning would enable additional residential units and affordable housing and would generate additional pedestrian traffic that would provide additional support for ground floor retail and transit use of the adjacent Metro station;
- Multiple CP Policies, as well as the two Small Area Plans applicable to the Property, recommended mixed-use residential buildings with ground-floor retail and service uses, as did the GPM and FLUM designations; and
- The density and height of the proposed ARTS-4 zone are consistent with the MU-10 zone specifically identified by the CP's Framework Element as consistent with the Medium-Density Commercial FLUM designation.

At its public meeting on July 27, 2020, the Commission heard testimony from OP in support of setting the Map Amendment down for a public hearing and voted to set it down for a public hearing.

Public Hearing

OP submitted an October 9, 2020, Hearing Report that reiterated OP's support for the Map Amendment. (Ex. 8.)

ANC Report

ANC 6E, the "affected ANC" as defined by Subtitle Z § 101.8, submitted an October 18, 2020, report (ANC Report) raising the issue that the ANC wished to ensure a process for community involvement and input in future development of the Property under the Map Amendment but that it supported the OP Petition. (Ex. 12.)

Notice

A written comment submitted to the record on October 15, 2020, raised the issue that the notice placard posted on the Property provided the hearing date as "Thursday, October 19" although the correct hearing date was "Monday, October 19." (Ex. 10.) Pursuant to Subtitle Z § 502.10, the Commission considered the defect in notice at the public hearing and determined that the public hearing should continue as scheduled, because the date of the hearing was correctly advertised, although the incorrect day of the week was listed as a result of a typographical error.

At its public hearing on October 19, 2020, the Commission heard testimony from OP, as well as from Shane Dettman on behalf of Holland and Knight, in support of the Map Amendment.

Proposed Action

At the close of its October 19, 2020, public hearing, the Commission voted to take **PROPOSED ACTION** to adopt the Map Amendment and to authorize the publication of a Notice of Proposed Rulemaking:

VOTE (October 19, 2020): 5-0-0 (Robert E. Miller, Peter G. May, Anthony J. Hood, Peter A. Shapiro, and Michael G. Turnbull to **APPROVE**)

Notice of Proposed Rulemaking

The Commission published a Notice of Proposed Rulemaking (NOPR) in the November 6, 2020, *D.C. Register*. (67 DCR 13160, *et seq.*)

The Commission received one comment responding to the NOPR in the thirty- (30) day period required by § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206, as amended; D.C. Official Code § 2-505 (2013 Repl.)). The Deputy Mayor for Planning and Economic Development (DMPED), the District agency acting on behalf of the District as owner of the Property, stated its support for the Map Amendment and DMPED's commitment to ensure that the development of the Property will include high architectural design, deeper affordable housing than required by law, and continued engagement with the community around visual design elements and other community benefits. (Ex. 18.)

National Capital Planning Commission ("NCPC")

The Commission referred the Petition to the National Capital Planning Commission (NCPC) on November 3, 2020, for the thirty- (30) day review period required by § 492(b)(2) of the District Charter. (Dec. 24, 1973, Pub. L. 93-198, title IV, § 492(b)(2)); D.C. Official Code 6-641.05.)

NCPC filed a November 4, 2020, report stating that NCPC had determined, pursuant to delegated authority, that the Petition was not inconsistent with the federal elements of the Comprehensive Plan and would not adversely impact any identified federal interests. (Ex. 17.)

Final Action

“Great Weight” to the Recommendations of OP

The Commission must give “great weight” to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.8. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)

The Commission finds OP’s recommendation that the Commission adopt the Map Amendment persuasive and concurs in that judgment.

“Great Weight” to the Written Report of the ANCs

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)), and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)

The Commission notes that the concerns raised by the ANC Report apply to the future development of the Property and are not applicable to a map amendment case, but also notes the ANC Report’s support of the Map Amendment and concurs in that judgement.

At its December 17, 2020, public meeting, the Commission voted to take **FINAL ACTION** to adopt the Map Amendment and to authorize the publication of a Notice of Final Rulemaking:

VOTE (December 17, 2020): 5-0-0 (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to **APPROVE**)

SQUARE	LOT	MAP AMENDMENT
442	106	ARTS-2 zone to the ARTS-4 zone

In accordance with the provisions of Subtitle Z § 604.9, this Notice of Final Rulemaking shall become final and effective upon publication in the *D.C. Register*; that is, on February 5, 2021.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF THIRD PROPOSED RULEMAKING**RM29-2020-02, IN THE MATTER OF 15 DCMR CHAPTER 29-RENEWABLE ENERGY PORTFOLIO STANDARD,**

1. The Public Service Commission of the District of Columbia (Commission), pursuant to its authority under D.C. Official Code §§ 2-505 (2016 Repl.) and 34-802 (2019 Repl.), hereby gives notice of its intent to amend Chapter 29 (Renewable Energy Portfolio Standard (RPS)) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days after the publication of this Notice in the *D.C. Register*.

2. On June 12, 2020, the Commission issued a Notice of Proposed Ruling (NOPR) in the *D.C. Register* amending Subsection 2902.1 of the Commission's RPS rules to clarify the operation of certain provisions of the Distributed Generation Amendment Act of 2011 (DGAA)¹ in order to provide more regulatory certainty.² Specifically, the DGAA amended D.C. Official Code § 34-1432(e) to require that only solar energy systems located within the District or in locations served by a distribution feeder serving the District are eligible for certification to meet the solar portion of the Tier One requirement of the RPS after January 31, 2011.³

3. Subsection 2902.1 was amended in a Second NOPR, superseding the first NOPR, which was published on October 23, 2020.⁴ Comments filed in response to the Second NOPR questioned whether non-District solar energy systems could be connected to distribution feeders serving the District through new service connections and/or extensions of the distribution system to become eligible for certification to meet the solar portion of the Tier One requirement of the RPS.⁵

¹ *Distributed Generation Amendment Act of 2011, D.C. Law 19-36*, effective October 20, 2011 (“DGAA”).

² 67 DCR 7507-7509 (June 12, 2020).

³ DGAA, Section 2(a)(3).

⁴ 67 DCR 12460-12463 (October 23, 2020).

⁵ *See generally RM29-2020-02, In the Matter of 15 DCMR Chapter 29-Renewable Energy Portfolio Standard (RM29-2020-02)*, Comments of the Sierra Club, filed November 20, 2020; Comments of Montgomery County Green Bank, filed November 20, 2020; Comments of Solvitect, filed November 23, 2020; Comments of Pepco, filed November 23, 2020; Comments of Comments of the District of Columbia Department of Energy & Environment (“DOEE”), filed November 23, 2020; Comments of New Columbia Solar, filed November 24, 2020; Comments of Groundswell, filed November 24, 2020; Comments of MDV-SEIA, filed November 24, 2020; Comments of Lantian Development, LLC, Lantian Hills, LLC, and Spectrum Solar, LLC, filed November 24, 2020; and Reply Comments of Pepco, filed December 8, 2020. Comments filed in response to the initial June 12, 2020, 2020, NOPR raised similar concerns. *See generally RM29-2020-02*, Comments of MDV-SEIA, filed July 13, 2020; Comments of PROSPECT Solar LLC, filed July 13, 2020; Comments of DOEE, filed July 13, 2020; Comments of Ameresco, filed July 15, 2020; and Motion to File Late Comments and Comments of the District of Columbia Water

4. Subsection 2902.1 has been amended, in this Third NOPR, by adding new Subsections 2902.1(b)(1) and (2) to make it clear that the Potomac Electric Power Company (Pepco) is prohibited from extending the electric distribution system for solar energy systems outside of the District solely to allow a solar energy system to become eligible for certification to meet the solar portion of the Tier One requirement of the RPS.

5. Under Subsection 2902.1(b)(1), a solar energy system *which is currently connected* to Pepco's distribution system, is not located in the District, and is not currently served by a distribution feeder serving the District shall not be eligible for certification to meet the solar portion of the Tier One requirement of the RPS through an extension of the distribution system and/or a new service connection. Under Subsection 2902.1(b)(2), a solar energy system *which is not currently connected* to Pepco's distribution system and is not located in the District may be eligible for certification to meet the solar portion of the Tier One requirement of the RPS, if the appropriate connection point as determined by Pepco is on a distribution feeder serving the District. In both instances, Pepco will be prohibited from reconfiguring its distribution system, through extensions of the system or new service connections, for the sole purpose of allowing a solar energy system to become eligible for certification to meet the solar portion of the Tier One requirement of the RPS. This Third NOPR supersedes the October 23, 2020, Second NOPR.

Chapter 29, RENEWABLE ENERGY PORTFOLIO STANDARD, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Section 2902, GENERATOR CERTIFICATION AND ELIGIBILITY, is amended as follows:

2902.1 Renewable generators, including behind-the-meter (BTM) generators, shall be certified as qualified resources by the Commission:

(a) Solar Energy Systems no larger than fifteen megawatts (15 MW) in capacity (unless a facility is located on property owned by the Government of the District of Columbia or by any agency or independent authority of the Government of the District of Columbia in which case the facility can be larger than fifteen megawatts (15 MW) in capacity) that are located within the District or in locations served by a distribution feeder serving the District are eligible for certification to meet the solar portion of the Tier One requirement of the renewable energy portfolio standard (RPS);

(b)(1) A Solar Energy System which is currently connected to the Electric Company's distribution system, is not located in the District, and is not currently served by a distribution feeder serving the District shall not be eligible for certification to meet the solar portion of the Tier One requirement of the RPS through an extension of the distribution system and/or a new service connection, The Electric Company shall not

and Sewer Authority, filed July 17, 2020.

reconfigure its distribution system, including extensions of the system or new service connections, solely to allow a solar energy system to become eligible for certification to meet the solar portion of the Tier One requirement of the RPS; and

- (2) A Solar Energy System which is not currently connected to the Electric Company's distribution system and is not located in the District may be eligible for certification to meet the solar portion of the Tier One requirement of the RPS, if the appropriate connection point as determined by the Electric Company is on a distribution feeder serving the District. The Electric Company shall not reconfigure its distribution system, including extensions of the system or new service connections, solely to allow a solar energy system to become eligible for certification to meet the solar portion of the Tier One requirement of the RPS;
- (c) Solar Energy Systems that are not located within the District and not in locations served by a distribution feeder serving the District, regardless of capacity, may be certified to meet the non-solar portion of the Tier One requirement of the RPS;
- (d) Eligibility for certification to meet the solar portion of the Tier One requirement of the RPS, for Solar Energy Systems not located within the District and in locations served by a distribution feeder serving the District, is based on the Electric Company's current Cross Border Feeder Map posted on its website;
- (e) Solar Energy Systems not located within the District and in locations served by a distribution feeder serving the District, once certified by the Commission to meet the solar portion of the Tier One requirement of the RPS, will remain certified and in good standing to produce solar Renewable Energy Credits (SRECs) that are eligible to meet the solar portion of the Tier One requirement of the RPS;
- (f) Solar Energy Systems not located within the District and in locations served by a distribution feeder serving the District, once certified by the Commission to meet the solar portion of the Tier One requirement of the RPS, may be expanded or replaced and continue to produce SRECs that are eligible to meet the solar portion of the Tier One requirement of the RPS, provided that the Solar Energy System is served by a distribution feeder serving the District at the time of the replacement or expansion, subject to approval consistent with the provisions of Section 2902.12 of this chapter; and
- (g) Solar Energy Systems that are not located within the District and not in locations served by a distribution feeder serving the District, but were certified by the Commission prior to February 1, 2011, may continue to

produce SRECs that are eligible to meet the solar portion of the Tier One requirement of the RPS, at the capacity of the system as originally certified by the Commission. Any SRECs produced by any expansions or replacements of such systems, including the replacement of individual solar panels, not previously approved by the Commission, shall not be eligible to meet the solar portion of the Tier One requirement of the RPS.

...

Section 2999, DEFINITIONS, is amended as follows:

2999.1 For the purposes of this chapter, the following terms and phrases have the following meanings:

Electric Company – includes every corporation, company, association, joint-stock company or association, partnership, or person doing business in the District of Columbia, their lessees, trustees, or receivers appointed by any court whatsoever, physically transmitting or distributing electricity in the District of Columbia to retail electric customers, excluding any person or entity distributing electricity from a behind-the-meter generator to a single retail customer behind the same meter and located on the same premise as the customer’s meter. In addition, the term excludes any building owner, lessee, or manager who, respectively, owns, leases, or manages, the internal distribution system serving the building and who supplies electricity and other electricity related services solely to the occupants of the building for use by the occupants. The term also excludes a person or entity that does not sell or distribute electricity and that owns or operates equipment used exclusively for the charging of electric vehicles.

...

Solar Energy System – a system that produces Solar Energy consistent with the definition of Solar Energy in this chapter.

...

6. Any person interested in commenting on the subject matter of this proposed rulemaking action may submit written comments not later than thirty (30) days after publication of this notice in the *D.C. Register* addressed to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 and sent electronically on the Commission’s website at https://edocket.dcpssc.org/public/public_comments. Copies of the proposed rules may be obtained by visiting the Commission’s website at www.dcpssc.org or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPR should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

PUBLIC NOTICE(PUBLIC COMMENT PERIOD EXTENDED UNTIL FEBRUARY 16, 2021)RM40-2020-01, IN THE MATTER OF 15 DCMR CHAPTER 40 — DISTRICT OF COLUMBIA SMALL GENERATOR INTERCONNECTION RULES;

and

FORMAL CASE NO. 1050, IN THE MATTER OF THE INVESTIGATION OF IMPLEMENTATION OF INTERCONNECTION STANDARDS IN THE DISTRICT OF COLUMBIA,

1. By this Public Notice, the Public Service Commission of the District of Columbia (Commission) informs interested persons of an extension of time to file comments in response to the December 25, 2020, Second Notice of Proposed Rulemaking (Second NOPR) published in this proceeding in the *D.C. Register*.¹ Comments to the Second NOPR are now due by February 16, 2021.

2. The purpose of the published Second NOPR is to further address and clarify concerns surrounding the maintenance of a public queue, sortable by feeder; Advanced Inverter profile development; Level 1, 2 interconnections cost letter, approval to install and modify timelines; community renewable energy facility's (CREFs) distribution system upgrades funding; and customer charge for CREFs, among other things. On January 21, 2021, a Motion for Enlargement of Time to file comments was filed.² Through this Public Notice, the Commission hereby extends the comment period from January 25, 2021, to February 16, 2021.

3. All persons interested in commenting on the subject matter of this proposed rulemaking action may submit written comments addressed to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 and sent electronically on the Commission's website at https://edocket.dcpsc.org/public/public_comments. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpsc.org or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning the Second NOPR should call (202) 626-5150 or psc-commissionsecretary@dc.gov.

¹ 67 *D.C. Reg.* 14887-14965 (December 25, 2020).

² *RM40-2020-01, In the Matter of 15 DCMR Chapter 40 — District of Columbia Small Generator Interconnection Rules and Formal Case No. 1050, In the Matter of the Investigation of Implementation of Interconnection Standards in the District of Columbia*, Potomac Electric Power Company's Motion for Enlargement of Time, filed January 21, 2021.

OFFICE OF TAX AND REVENUE

NOTICE OF PROPOSED RULEMAKING

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR) of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code § 47-2023 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub. L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, gives notice of its intent to amend Chapter 4 (Sales and Use Taxes), of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendments to Section 438 inform taxpayers how to obtain a Contractor's Exempt Purchase Certificate electronically. The proposed amendments also clarify that taxpayers may not use the sample certificate previously found in Subsection 438.9. These changes are needed to harmonize this section with Section 417 and with the current OTR process.

OTR gives notice of its intent to take final rulemaking action to adopt these regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 4, SALES AND USE TAXES, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

Section 438, CONSTRUCTION, REPAIR, OR ALTERATION OF REAL PROPERTY, Subsections 438.8, 438.9 and 438.20, are amended to read as follows:

438.8 A contractor, including a subcontractor, purchasing property at retail for a construction contract with a semipublic institution holding a valid exemption certificate or with the United States or District governments or their instrumentalities shall obtain from the Deputy Chief Financial Officer a certificate of exemption stating that the institution is entitled to the exemption. (For regulations regarding these contractor's exempt purchase certificate, see § 417.13). If the contractor does not present the certificate of exemption to the vendor, the vendor shall collect the reimbursement for the tax.

438.9 A contractor, including a subcontractor, purchasing property at retail for a construction contract with a semipublic institution holding a valid exemption certificate or with the United States or District governments or their instrumentalities shall obtain from the Deputy Chief Financial Officer a certificate of exemption stating that the institution is entitled to the exemption. (For regulations regarding these contractor's exempt purchase certificate, see § 417.13). If the contractor does not present the certificate of exemption to the vendor, the vendor shall collect the reimbursement for the tax.

...

438.20 To buy tax-free materials for the types of contracts listed in § 438.19, the contractor should not use the Certificate of Resale, but should use the Contractor's Exempt Purchase Certificate prescribed in § 417.

Comments on this proposed rulemaking should be submitted to Andrew Reiter, Assistant General Counsel, Office of Tax and Revenue, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Andrew Reiter may be contacted by: telephone at (202) 768-4976; or, email at andrew.reiter@dc.gov. Copies of this rule and related information may be obtained by contacting Andrew Reiter as stated herein.

OFFICE OF THE CITY ADMINISTRATOR**CONCEALED PISTOL LICENSING REVIEW BOARD****THIRD NOTICE OF EMERGENCY RULEMAKING AND
FIRST NOTICE OF PROPOSED RULEMAKING**

The City Administrator, on behalf of the Mayor, and pursuant to the authority under Section 908(d) of the Firearms Regulations Control Act of 1975 (Act), effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.08(d) (2018 Repl.)), Mayor's Order 2015-036, dated January 9, 2015; the Coronavirus Support Temporary Amendment Act of 2020, effective October 9, 2020 (D.C. Law 23-130; 67 DCR 12236); and Mayor's Order 2020-079, dated July 22, 2020, hereby gives notice of the adoption of emergency amendments to Chapter 12 (Concealed Pistol Licensing Review Board) of Title 1 (Mayor and Executive Agencies) of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking modifies the Concealed Pistol Licensing Review Board (Board) deadlines for receiving and deciding appeals, and holding summary suspension hearings during and after the public emergency and public health emergency declared by the Mayor in Mayor's Order 2020-045, dated March 11, 2020, and Mayor's Order 2020-046, dated March 11, 2020, and any extensions thereof (the "emergency period"). Additionally, the emergency rulemaking requires parties to file appeals of adverse actions electronically to the Board at cplrb@dc.gov during the emergency period in order for the filing to be considered during the emergency period; if the filing is made by postal mail, it will not be considered filed with the Board until after the end of the emergency period, except in limited circumstances. Further, the rulemaking authorizes the Board to serve orders, notices, and other documents by email in certain circumstances even if the email address was not listed on the written appearance submitted by the party. Lastly, this emergency rulemaking prohibits in-person filings as the physical offices of the Board are closed to the public during the public health emergency period. This emergency rulemaking is necessary to protect the health, safety, and well-being of the District of Columbia as it responds to the effects of COVID-19 by amending Board appeals deadlines and service procedures to ensure appellants' procedural due process rights and allow for the safer and appropriate handling of matters of the Board.

An initial emergency rulemaking was adopted on April 23, 2020, and was published in the *D.C. Register* on May 8, 2020, at 67 DCR 4915. A second emergency rulemaking was adopted on September 24, 2020, and was published in the *D.C. Register* on October 2, 2020, at 67 DCR 11449. This third emergency rulemaking was adopted on January 22, 2021, became effective immediately, and will expire one hundred twenty (120) days from the date of adoption, on May 22, 2021, unless superseded by a further emergency or final rulemaking.

The City Administrator also provides notice of the intent to take final rulemaking action to adopt these rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*.

Chapter 12, CONCEALED PISTOL LICENSING REVIEW BOARD, of Title 1 DCMR, MAYOR AND EXECUTIVE AGENCIES, is amended as follows:

Section 1202, APPEALS, is amended as follows:

A new Subsection 1202.8 is added to read as follows:

1202.8

- (a) Notwithstanding Subsection 1202.2 and Sections 902(g) and 903(c) of the Act (D.C. Official Code §§ 7-2509.02(g) and 7-2509.03(c)) (as authorized by the Coronavirus Support Temporary Amendment Act of 2020, effective October 9, 2020 (D.C. Law 23-130; 67 DCR 12236); and Mayor’s Order 2020-079, dated July 22, 2020, and any subsequent emergency, temporary, or permanent legislation or Mayor’s Order providing similar authority), the deadline for filing an appeal of the denial of an initial application shall be tolled during the public emergency and public health emergency declared pursuant to Mayor’s Orders 2020-45, dated March 11, 2020, and Mayor’s Order 2020-46, dated March 11, 2020, and any extensions thereof (collectively, the “emergency”), and during the ninety (90) days after the end of the emergency. The deadline for filing an appeal of the denial of a renewal application or an appeal of a limitation or revocation of a license shall not be tolled during the emergency.
- (b) The Board may, as practicable, proceed with appeals during the emergency.
- (c) During the emergency:
 - (1) No documents may be filed or submitted in person at the physical offices of the Board;
 - (2) Appellants of adverse actions, including the denial of an initial application, the denial of a renewal application, and a limitation or revocation of a license, must submit their filings to the Board via email at cplrb@dc.gov in order for the filings to be eligible for review during the emergency; and
 - (3) An appeal that is submitted by postal mail during the emergency shall not be considered filed with the Board until the day after the end of the emergency and will not be reviewed by the Board until after the end of the emergency; provided, that the Board may, in its sole discretion, review the filing before the day after the end of the emergency if the Board is in actual receipt of the filing (and such a filing may, in the Board’s sole discretion, be considered filed on the date the Board is in actual receipt).

- (d) As provided in § 1202.3, each appeal filed with the Board must include the information described in § 1202.3(a)-(f).

Section 1205, SERVICE OF PAPERS, is amended as follows:

A new Subsection 1205.10 is added to read as follows:

- 1205.10 The Board strongly encourages appellants to file and serve appeals by email to streamline and expedite the appeal process. If an appeal is filed with the Board by email, service upon the filing party may thereafter be made by email in all filings for that appeal, even if the email address of the filing party or his or her attorney was not listed on the written appearance submitted pursuant to § 1204. The party is responsible for ensuring that the Board has an accurate, up-to-date email address. In the case of a public emergency declared pursuant to section 5 or 5a of the District of Columbia Public Emergency Act of 1980, effective October 7, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304 or 7-2304.01), that is in effect for over seven (7) days the Board may serve orders and notices on a party by email, even if the party's email address was not listed on the written appearance submitted pursuant to § 1204, throughout the duration of the emergency and for a period equal to the duration of the emergency or ninety (90) calendar days, whichever is shorter, following the end of the public emergency. The party is responsible for ensuring that the Board has an accurate, up-to-date email address.

Section 1226, SUMMARY SUSPENSION HEARINGS, is amended as follows:

Subsections 1226.1 and 1226.2 are amended to read as follows:

- 1226.1 A person subject to a summary suspension or summary limitation of a license issued pursuant to the Act shall have the right to request a hearing to the Board, in the manner described in § 1202.3(a)-(f), within seventy-two (72) hours after service of notice of the summary suspension or limitation of the license on the Board. The request for a hearing must be submitted to the Board via email at cplrb@dc.gov.
- 1226.2
- (a) The Board shall hold a hearing within seventy-two (72) hours after receipt of a timely request for hearing; provided, that if the request is filed during the emergency, as defined in § 1202.8(a), the Board may, notwithstanding Section 905(b) of the Act (D.C. Official Code § 7-2509.05(b)) (as authorized by the Coronavirus Public Health Extension Emergency Amendment Act of 2020, effective Dec. 21, 2020, D.C. Act A23-0524, 67 DCR 14747 and Mayor's Order 2021-004, dated January 11, 2021, and any subsequent emergency, temporary, or permanent legislation or Mayor's Order providing similar authority), hold the hearing up to twenty-one (21) days after the request is filed.

- (b) The Board shall issue a written decision within seventy-two (72) hours after the conclusion of the hearing; provided, that if the hearing is held during the emergency, as defined in § 1202.8(a), the Board may, notwithstanding Section 905(b) of the Act (D.C. Official Code § 7-2509.05(b)) (as authorized by the Coronavirus Support Temporary Amendment Act of 2020, effective October 9, 2020 (D.C. Law 23-130; 67 DCR 12236); and Mayor’s Order 2020-079, dated July 22, 2020, and any subsequent emergency, temporary, or permanent legislation or Mayor’s Order providing similar authority), issue the written decision up to seven (7) days after the conclusion of the hearing.

Subsection 1226.6 is amended by striking the phrase “thirty (30) days” and inserting the phrase “sixty (60) days” in its place.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent to the CPLRB at cplrb@dc.gov with the subject header “CPLRB NPRM – Public Comments.” Copies of the proposed rules may be obtained from the Board at the same email address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

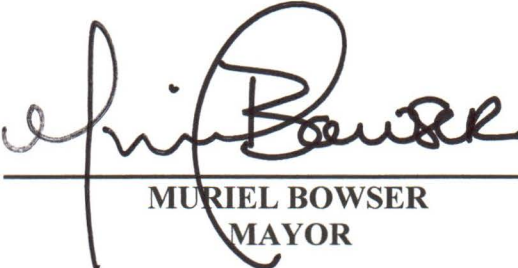
Mayor's Order 2021-012
January 27, 2021

SUBJECT: Appointment — Interim Director, Office of Human Rights


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat.790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to section 202 of the Office of Human Rights Establishment Act of 1999, effective October 20, 1999, D.C. Law 13-38, D.C. Official Code § 2-1411.01 (2016 Repl.), it is hereby **ORDERED** that:

1. **MICHELLE GARCIA**, is appointed Interim Director of the Office of Human Rights and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-055, dated January 29, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 24, 2020.



MURIEL BOWSER
MAYOR

ATTEST: 

KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

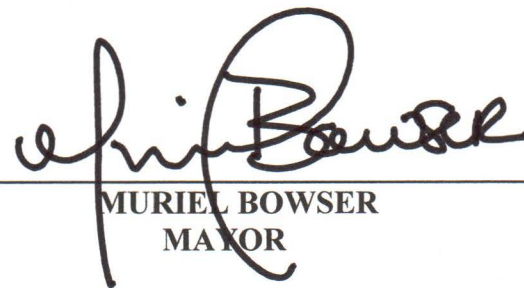
Mayor's Order 2021-013
January 27, 2021**SUBJECT:** Certified Business Enterprise Law Inter-Agency Notification Procedures**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to sections 422(6) and 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.), and in accordance with the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005, D.C. Law 16-33, D.C. Official Code §§ 2-218.01 *et seq.* (2016 Repl.), it is hereby **ORDERED** that:


1. In furtherance of sections 2344 and 2345 of the Small and Certified Business Enterprise Development and Assistance Act of 2005 ("CBE Act"), effective October 20, 2005, D.C. Law 16-33, D.C. Official Code §§ 2-218.44 and 2-218.45, a District procuring agency shall provide to the Department of Small and Local Business Development ("DSLBD") a notification in writing no later than fourteen (14) calendar days after the agency determines that:
 - a. There are not at least two (2) qualified small business enterprises or certified business enterprises that can provide the services or goods that are the subject of a contract valued under two hundred fifty thousand dollars (\$250,000); or
 - b. The bids for a contract or procurement valued under two hundred fifty thousand dollars (\$250,000) from a small or certified business enterprise are believed, by the contracting and procuring agency, to be twelve percent (12%) or more above the likely price on the open market.
2.
 - a. In furtherance of section 2346(f) of the CBE Act, D.C. Official Code § 2-218.46(f), each procuring agency shall provide to DSLBD, within thirty (30) days after the start of each fiscal year, a list of each contract with at least one (1) remaining option year or option period, so that DSLBD may assess each contractor's compliance with the requirements of the CBE Act before the option year or option period is scheduled to be exercised. The list of contracts shall include the contractor name, the contract number, and the end date of the then-existing contract term.
 - b. DSLBD shall, within sixty (60) days after the list is provided by a procuring agency, provide the procuring agency with an assessment of whether the contractor for each contract is in compliance with the CBE Act. If DSLBD assesses that a contractor is not in compliance with the CBE Act, DSLBD shall describe the reasons for its

assessment of non-compliance and shall describe the steps that the procuring agency and/or the contractor should take in order for the contractor to come into compliance with the CBE Act. If, after the sixty (60)-day review period, DSLBD assesses that a contractor is not in compliance with the CBE Act based on an issue that arose after the sixty (60)-day review period, DSLBD shall notify the procuring agency within ten (10) days after it assesses the non-compliance and shall describe the reasons for its assessment of non-compliance and shall describe the steps that the procuring agency and/or the contractor should take in order for the contractor to come into compliance with the CBE Act.

- 3. Within fourteen (14) calendar days after the award of a contract by a procuring agency, the agency contracting officer shall notify the Director of DSLBD of the award and provide a copy of the subcontracting plan submitted by the beneficiary.
- 4. For the purposes of this Order, the term "procuring agency" means an agency directly subordinate to the Mayor that is authorized to purchase or otherwise acquire any good, service, or construction.
- 5. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

 KIMBERLY A. BASSETT
 SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

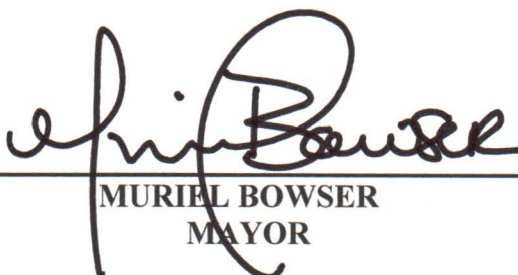
GOVERNMENT OF THE DISTRICT OF COLUMBIA


ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2021-014
January 29, 2021**SUBJECT:** Reappointment — Chief Medical Examiner, Office of the Chief Medical Examiner**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01 (2016 Repl. and 2019 Supp.), and pursuant to section 2903 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 § 5-1402, it is hereby **ORDERED** that:

1. **ROGER A. MITCHELL, Jr., M.D., FASCP**, is reappointed Chief Medical Examiner, Office of the Chief Medical Examiner, pursuant to the Chief Medical Examiner Roger A. Mitchell, Jr. Confirmation Resolution of 2020, effective April 7, 2020, Resolution 23-0864, to serve for a term to end June 3, 2026.
2. This Order supersedes Mayor's Order 2015-056, dated January 29, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the date of confirmation.


MURIEL BOWSER
MAYOR

ATTEST: 
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

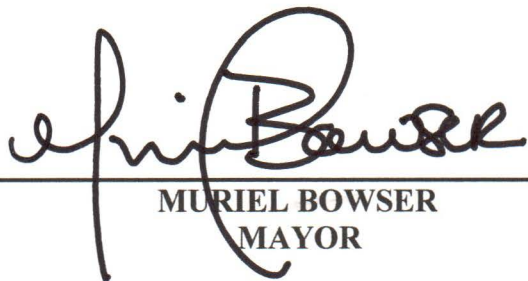
Mayor's Order 2021-015
January 29, 2021

SUBJECT: Appointment — City Administrator


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(7) 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(7) (2016 Repl.), it is hereby **ORDERED** that:

- 1. **KEVIN DONAHUE**, is appointed City Administrator, to serve at the pleasure of the Mayor.
- 2. This Order supersedes Mayor's Order 2020-085, dated August 14, 2020.
- 3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

 KIMBERLY A. BASSETT
 SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

OFFICE OF THE CHIEF FINANCIAL OFFICER
Office of Tax and Revenue

A Notice Pertaining to the District of Columbia Estate Tax Return
for a Decedent’s Gross Estate When the Date of Death
is On or After January 1, 2021

THE ZERO BRACKET AND UNIFIED CREDIT AMOUNTS
FOR TAX YEAR 2021

Where the **zero bracket amount** is the amount of a decedent’s gross taxable estate that is exempt from the District Estate Tax, D.C. Code § 47-3701 states that the **zero bracket amount** shall be \$4 million for decedents whose deaths occur after December 31, 2020, and the amount shall be increased annually by a cost-of living adjustment commencing on January 1, 2022. This statute also states that the **unified credit** shall be \$1,545,800 for decedents whose deaths occur after December 31, 2020, and the amount shall be but increased annually by a cost-of living adjustment commencing on January 1, 2022.

Therefore, commencing on January 1, 2021:

The zero bracket amount shall be	\$4,000,000
And, the unified credit shall be	\$1,545,800

**DC PREPARATORY ACADEMY
PUBLIC CHARTER SCHOOL**

REQUEST FOR PROPOSALS

D.C. Preparatory Academy Public Charter School is seeking proposals from individuals or companies to provide the following:

Due Date: Thursday, March 11, 2021 - 5:00pm

Details: DC PREP is seeking full **Design-Build General Contracting Services** for design and construction administration of a large-scale renovation project located at 2330 Pomeroy Road SE over two phases.

Deadline to Request RFP: February 22, 2021

Contact: Emily Alexander

Email: DCPREP@jairlynch.com

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**NOTICE OF FUNDING AVAILABILITY****Fiscal Year 2021 Healthy Schools Grant****Request for Applications Release Date: February 24, 2021 at 12pm**

The Office of the State Superintendent of Education (OSSE), Division of Health and Wellness is soliciting applications for the District of Columbia Healthy Schools Grant, as authorized by Healthy Schools Act (HSA) of 2010 (D.C. Law 18-209), as amended (codified at D.C. Official Code § 38-821.01 *et seq.*). The purpose of this grant is to increase the capacity of OSSE to support schools with implementing high-quality 1) health education and physical education; and 2) place-based education programs. Grantees will be required to complete the following required activities:

- Grantees will conduct needs assessments to identify specific program area challenges faced by K-12 schools. This will include:
 - Facilitating virtual focus groups with K-12 school stakeholders that identify program implementation barriers and successes. In addition, focus groups will provide recommendations to OSSE on improving support services to schools.
 - Reviewing of relevant documents and data.
- Grantees will use needs assessment findings to develop program area specific strategies for school-based implementation that OSSE will disseminate to schools to support comprehensive, consistent, high-quality programs.
- Grantees will pilot program area specific strategies with a group of schools.
- Grantees will provide formal recommendations to OSSE on the implementation of program area specific training and technical assistance to schools. by OSSE as the state education agency.

Eligibility and Selection Criteria: OSSE will accept applications from entities in the District of Columbia having a 501(c)(3) status with the Internal Revenue Service (IRS). All applicants must submit their respective 501(c)(3) determination letter and any correspondence or other communication received from the IRS within three years before submission of the application that relates to the applicant's tax status. Applications will be scored on the quality of the project services, the quality of the project design, and the qualifications of key personnel.

Length of Award: The grant period begins on Apr. 13, 2021 and ends on Sept. 30, 2021.

Available Funding for Award: The total amount of anticipated funding available for this award period is up to \$240,000.

- Eligible entities may apply for an award up to \$120,000 per program area.
- OSSE anticipates awarding funds to one eligible applicant per program area for a total of two awards.

Grant funds shall only be used to support activities authorized as relevant statutes and included in the applicant's submission.

Application Process: The RFA will be released on Feb. 24, 2021. An external review panel or panels will be convened to review, score, and rank each application. The review panel(s) will be composed of neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences. The application will be scored against a rubric and each application will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel(s) shall make recommendations for awards based on the scoring rubric(s). The State Superintendent, or her designee, will make all final award decisions. The deadline for application submission is **April 6, 2021, at 3 p.m.** OSSE anticipates announcing award decisions on Apr. 13, 2021.

For additional information regarding this competition, contact osse.nutritionprogram@dc.gov or:

Sam Ullery
School Gardens Specialist
Division of Health and Wellness
Office of the State Superintendent of Education
Government of the District of Columbia
1050 First St. NE, 6th Floor
Washington, DC 20002
Phone: (202) 341-0791

Charles Rominiyi
Health Education Manager
Division of Health and Wellness
Office of the State Superintendent of Education
Government of the District of Columbia
1050 First St. NE, 6th Floor
Washington, DC 20002
Phone: (202) 215-5704

The RFA will be available on OSSE's website at <https://osse.dc.gov/publication/healthy-schools-grant>. All applications will be submitted through the Enterprise Grants Management System (EGMS) at grants.osse.dc.gov. OSSE will conduct pre-application meetings and make a recorded EGMS training available. Please see the RFA for more details.

**DEPARTMENT OF EMPLOYMENT SERVICES
OFFICE OF APPRENTICESHIP AND INFORMATION TECHNOLOGY
2021 APPRENTICESHIP INFORMATION TRAINING INTERMEDIARY INITIATIVE RFA**

REQUEST FOR APPLICATIONS (RFA): DOES-AITH-2021

Purpose/Description of Grant Opportunity

As part of the 2021 Apprenticeship Intermediary Initiative, DOES Office of Apprenticeship and Intermediary Initiative (OAIT) and the Office of First Source Compliance (OFSC) are seeking high quality, structured and innovative grant applications to develop and conduct pre-apprenticeship programs in the approved industries, Elevator, Heavy Equipment Operator, Glazier, Ironworker, Roofer, or Formwork Carpentry for (1) out of school youth, ages 18-24; (2) inclusive individuals possessing physical or mental conditions that limit movement, senses, or activities; (3) women; or (4) veterans that lead to direct entry to registered apprenticeship programs in the approved industry.

Eligible Organizations

Organizations that are eligible to apply for this grant include public and private non-profits and for-profit organizations with demonstrated effectiveness (1) providing the requested services; (2) meeting the needs of the target population, and (3) conducting or partnering with a registered apprenticeship program.

All Applicants must be current on payment of all federal and District taxes, including Unemployment Insurance and Paid Family Leave taxes and Workers' Compensation premiums. Applicants cannot be listed on any federal or local excluded parties' lists.

Review Factors

All applications will be objectively reviewed by an independent panel of reviewers and scored against the criteria specified in the Request for Applications (RFA).

Length of Grant Award

The award period for the grant will be from date of award through 12 months thereafter at which time all funds must be invoiced per the payment instructions.

Available Funding

DOES has identified up to \$145,000 in available funding for this grant opportunity.

Anticipated Number of Grant Awards

DOES intends to issue at least one award but reserves the right to issue multiple awards based on the quantity and quality of applications reserved.

Request for Application (RFA) Release Date

The RFA will be released on **January 27, 2021**. The RFA will be posted on the Mayor's Office of Volunteerism and Partnerships website (<http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>) under the District Grants Clearinghouse. It will also be posted at the Department of Employment Services website here: <https://does.dc.gov/page/grant-opportunities>.

Deadline for Applications

The deadline for submission is February 26th by 5:00 p.m. Late or incomplete applications will not be forwarded for review.

FRIENDSHIP PUBLIC CHARTER SCHOOL

NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACTS

Indeed.com

Friendship Public Charter School intends to enter into a sole source contract with **Indeed.com** to post open jobs, search for resumes of interested and qualified applicants, increase the awareness of Friendship's efforts and impact in DC, and if necessary, outsource the sourcing and recruitment of specific hard to fill positions. Indeed offers 24-hour access to edit, add, pause, and close roles as needed. They also offer a high-level of customer support and analyst advice on how best to advertise and attract qualified applicants, as well as increase Friendship's brand strength.

Indeed is an American worldwide employment website for job listings. As a single-topic search engine, it is also an example of vertical search. Indeed is currently available in over 60 countries and 28 languages and is the highest-traffic job website in the United States.

The estimated yearly cost is approximately \$50,000. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

Questions can be addressed to: ProcurementInquiry@friendshipschools.org, and should be received no later than **4:00 P.M., EST, Friday February 19, 2021**.

FRIENDSHIP PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACTS****S&P**

Friendship Public Charter School intends to enter into a sole source contract with S&P to provide S&P Global Ratings for bond financing purposes. S&P is an American credit rating agency and a division of S&P Global that publishes financial research and analysis on stocks, bonds, and commodities. S&P is considered the largest of the Big Three credit-rating agencies.

Credit Ratings are opinions about credit risk and they can express a forward-looking opinion about the capacity and willingness of an entity to meet its financial commitments as they come due, and the credit quality of an individual debt issue, such as a corporate or municipal bond, and the relative likelihood that the issue may default.

S&P Credit Ratings are provided for distribution to public or private markets or, where applicable, available for internal (confidential) management use. The estimated yearly cost is approximately \$40,000. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

Questions can be addressed to: ProcurementInquiry@friendshipschools.org, and should be received no later than **4:00 P.M., EST, Friday February 19, 2021**.

**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 calendar year 2021 in accordance with the schedule set forth below.

Location: Regular Meetings shall be conducted by videoconference.

Registration: Registration for Regular Meetings 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>
February 12, 2021	2:00 pm
March 18, 2021	12:00 pm
May 20, 2021	12:00 pm
July 22, 2021	12:00 pm
September 23, 2021	12:00 pm
November 18, 2021	12:00 pm

**DC GREEN FINANCE AUTHORITY
(DC GREEN BANK)
SOLICITATION OF COMMENTS REGARDING PERFORMANCE TARGETS**

DC Green Finance Authority (“DC Green Bank”), pursuant to Section 301(d) of the Green Finance Authority Establishment Act of 2018 (D.C. Law 22-155) hereby solicits comments from the public in connection with the proposed performance targets of DC Green Bank (the “Performance Targets”), which are published below.

Comments may be submitted during the Comment Period set forth below through the DC Green Bank website as well as through a Focus and Feedback Session.

DC Green Bank Website Link	https://dcgreenbank.org/performancetargets
Comment Period	February 5, 2021 – March 8, 2021
Link for Submitting Comments	https://dcgreenbank.org/performancetargets
Focus and Feedback Session on Performance Targets on February 11, 2021 @ 6:30pm	https://us02web.zoom.us/meeting/register/tZEtfioqTljG9UuhPX0ZSwh5SvvQbXh8DG4

INTRODUCTION

The mission of DC Green Bank is to provide access to capital, growing the clean economy to develop a more equitable, resilient, and sustainable DC.

DC Green Bank (DCGB) envisions a thriving clean economy that contributes to economic growth and prosperity for all DC. DC Green Bank also aligns its investment strategy with DC’s climate plans, including the Sustainable DC 2.0 Plan and the goal to be carbon free by 2050. Each December, DC Green Bank will publish its annual progress on the Performance Targets adopted by the Board of Directors. The proposed Performance Targets are organized around DC Green Bank’s core values of Clean Economy, Sustainability, and Inclusive Prosperity, as well as around financial stewardship and progress, including its contribution to DC’s market acceleration for clean energy and sustainability.

Acting as a catalyst for a more equitable and vibrant city, DC Green Bank seeks to create pathways for sustainable finance solutions that prioritize making the clean economy inclusive and affordable for the DC community. DC Green Bank integrates and coordinates its financing with District initiatives, leading the way for DC to transition to a green city that runs on 100% renewable energy, for a healthier, more resilient, and sustainable community.

Performance Targets Abbreviation Key

CE: Clean Economy

SU: Sustainability

IP: Inclusive Prosperity

FI: Financial

CLEAN ECONOMY PERFORMANCE TARGETS

CE-1: Fund projects to expand green job opportunities that increase employability and earning potential for District residents.

CE-1.01. Measure permanent, contingent and contract green jobs across all skill levels created by DCGB investments.

CE-1.02. Measure new green job/business entrants as well as green job/business expansions and transitions in connection with DCGB investments.

CE-1.03. Measure median and average pay rates associated with DCGB investments.

CE-2: Build capacity among stakeholders to participate in the green finance market.

CE-2.01 Assess capacity needs of stakeholders associated with potential investments and facilitate their readiness for private capital. [See also IP-2.02]

CE-2.02 Identify green finance gaps and develop strategies that expand access to for private capital. [See also IP-2.03]

CE-3: Expand access of District residents to the clean economy.

CE-3.01 Support workforce development programs in the District to train residents to be successful in green jobs.

CE-3.02 Increase knowledge of District youth and young adults about clean energy, sustainability, and the clean economy. [See also IP-2.04]

CE-3.03 Ensure green job growth opportunities along all categories of businesses and professions and promote equal access through pipeline programs. [See also IP-2.05]

CE-3.04 Maximize access of District residents to electrification and affordable energy. [See also SU-2.03, IP-1.03]

SUSTAINABILITY PERFORMANCE TARGETS

SU-1: Fund sustainable projects and programs that support decarbonization in the District, improve public health, and conserve natural resources.

SU-1.01 Measure greenhouse gas (GHG) emission reduction through estimated carbon equivalents of annual and cumulative emissions avoided through 2032.

SU-1.02 Measure quantifiable changes in air, water, and other pollution (e.g., air quality, stormwater retention) in connection with DCGB investments.

SU-2: Accelerate the growth of the clean economy and electrification in the District.

SU-3.01 Measure clean energy produced and avoided energy use.

SU-3.02 Measure the deployment and growth of clean energy and sustainability technologies.

SU-3.03. Maximize access of District residents to electrification and affordable energy. [See also CE-3.04, IP-1.03]

SU-3: Strengthen the climate resiliency of District residents and businesses.

SU-3.01 Make critical infrastructure investments that support climate resiliency and adaptation.

SU-3.02 Identify sound and proven strategies to maximize climate resiliency, climate adaptation, and disaster risk reduction.

INCLUSIVE PROSPERITY PERFORMANCE TARGETS

IP-1: Prioritize inclusive prosperity in DC Green Bank investments.

IP-1.01 Allocate an equitable distribution of investment resources, including support for equal access in business development, application processing, loan processing and asset management.

IP-1.02 Identify equity and access gaps for the clean economy by District Ward, Advisory Neighborhood Commission, Business Improvement District, and Census Tract and expand access to green finance where gaps exist.

IP-1.03. Maximize access of District residents to electrification and affordable energy. [See also CE-3.04, SU-2.03]

IP-2: Empower stakeholders to promote wellness, prosperity, and equal access to sustainable investment and remove barriers to inclusive prosperity.

IP-2.01 Work with community leaders and stakeholders to share sustainability and clean economy knowledge, practices and resources with District residents that promote green lifestyle choices and energy savings.

IP-2.02 Assess capacity needs of stakeholders associated with potential investments and facilitate their readiness for private capital. [See also CE-2.01]

IP-2.03 Identify green finance gaps and develop strategies that expand access to for private capital. [See also CE-2.02]

IP-2.04 Increase knowledge of District youth and young adults about clean energy, sustainability, and the clean economy. [See also CE-3.02]

IP-3: Prioritize a just transition to the clean economy in the supply chain.

IP-3.01 Include requirements for mission alignment with DCGB core values (Clean Economy, Inclusive Prosperity, and Sustainability) in the supply chain in connection with DCGB's programmatic investment and use of its operational funds.

IP-3.02 Ensure external stakeholders set and measure goals aligned with DCGB core values and report to DCGB on progress towards same.

IP-3.03 Develop strategic partnerships to promote inclusive prosperity priorities in green banking.

FINANCIAL PERFORMANCE TARGETS

FI-1 Ensure the long-term financial stability and viability of DC Green Bank.

FI-1.01 Design, evaluate, and continually improve cash management strategy and capital strategy to advance financial self-sufficiency and resilient operations.

FI-1.02 Measure operating margin (revenues less expenses as a function of revenues).

FI-1.03 Measure revenue growth.

FI-2 Optimize social impact and efficiency of investments.

FI-2.01 Measure return on investment with respect to mission, profitability, and overall market acceleration.

FI-3 Commercialize green finance investment.

FI-3.01 Pilot and model bankable investment strategies.

FI-3.02 Accelerate DCGB pilot-to-product conversion, lender adoption of commercial finance products using DCGB funds or credit enhancement, and broader market adoption without DCGB participation.

SUMMARY OF TERMS

Clean economy: The “green” or “clean” or low-carbon economy is defined as the sector of the economy that prioritizes sustainability, utilizes sustainable technologies, or produces goods and

services with an environmental benefit, as a source of economic renewal and potential job creation.¹

Clean energy: means energy produced by solar photovoltaic panels, solar thermal sources, geothermal sources, wind, ocean thermal sources, wave or tidal sources, fuel cells, landfill gas, hydropower, or hydrogen production and conversion technologies.²

Climate adaptation: refers to adjustments in ecological, social, or economic systems in response to actual or expected climatic stimuli and their effects or impacts. It refers to changes in processes, practices, and structures to moderate potential damages or to benefit from opportunities associated with climate change.³

Climate resilience: Climate resilience is the ability to anticipate, prepare for, and respond to hazardous events, trends, or disturbances related to climate. Improving climate resilience involves assessing how climate change will create new, or alter current, climate-related risks, and taking steps to better cope with these risks.⁴

DC Green Bank Core Values: Clean Economy, Sustainability, and Inclusive Prosperity.

Decarbonization: The sustainable process of reducing or removing emissions of carbon dioxide (CO₂) from the atmosphere.

Energy efficiency: means minimizing the amount of energy needed to accomplish a function, task, or result.⁵

Green: To pursue environmentally friendly practices to help in sustaining natural resources and protecting the environment.

Green jobs: Green jobs are jobs in any economic sector that benefit the environment or conserve natural resources, or otherwise promote the transition to a clean economy including in connection with sustainability and sustainable technologies.

Green finance: is any investment activity that finances sustainable technologies, prioritizes sustainability, and focuses on achieving better environmental outcomes.⁶

¹ <https://www.brookings.edu/research/sizing-the-clean-economy-a-national-and-regional-green-jobs-assessment/#:~:text=The%20E2%80%9Cgreen%E2%80%9D%20or%20E2%80%9Cclean,compelling%20aspiration%20and%20an%20enigma>

² Section 101 (7): <https://code.dccouncil.us/dc/council/laws/22-155.html>

³ <https://unfccc.int/topics/adaptation-and-resilience/the-big-picture/what-do-adaptation-to-climate-change-and-climate-resilience-mean>

⁴ <https://www.c2es.org/content/climate-resilience-overview/#:~:text=Climate%20resilience%20is%20the%20ability,or%20disturbances%20related%20to%20climate.&text=As%20greenhouse%20gas%20emissions%20continue,change%20will%20continue%20to%20accelerate>

⁵ Section 101 (11): <https://code.dccouncil.us/dc/council/laws/22-155.html>

⁶ <https://www.weforum.org/agenda/2020/11/what-is-green-finance/>

Inclusive prosperity: The creation of opportunities and equal access that allows for all parties involved to gain benefits that include but are not limited to; economic/financial benefits, clean economy benefits, and overall quality of life benefits, with proactive focus on equitable participation in the prosperity and benefits by communities that have been traditionally marginalized, underrepresented, or underserved.

Renewable energy: uses energy sources that are continually replenished by nature—the sun, the wind, water, the Earth’s heat, and plants. Renewable energy technologies turn these fuels into usable forms of energy—most often electricity, but also heat, chemicals, or mechanical power.⁷

Sustainability: In the context of environmental sustainability, sustainability is based on a simple principle: Everything that we need for our survival and well-being depends, either directly or indirectly, on our natural environment. To pursue sustainability is to create and maintain the conditions under which humans and nature can exist in productive harmony to support present and future generations.⁸ For DC Green Bank, sustainability includes but is not limited to clean energy, sustainable technologies, climate adaptation, climate change mitigation, climate resilience, decarbonization, energy efficiency, natural resources conservation, pollution reduction and removal including waste recovery and reduction, and greenhouse gas reduction.

Sustainable projects and programs: Sustainable projects and programs mean clean energy, clean infrastructure, clean transportation, stormwater best management practices, energy efficiency, water efficiency, or green infrastructure projects and programs. DC Green Bank’s sustainable projects and programs will not include biomass, biofuel, nuclear, or waste-to-energy projects and programs.⁹

Sustainable technologies: Technologies that reduces the environmental impacts or the climate change impacts on communities.

Workforce development: Providing training services to incumbent workers and developing on-the-job and workplace training¹⁰ focused on building a workforce centered around sustainable technology.

⁷ <https://www.nrel.gov/docs/fy01osti/27955.pdf>

⁸ <https://www.epa.gov/sustainability/learn-about-sustainability#what>

⁹ Section 101 (18): <https://code.dccouncil.us/dc/council/laws/22-155.html>

¹⁰ <https://www.dol.gov/agencies/eta/employers/workforce-development-solutions>

DEPARTMENT OF HEALTH

NOTICE OF FUNDING AVAILABILITY

Ending the HIV Epidemic

The District of Columbia, Department of Health (DC Health) is soliciting applications from qualified applicants to provide services in the program and service areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of the DC Health’s intent to make funds available for the purpose described herein. The applicable Request for Applications (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria and DC Health terms and conditions for applying for and receiving funding.

General Information:

Funding Opportunity Title:	FY2021 Ending the HIV Epidemic
Funding Opportunity Number:	FO-HAHSTA-PG-00005-004
Program RFA ID#:	HAHSTA_EtHE_02.12.21
Opportunity Category:	Competitive
DC Health Administrative Unit:	HIV/AIDS, Hepatitis, STD, Tuberculosis Administration
DC Health Program Bureau	Care and Treatment Division
Program Contact:	Avemaria Smith, RWHAP Program Manager, Avemaria.smith@dc.gov ; 202.671.4900
Program Description:	The HIV/AIDS, Hepatitis, STD, Tuberculosis Administration is soliciting applications from community providers to deliver the prescribed Wellness Support Services and Community-Based Disease Intervention Services (DIS) to residents of the Washington Eligible Metropolitan Area.
Eligible Applicants	Not-for-profit organizations, including healthcare entities and universities; government-operated health facilities; for-profit health and support service providers demonstrated to be the only entity able to provide the service. All Wellness Services applicants must have service locations within Washington, DC. Community-Based DIS applicants must meet the specific eligibility criteria specified in the funding announcement.
Anticipated # of Awards:	4
Anticipated Amount Available:	\$400,000
Floor Award Amount:	N/A

Ceiling Award Amount:	N/A
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Funding Authorization

Legislative Authorization	<p>Ryan White HIV/AIDS Treatment Extension Act of 2009; CDC HIV Prevention Activities Health Department Based.</p> <p>Section 318(b-c) of the Public Health Service Act (42 USC § 247c (b-c)), as amended, and the Consolidated Appropriation Act of 2016 (Pub. L. 114-113).</p> <p>Public Health Service Act, Section 311(c) (42 USC 243(c)) and title XXVI (42 U.S.C. §§ 300ff-11 et seq.</p>
Associated CFDA#	93.686; 93.940
Associated Federal Award ID#	UT8HA339320100; NU62PS924632
Cost Sharing / Match Required?	No
RFA Release Date:	February 12, 2021
Pre-Application Meeting (Date)	Wednesday, February 17, 2021
Pre-Application Meeting (Time)	1:00pm – 3:00pm
Pre-Application Meeting (Location/Conference Call Access)	<p>Microsoft Teams Meeting</p> <p>Click here to join the meeting</p>
Letter of Intent Due date:	Not required
Application Deadline Date:	March 19, 2021
Application Deadline Time:	6:00 PM
Links to Additional Information about this Funding Opportunity	<p>DC Grants Clearing house</p> <p>https://communityaffairs.dc.gov/content/community-grant-program</p> <p>DC Health EGMS</p> <p>https://dcdoh.force.com/GO_ApplicantLogin2</p>

DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Nursing (“Board”) hereby gives notice of its upcoming meetings for the calendar year 2021, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, D.C. Official Code § 3-1204.05 (b) (2016 Repl.).

The Board previously met monthly on the first Wednesday of each month. However, the Board has determined that much of its routine business may be more efficiently conducted through delegated authority to the staff and subcommittees. Accordingly, the Board will now meet on a bi-monthly basis, starting in January 2021. Subsequent meetings will be held from 9:00 AM to 12:00 PM every two (2) months on the following Wednesdays:

March 3, 2021
May 5, 2021
July 7, 2021
September 1, 2021
November 3, 2021

The meetings will be open to the public from 9:00 AM until 10:30 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Act of 2010, D.C. Official Code § 2-574(b), the meeting will be closed from 10:30 AM to 12:00 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

Due to the COVID-19 public health emergency, the meetings will be conducted via videoconference. The public may attend the open session in the following ways:

By videoconference:

Meeting number: 172 969 3891

Password: HBwPs3Cfw57

<https://dcnet.webex.com/dcnet/j.php?MTID=mc6734897c0edfe6f8e75edfcef175f34>

By phone:

202-860-2110 or 1-650-479-3208 Call-in toll number (US/Canada)

Access code: 172 969 3891

The agenda is available at <https://dchealth.dc.gov/event/board-nursing-monthly-meeting-agenda>. For additional information, contact Concheeta Wright at concheeta.wright@dc.gov.

DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Professional Counseling (“Board”) hereby gives notice of its upcoming meetings in 2021 pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, D.C. Official Code § 3-1204.05 (b) (2016 Repl.).

The Board meets monthly on the second Friday of each month from 10:00 AM to 1:00 PM. The next meeting will be held on Friday, February 12, 2021. The meeting will be open to the public from 10:00 AM until 10:30 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Act of 2010, D.C. Official Code § 2-574(b), the meeting will be closed from 10:30 AM to 1:00 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

Subsequent meetings will be held on the following dates:

March 12, 2021
April 9, 2021
May 14, 2021
June 11, 2021
July 9, 2021
September 10, 2021
October 8, 2021
November 12, 2021
December 10, 2021

Due to the COVID-19 public health emergency, the meetings will be conducted via videoconference. Until further notice, the public may attend the open session in the following ways:

By videoconference:

Meeting number: 475 199 633

Password: b5aXwWhTi49

<https://dcnet.webex.com/dcnet/j.php?MTID=m0d5d7c16ea055f3350294ef4e11c3f95>

By phone:

1-650-479-3208 Call-in toll number (US/Canada)

Access code: 475 199 633

The agenda is available at <https://dchealth.dc.gov/page/board-professional-counseling-open-session-agendas>. For additional information, contact the Health Licensing Specialist at dcbopec@dc.gov or (202) 727-1611.

DEPARTMENT OF HEALTH
NOTICE OF PUBLIC MEETING

Scientific Advisory Committee
Tuesday, February 9th, 2021
5:30 p.m.
Draft Agenda

On Tuesday, February 9th, 2021, the Department of Health will be hosting the next meeting of the Scientific Advisory Committee via Web-Based Conferencing (WebEx). The meeting will commence at 5:30 p.m. Any questions should be directed to Heather Burris at (202) 380-6934. Ms. Burris can also be reached at Heather.Burris@dc.gov.

Welcome from Director Nesbitt

COVID-19 Vaccine Group Update

Vaccine Allocation and Distribution

Communications Update

Member Discussion

Adjournment

Link to join the meeting:

<https://dcnet.webex.com/dcnet/onstage/g.php?MTID=e983545a82cf984446875820fde1fe723>

HOWARD UNIVERSITY PUBLIC CHARTER MIDDLE SCHOOL

REQUEST FOR PROPOSALS

In-House Accounting & Financial Services

In Compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995, Howard University Public Charter Middle School of Mathematics & Science (HU-MS2) hereby post notice that it will be will be accepting bids for the following services:

To Provide In house support for Accounting & Financial Services: RFP - to Howard University Public Charter School of Mathematics & Science (HU-MS2), for a contract period of **Two years**, with the ability to renew for **Three** more consecutive years. If either party decides to break the contract, two weeks' notice must be given.

Interested parties should email at info@hu-ms2.org beginning Friday, February 5, 2021 to receive a copy of the bid package. The deadline for responses to the above-mentioned **items is due Friday, February 19, 2021 by 2:00 pm**. Any bid not addressing all areas as outlined in the RFP will not be considered.

KIPP DC PUBLIC CHARTER SCHOOLS**NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACTS****Security Cameras, Design, and Services**

KIPP DC intends to enter into a sole source contract with Kastle Systems for security cameras, design, and services at the Benning Campus expansion. The decision to sole source is due to the fact that the existing system at Benning and across the full network is through Kastle, and there would be serious negative operational and security impact of adding a second system for this addition. Standardization, continuity, and consistency with network-wide security are imperative. The cost of the contract will be approximately \$30,000. Questions can be addressed to jessica.gray@kipfdc.org.

MUNDO VERDE PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Instructional Coach and Art Teacher**

Mundo Verde PCS seeks bids for Instructional Coach and Art Teacher. The RFP with bidding requirements and supporting documentation can be obtained by contacting Rocio Yoc at ryoc@mundoverdepcs.org or calling 202-750-7060. **All bids not addressing all areas as outlined in the RFP will not be considered.**

The deadline for application submission is 3pm on Friday, February 26.

For further information regarding this notice contact **Rocio Yoc** at ryoc@mundoverdepcs.org.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

PUBLIC NOTICE(PUBLIC COMMENT PERIOD EXTENDED UNTIL FEBRUARY 16, 2021)RM40-2020-01, IN THE MATTER OF 15 DCMR CHAPTER 40 — DISTRICT OF COLUMBIA SMALL GENERATOR INTERCONNECTION RULES;

and

FORMAL CASE NO. 1050, IN THE MATTER OF THE INVESTIGATION OF IMPLEMENTATION OF INTERCONNECTION STANDARDS IN THE DISTRICT OF COLUMBIA,

1. By this Public Notice, the Public Service Commission of the District of Columbia (Commission) informs interested persons of an extension of time to file comments in response to the December 25, 2020, Second Notice of Proposed Rulemaking (Second NOPR) published in this proceeding in the *D.C. Register*.¹ Comments to the Second NOPR are now due by February 16, 2021.

2. The purpose of the published Second NOPR is to further address and clarify concerns surrounding the maintenance of a public queue, sortable by feeder; Advanced Inverter profile development; Level 1, 2 interconnections cost letter, approval to install and modify timelines; community renewable energy facility's (CREFs) distribution system upgrades funding; and customer charge for CREFs, among other things. On January 21, 2021, a Motion for Enlargement of Time to file comments was filed.² Through this Public Notice, the Commission hereby extends the comment period from January 25, 2021, to February 16, 2021.

3. All persons interested in commenting on the subject matter of this proposed rulemaking action may submit written comments addressed to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 and sent electronically on the Commission's website at https://edocket.dcpsec.org/public/public_comments. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpsec.org or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning the Second NOPR should call (202) 626-5150 or psc-commissionsecretary@dc.gov.

¹ 67 *D.C. Reg.* 14887-14965 (December 25, 2020).

² *RM40-2020-01, In the Matter of 15 DCMR Chapter 40 — District of Columbia Small Generator Interconnection Rules and Formal Case No. 1050, In the Matter of the Investigation of Implementation of Interconnection Standards in the District of Columbia*, Potomac Electric Power Company's Motion for Enlargement of Time, filed January 21, 2021.

**BOARD OF ZONING ADJUSTMENT
PUBLIC MEETING NOTICE
WEDNESDAY, APRIL 28, 2021
VIRTUAL MEETING via WEBEX**

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule but reserves the right to hear items on the agenda out of turn.

TIME: 9:30 A.M.

FOR EXPEDITED REVIEW

WARD EIGHT

Application of:	Derrick Harris
Case No.:	20447
Address:	1489 Howard Road S.E. (Square 5870, Lot 111)
ANC:	8A
Relief:	Special Exceptions under: <ul style="list-style-type: none"> • the lot occupancy requirements of Subtitle F § 304.1 (pursuant to Subtitle F § 5201 and Subtitle X § 901.2) • the rear yard requirements of Subtitle F 305.1 (pursuant to Subtitle F § 5201 and Subtitle X § 901.2)
Project:	To construct a one-story, rear deck addition, to an existing, three-story, attached principal dwelling unit in the RA-1 Zone.

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.

BZA PUBLIC MEETING NOTICE

APRIL 28, 2021

PAGE NO. 2

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.

**Note that party status is not permitted in Foreign Missions cases.*

Do you need assistance to participate?

Amharic

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም)

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

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

French

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

Korean

참여하시는데 도움이 필요하세요?

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

Spanish

¿Necesita ayuda para participar?

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

BZA PUBLIC MEETING NOTICE

APRIL 28, 2021

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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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20144 of David Barth and Lisa Kays, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, from the lot occupancy requirements of Subtitle E § 404.1, from the accessory building rear yard requirements of Subtitle E § 5004.1, and from the nonconforming structure requirements of Subtitle C § 202.2, to construct a two-story rear addition with a basement to an existing, attached principal dwelling unit, and a second-story addition to a detached accessory building in the RF-2 zone at premises 1832 15th Street, N.W. (Square 191, Lot 56).

HEARING DATE: January 15, 2020¹

DECISION DATE: February 12, 2020

DECISION AND ORDER

David Barth and Lisa Kays (collectively, the “**Applicant**”) filed an application (the “**Application**”) on August 19, 2019, with the Board of Zoning Adjustment (the “**Board**”) requesting the following relief under 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):

- Special exception from the rear wall extension requirements of Subtitle E § 205.4 pursuant to Subtitle E §§ 205.5 and 5201;
- Special exception from the nonconforming structure requirements of Subtitle C § 202.2 pursuant to Subtitle E § 5201.1(f);
- Special exception from the accessory building rear yard requirements of Subtitle E § 5004.1 pursuant to Subtitle E §§ 5007 and 5201; and
- Special exception from the lot occupancy requirements of Subtitle E § 404.1 pursuant to Subtitle E § 5201;

to construct a two-story rear addition with a basement to an existing, attached principal dwelling unit, and a second-story addition to a detached accessory building at Lot 56 in Square 191, with an address of 1832 15th Street, N.W. (the “**Property**”) in the RF-2 zone. For the reasons explained below, the Board voted to **APPROVE** the requested special exception relief as stated above.

¹ The hearing was postponed from November 13, 2019, to January 15, 2020, at the Applicant’s request (Exhibit 44).

FINDINGS OF FACT**I. BACKGROUND****PARTIES**

1. In addition to the Applicant, Advisory Neighborhood Commission (“ANC”) 2B, the ANC within which boundaries the Property is located and so the “affected” ANC per Subtitle Y § 101.8, was automatically a party in this proceeding pursuant to Subtitle Y § 403.5.
2. On October 4, 2019, the Board received requests for party status in opposition (Exhibits [“Ex.”] 31 and 32) from:
 - Peter and Brittany Bepler, the owners of 1830 15th Street, N.W., the abutting property to the south of the Property (the “**South Abutters**”) and
 - Taylor and Sarah Nickel, the owners of 1834 15th Street, N.W., the abutting property to the north of the Property (the “**North Abutters**”, and collectively with the South Abutters, the “**Party Opponents**”).The Party Opponents asserted that they would be significantly and uniquely impacted by approval of the Applicant’s requested special exceptions because the Rear Addition and the Accessory Building Addition would have significant impacts to the light, air, and privacy available to their properties and significantly impact their use and enjoyment of their properties.
3. The Applicant filed an October 11, 2019, response stating that it did not object to the party status in opposition requests. (Ex. 47.)
4. At its October 16, 2019, public meeting, the Board granted both party status requests. (Ex. 48.)

NOTICE

5. Pursuant to Subtitle Y §§ 400.4 and 402.1, the Office of Zoning (“OZ”) sent notice of the Application and the November 13, 2019, hearing by a September 25, 2019 letter to:
 - the Applicant;
 - ANC 2B;
 - Single Member District (“SMD”) Commissioner ANC 2B09;
 - Office of ANCs;
 - Office of Planning (“OP”);
 - District Department of Transportation (“DDOT”);
 - Councilmember for Ward 2;
 - Chairman of the Council;
 - At-Large Councilmembers; and
 - the owners of all property within 200 feet of the Property (Ex. 16-28).
6. OZ published notice of the November 13, 2019, hearing in the September 20, 2019, *D.C. Register* (66 DCR 12389) as well as through the calendar on OZ’s website.

THE PROPERTY

7. The Property is a rectangular interior lot with rear alley access.
8. The Property is currently improved with a three-story, one-family row dwelling (the “**Building**”) and a one-story, 363-square-foot accessory building located at the rear of the Property, currently used as a garage (the “**Accessory Building**”). (Ex. 70A.)
9. The Building shares party walls with the principal buildings on the abutting lots owned by the Party Opponents.
10. The Property has an existing lot occupancy of 56.5%, of which the Accessory Building comprises approximately 20%. (Ex. 70B.)
11. The Property has an existing rear yard of 63.5 feet, exceeding the 20-foot minimum required by Subtitle E § 406.2. (Ex. 70B.)
12. The surrounding properties are mostly attached dwelling units, many of which include rear additions. The south end of the block is improved with a four story, multi-unit apartment house. Many of the surrounding properties also include accessory structures fronting on the alley, including the two immediately adjacent properties. (Ex. 83B.)
13. The Property is located within the RF-2 zone.
14. Pursuant to Subtitle E § 400.2, the RF-2 zone is intended to, *inter alia*:
 - (b) *Provide strong protections to retain its low scale, predominantly residential character, independent small retail businesses, human scale streetscapes, and historic character;*
 - (c) *Enhance the residential character of the area by maintaining existing residential uses and controlling the scale and density of residential development; [and]*
 - (e) *Preserve areas planned as open gardens and backyards and protect the light, air, and privacy that they provide.*
15. Pursuant to Subtitle E § 400.3, “*The RF-2 zone requires a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk and ensures a general compatibility in the scale of new buildings with older, low-scale buildings.*”
16. The RF zones permit an accessory building as a matter of right provided it is:
 - Subordinate in size and use to the principal building;
 - Constructed after the principal building and not in front of the principal building;
 - Considered in the lot occupancy, pervious surface, and floor area ratio calculations for the lot; and
 - Compliant with applicable development standards (Subtitle E § 5000), including the maximum 20-foot height in the RF-2 zone pursuant to Subtitle E § 5002.1.

II. THE APPLICATION

THE PROJECT

17. The Application proposed to construct:
- A three-story, 13.25-foot rear addition to the Building (the “**Rear Addition**”); and
 - A second-story addition on the Accessory Building (the “**Accessory Building Addition**,” and collectively with the Rear Addition, the “**Project**”).
18. The Accessory Building Addition would increase the height of the Accessory Building to 19 feet while maintaining its existing building footprint of 363 square feet.
19. The Application asserted that the Accessory Building Addition would comply with the requirements of the RF-2 zone except for the relief requested – from the lot occupancy, rear yard/alley centerline setback, and nonconforming structure requirements.

RELIEF REQUESTED

20. The Application requested four special exceptions:
- From Subtitle E § 205.4’s maximum ten-foot (10 ft.) rear wall extension beyond the rear walls of the adjoining principal buildings on the abutting lots to allow an additional three and one-quarter feet (3.25 ft.) of rear extension (total rear extension of 13.25 feet), pursuant to Subtitle E § 5201;
 - From Subtitle E § 5004.1’s minimum twelve-foot (12 ft.) rear yard/setback from the alley centerline for the Accessory Building’s proposed new second story to extend the existing nonconforming five-foot (5 ft.) rear yard/setback existing on the Accessory Building’s first floor, pursuant to Subtitle E §§ 5007 and 5201;
 - From Subtitle C § 202.2’s limits on extending an existing nonconforming structure to allow the extension of the Accessory Building’s existing nonconforming five-foot (5 ft.) alley centerline setback to the proposed new second story of the Accessory Building, pursuant to Subtitle E § 5201; and
 - From Subtitle E § 404.1’s maximum 60% lot occupancy to allow an additional 9.75% (total of 69.7% lot occupancy), pursuant to Subtitle E § 5201.

APPLICATION’S JUSTIFICATION FOR THE REQUESTED RELIEF

Subtitle E § 5201.3(a) – No Undue Effects on Light and Air

21. The Application asserted that the Project would not unduly affect the light and air available to the neighboring properties because:
- Rear Addition**
- At 13.25 feet, the Rear Addition would extend only three and one-quarter feet (3.25 ft.) beyond the ten feet (10 ft.) permitted as a matter of right and the Board had previously considered other similarly sized additions to be “*de minimis*”;
 - At approximately 24 feet and three stories the rear Addition would also remain under the 35-foot maximum height permitted in the RF-2 zone (Subtitle E § 403.1);

- As demonstrated by the Applicant's shadow studies (discussed below), the Rear Addition would not unduly impact the light available to the adjacent properties (Ex. 70A.)

Accessory Building Addition

- The proposed second story would maintain the Accessory Building's existing 363 square foot footprint and would remain below the 20-foot maximum height for accessory structures permitted in the RF-2 zone (Subtitle E § 5002.1); and
- The Accessory Building is located at the rear of the Property, and as such, most of the resulting shadow impacts will only impact the rear alley. (Ex. 70A.)

Lot Occupancy

- The proposed lot occupancy of the Project would not unduly affect the light and air available to the neighboring properties because the Property's 50+ foot deep rear yard (including Project) would allow open space extending 30 feet – more than the 20-foot minimum rear yard required in the RF-2 zone - between the Rear Addition and the Accessory Building. (Ex. 99A.)

Subtitle E § 5201.3(b) – No Undue Compromise of Privacy

22. The Application asserted that the Project would not unduly compromise the privacy of use and enjoyment of the neighboring properties because:

Rear Addition

- The Rear Addition does not include any windows on the north or south elevations that would face the neighboring properties, with the only proposed windows facing west to the Accessory Structure across the 30-foot open space; and
- The 30-foot open space between the Rear Addition and the Accessory Building will be enclosed by a six-foot wooden fence which will further screen the adjacent properties from view. (Ex. 70A.)

Accessory Building Addition

- The windows on the Accessory Structure will not face the North and South Abutters but will only look either onto the Property facing east to the Rear Addition or onto the alley.

Lot Occupancy

- The Project's lot occupancy would not result in any additional undue compromises to the privacy of use and enjoyment of the neighboring properties.

Subtitle E § 5201.3(c) – No Substantial Visual Intrusion

23. The Application asserted that the Project would not substantially visually intrude upon the character, scale, and pattern of the street frontage because:

Rear Addition

- The Rear Addition will not be visible from the street frontage along 15th Street N.W.;
- Many other properties on the square also have rear additions, including many of approximately the same scale as the Rear Addition proposed by the Application; and

- The Property is located in the Greater U Street Historic District and is subject to review by the Historic Preservation Review Board (“HPRB”) and the Rear Addition has been designed in accordance with the historic guidelines. (Ex. 70A.)

Accessory Building Addition

- Most properties on the square also have an accessory structure, including many of approximately the same scale, and with similar alley centerline setbacks as the Accessory Building proposed by the Application. (Ex. 70A and 83A at 4.)

Lot Occupancy

- The Project’s lot occupancy will not result in any additional, substantial visual intrusions upon the character, scale, and pattern of the street frontage.

General Special Exception Standards for all Requested Relief (Subtitle X § 901.2(a) and (b))

24. The Application asserted that the Project would:

- Be in harmony with the general purpose and intent of the RF-2 zone because the Project proposes:
 - Additions to a principal dwelling unit, which are allowed as a matter of right in the RF-2 zone; and
 - Only one dwelling unit, which is less than the two dwelling units per lot allowed as a matter of right in the RF-2 zone; and
- Not adversely affect the use, light, air and privacy of the neighboring properties because the Rear Addition was only extending 3.25 feet beyond the 10 feet permitted as a matter of right and that the Accessory Building will remain under the 20-foot matter-of-right height limit. (Subtitle X § 901.2(b).)

APPLICANT’S SUBMISSIONS AND TESTIMONY

25. The Applicant made a total of five submissions to the record in support of the Application:

- The August 19, 2019, initial application and supporting documents (Ex. 1-10);
- An updated application form, self-certification form, burden of proof statement, and statement of community outreach dated August 26 and 29, 2019 (Ex. 11-14);
- A December 4, 2019, prehearing submission including an updated statement and revised plans and a self-certification that modified the original plans and added new relief (Ex. 70-70C, the “**First Prehearing Submission**”);
- A December 26, 2019, prehearing submission, including updated plans and shadow studies (Ex. 81-83B, the “**Second Prehearing Submission**”); and
- A January 31, 2020, supplemental submission that provided design alternatives requested by the Board (Ex. 99-99B, the “**Supplemental Submission**”).

The First Prehearing Submission

26. The First Prehearing Submission noted that the Applicant had hired a new architect and new counsel since the initial filing of the Application and had also made revisions to the plans and requested relief as follows:

- The Plans had been revised to remove the second-story deck originally proposed, but the general massing of the Building and Accessory Building remained similar to what had originally been proposed; and
- The Applicant added a request for special exception relief from the nonconforming structure requirements of Subtitle C § 202.2 to extend the Accessory Building's existing non-conforming rear yard/setback from the alley centerline.

The Second Prehearing Submission

27. The Second Prehearing Submission included updated plans that included:
- An existing partial block plan and context aerial photo to demonstrate the character of the houses along 15th Street, N.W., including the presence of several rear additions and accessory structures of various sizes;
 - Side elevations and renderings of the Project as viewed by the North and South Abutters; and
 - Six axonometric views of the block in order to demonstrate what the proposed Project would look like from the alley along the rear of the properties on 15th Street, N.W.
28. The Second Prehearing Submission also included shadow studies (Ex. 81A and 81B, the “**Applicant’s Shadow Studies**”) showing the difference in shadows created by the existing, proposed and matter-of-right conditions at 9 a.m, noon, and 3 p.m. on the spring and autumn equinox, summer solstice, and winter solstice. The Applicant’s Shadow Studies demonstrated that the Project would have following impacts when compared to the Property’s existing conditions:
- No increase in shadows on the South Abutter;
 - A slight increase in shadows on the North Abutter at noon during the summer and winter solstices (Ex. 81A-81B);
 - The largest increase in shadows to the North Abutter’s property at noon and 3 p.m. during the spring and autumn equinoxes, with the shadows concentrated on the northern portion of the North Abutter’s yard at noon and moving to the western portion later in the afternoon (Ex. 81A at 1-3); and
 - Most of the shadows cast on the North and South Abutters during the winter months in the morning and afternoon are existing and due to the four-story multi-unit building at the south end of the block (Ex. 81B, p. 2, 4)).

Public Hearing Testimony – January 15, 2020

29. At the January 15, 2020, public hearing, the Applicant and their architect provided testimony in support of the Application including:
- An explanation of the Applicant’s Shadow Studies (January 15, 2020, Public Hearing Transcript [“**Jan 15. Tr.**”] at 330-333);
 - An overview of the requested relief (Jan. 15 Tr. at 333-334);
 - An overview of the existing conditions on the Property including the existing lot occupancy of 56.5% and the larger than normal 65.3-foot rear yard (Jan. 15 Tr. at 333-334); and

- An explanation of conditions in the surrounding square including the presence of other rear additions and the fact that the Accessory Building, with the proposed Accessory Building Addition, would be in line with several other existing accessory structures, several of which are already two stories. (Jan. 15 Tr. at 334-336; Ex. 93 at 48-49.)
30. The Applicant cited to the Board's decisions in prior cases where the Board had granted rear addition relief, including:
- Requests for rear addition relief in which the Board had determined that additions of comparable size to the Rear Addition were "*de minimis*"; and
 - A rear addition requiring lot occupancy relief for a property two houses removed from the Property at 1828 15th Street, N.W (Jan. 15 Tr. at 335-336).
31. At the conclusion of the hearing the Board continued the proceedings for a limited scope hearing on February 12, 2020, so that the Applicant could submit plan alternatives and meet with the Party Opponents.

The Supplemental Submission

32. The Supplemental Submission responded to the Board's requests at the conclusion of the January 15, 2020, public hearing by:
- Providing revised plans to include changes to the number, size, and glazing of both the Rear and Accessory Building Additions' proposed windows to address the privacy concerns raised by the Party Opponents and the Board (Ex. 99A and 99B); and
 - Stating that the negotiations between the Applicants and the Party Opponents did not result in a mutually agreeable resolution.

Public Hearing Testimony - February 12, 2020

33. At the continued limited scope February 12, 2020, public hearing, the Applicant responded to concerns about the Project by stating that:
- It had revised the windows of the Project, as shown in the Supplemental Submission, to reduce their number and size and provided alternative glazing options to address the privacy concerns of the Party Opponents;
 - The Rear and Accessory Building Addition were not out of context with the surrounding neighborhood as several nearby properties included both accessory structures and/or rear additions;
 - The 3.25 feet of relief over the 10 feet permitted as a matter of right for a rear addition was "very much in line with the very low end of what the Board has safely approved in this area;" and
 - The parties had been unable to reach a resolution on the extent of the Rear Addition (February 12, 2020, Public Hearing Transcript ["Feb. 12 Tr."] at 6 and 17).

III. RESPONSES TO THE APPLICATION

OP REPORT AND TESTIMONY

34. In addition to its testimony at the public hearing, OP submitted two reports analyzing the Application:
- A January 3, 2020, report (Ex. 86, the “**OP Report**”) that analyzed the Application against the special exception standards and recommended that the Board approve the four requested special exceptions; and
 - A February 7, 2020, supplemental report (Ex. 100, the “**Supplemental OP Report**”) that reviewed the Applicant’s proposed plan alternatives and concluded that they would address the privacy concerns raised by the neighbors at the January 15, 2020, public hearing.

The OP Report

35. The OP Report recommended that the Board approve the Application based on OP’s conclusion that the Application had provided adequate evidence that it satisfied the special exception requirements for the requested relief because:
- The Applicant’s shadow studies indicated that the Project would not unduly affect the light and air of the adjacent properties because the greatest shadows occurred during the winter months, and the impacts were limited to the property to the north;
 - The Project’s proposed substantial rear yard - at over 50 feet (including the Accessory Building), more than twice the minimum required in the RF-2 zone - would help ensure that sufficient light and air would remain available to the neighboring properties even with the Rear and Accessory Building Additions;
 - The Rear Addition did not include windows on the north or south facades facing the North and South Abutters;
 - The Rear Addition increased the privacy of neighbors by extending rear wall of the Building because views into the yards of the adjacent properties would actually be reduced by 13.25 feet;
 - Three other properties on the same block as the Property include principal buildings that extend back further than the Rear Addition; and
 - Although the Accessory Building has nonconforming rear yard/alley centerline setback, it does not directly face any properties to the west because it partially faces the intersection of the 10-foot wide north south alley and another alley running east-west.

Public Hearing Testimony - January 15, 2020

36. At the January 15, 2020, public hearing, OP testified that:
- Based on its review of the Application, in particular the Applicant’s shadow studies, OP concluded that the light and air to the neighboring properties and their privacy of use and enjoyment would not be unduly compromised. OP noted that the Rear Addition would potentially increase the privacy of the adjacent properties by cutting off views of the properties by extending the rear wall of the Building farther into the rear yard (Jan. 15 Tr. at 365-366); and

- The Accessory Structure’s portion of the Property’s lot occupancy limited the size of the Rear Addition that the Applicants could construct as a matter of right, to potentially less than the 10 feet permitted under Subtitle E §§ 205.5. (Jan. 15 Tr. at 368.)

The Supplemental OP Report

37. The Supplemental OP Report analyzed the Applicant’s alternative plans included in the Supplemental Submission and concluded that the revisions would reduce views from the Property into the neighboring properties and so reduce impacts to the privacy and use of those neighboring properties because:
- The revisions to the proposed windows on the first and second floors of the Rear Addition either reduced the number of windows or their size or substituted frosted glass for clear glazing, which OP concluded would “provide less visibility into the adjoining yards than the original proposal”;
 - The removal of one window and increased height of the other windows on the proposed second floor of the Accessory Building reduced visibility from those windows into the adjoining properties; and
 - The reduced number of windows on the alley facing side of the Accessory Building further limited privacy impacts.

Public Hearing Testimony - February 12, 2020

38. At the February 12, 2020, continued public hearing, OP testified (Feb. 12 Tr. at 12-13) that:
- OP stood by its reports and prior testimony and its conclusion that the Project would not unduly affect the surrounding properties in terms of light, air and privacy;
 - Neither the Rear Addition nor the Accessory Building included windows on the north or south facades where they would directly impact the adjacent properties, but rather faced into the Property of onto the alley;
 - The Rear Addition would extend these courtyard-facing windows further into the rear yard which would increase the privacy of the adjacent properties;
 - The Accessory Building’s proposed second story would not be out of character for the neighborhood because several other properties on the square include two-story accessory structures; and
 - With regards to shadow impacts:
“I don’t think the question is whether or not [a proposed addition] produced more shadow, [since] the more you build, the more shadow you’re going get. It’s whether or not [the proposed addition] creates an undue hardship or a situation where you’re adversely affecting the neighboring properties. And the Office of Planning’s conclusion was that the amount of shadow that you were going to get from the Applicant’s 13.25-foot proposal [for the Rear Addition] was not ... an undue hardship on the neighboring properties.” (Feb. 12 Tr. at 15-16.)

DDOT REPORT

39. DDOT submitted a December 28, 2019, report (Ex. 84, the “**DDOT Report**”) concluding that the Application would not result in any adverse impacts to the District transportation network and that DDOT therefore had no objection to the Application.

ANC 2B

40. ANC 2B did not submit a written response to the Application.

PARTY OPPONENTS

41. In addition to testimony at the public hearing, the Party Opponents made a total of eight submissions to the record in response to the Application:

- The initial party status requests from the North and South Abutters outlining the basis for the party status requests and detailing the Party Opponents’ concerns with the Project (Ex. 31-32, the “**Party Status Requests**”);
- Two separate letters of opposition from the South Abutters (Ex. 34, 42) and one letter of opposition from the North Abutters (Ex. 43) sent to ANC 2B and HPRB outlining the Party Opponents’ objections to the Project;
- Shadow studies commissioned by the Party Opponents (Ex. 88-90, the “**Opponents’ Shadow Studies**”); and
- A response to the Applicant’s Supplemental Hearing Submission (the “**Opponents’ Mid-Hearing Submission**”, Ex. 101-101A).

The Party Status Requests

42. The Party Status Requests asserted that the Project would:

- Significantly impact the North and South Abutter’s access to light and air, as well as their privacy and enjoyment of use of their properties; and
- Be out of character with the character of the neighborhood and the purpose and intent of the Zoning Regulations.

Opponents’ Shadow Studies

43. The Opponents’ Shadow Studies, which depicted the shadows cast only at 11 a.m., but for each month, and without showing the four-story multi-unit building at the south end of the block or its shadows, concluded that the Project would cause:

- No shadow impacts on the South Abutters; and
- Approximately 30% to 40% shadowing of the North Abutter’s yard during summer; and
- Approximately 60% shadowing of the North Abutter’s yard during spring and fall. (Ex. 88 at 3, 5, and Ex. 89.)

Public Hearing Testimony - January 15, 2020

44. The Party Opponents responded to the Applicant’s testimony at the January 15, 2020, public hearing by testifying that:

- The Project’s combined Rear and Accessory Building Additions would result in undue impacts, as compared to an addition that would comply with both the lot occupancy and rear wall extension limits (Jan. 15. Tr. at 349-351);
- The Project’s proposed 69.7% lot occupancy was “just too large for this property and this project is too large” so that the requested relief constituted an “extreme special exception” and requires a higher burden of proof and increased scrutiny,” even though the requested lot occupancy relief was eligible for a special exception (Jan. 15 Tr. at 346);
- The Applicant’s citations to prior Board decisions approving rear addition relief were not analogous to the Application since it included “substantial lot occupancy relief” (Jan. 15 Tr. at 342-343);
- The Project would cast significant shadows on the North Abutter’s garden that are not accurately shown by the Applicant’s Shadow Study’s “Matter-of-Right” scenario because it did not reflect that the Property’s existing 56.5% lot occupancy limited matter-of-right expansion to a three and one-half foot (3.5 ft.) rear addition in order to remain under the 60% lot occupancy limit (Jan. 15. Tr. at 351-358);
- The Project’s number and size of windows would cause privacy impacts to both the North and South Abutters (Jan. 15. Tr. at 351-358);
- The Project was not in harmony with the intent of the RF-2 zone, particularly Subtitle E § 400.2(e) and its call to “[p]reserve areas planned as open gardens and backyards and protect the light, air, and privacy that they provide” (Jan. 15 Tr. at 347); and
- Others in the neighborhood and the Dupont East Civic Action Association (“DECAA”) also opposed the Project. (Jan. 15 Tr. at 346-347.)

Mid-Hearing Submission

45. The Party Opponents’ Mid-Hearing Submission:

- Repeated the arguments advanced in their prior filings and January 15, 2020, public hearing testimony including that:
 - The Project would have undue adverse impacts on the light, air, and privacy enjoyed by the Party Opponents;
 - The Rear Addition “far exceeded” the three and one-half foot (3.5 ft.) addition that the Party Opponents asserted was the true matter-of-right limit given the Property’s existing lot occupancy (Ex. 101); and
 - The Applicant’s revisions to the Project’s proposed windows, while appreciated, were insufficient to resolve the Party Opponents’ concerns or cause them to withdraw their opposition;
- Included additional shadow studies illustrating the shadow impacts of the Project compared to the three and one-half foot (3.5 ft.) rear addition the Party Opponent’s asserted was the maximum allowed as a matter of right when considering the maximum 60% lot occupancy permitted by right (Ex. 101A); and
- Stated that the Party Opponents would support the Rear Addition if it was reduced to 10 feet instead of 13.25 feet and included the revisions proposed to the windows as shown in the Applicant’s revised plans, which the Party Opponents asserted would resolve their concerns while also not significantly impacting the Project.

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Public Hearing Testimony - February 12, 2020

46. At the February 12, 2020 continued hearing, the Party Opponents:
- Repeated their opposition to the Application’s request for combined lot occupancy relief and rear wall extension relief and asked the Board to consider the holistic effect of the combined relief requested; and
 - Reiterated that the Rear Addition would “substantially” and “unduly” impact the light, air, and privacy available to their properties. (Feb. 12 Tr. at 16 and 17.)

PERSONS IN SUPPORT

47. The Board received three letters in support of the Application from nearby residents. (Ex. 45, 55, and 56.)
48. Aaron Landry, Secretary of ANC 2B and Chair of the ANC 2B Zoning, Preservation, and Development Committee (the “**Zoning Committee**”) testified in his personal capacity that:
- He supported the Project and concurred with the conclusions of the OP Report that the Project would not result in any undue impacts to the neighboring properties;
 - The Zoning Committee had reviewed the Application and had recommended that the ANC approve all requested areas of relief subject to the Applicant providing a shadow study; and
 - The full ANC decided not to take any action to respond to the Application. (Jan. 15 Tr. at 382-389.)

PERSONS IN OPPOSITION

49. The Board received 34 letters in opposition from neighbors. (Ex. 33-43, 50-53, 58, 60-64, 66-69, 71-78, 85 and 85A.) The letters raised concerns about the impact of the Project on the character of the surrounding neighborhood, the impacts to neighboring properties, and the perceived lack of public outreach from the Applicants.
50. DECAA submitted a letter stating that at its November 18, 2019, public meeting it had approved a resolution to challenge the Application because of its concerns that the Project would negatively impact the light, air and privacy available to the adjacent properties, and “drastically change the character, historic nature and low scale footprint” of the surrounding neighborhood. (Ex. 59.)
51. Nick DelleDonne testified on behalf of DECAA stating that DECAA had concluded that the Project would seriously affect the neighboring properties and the neighborhood as a whole. (Jan. 15 Tr. at 396-397.)
52. Ed Hanlon, SMD Commissioner for ANC 2B09, testified in his personal capacity in opposition to the Application stating that:
- There had been “near unanimous” opposition to the Project at the ANC’s public meeting on the matter; and

- He had concerns that the Project would result in significant impacts to the light and air available to the neighboring properties. (Jan. 15 Tr. at 399-406.)

CONCLUSIONS OF LAW

1. Section 8 of the Zoning Act of 1938 (D.C. Official Code § 6-641.07(g)(2) (2018 Repl); *see also* Subtitle X § 901.2) authorizes the Board to grant special exceptions, as provided in the Zoning Regulations, where, in the judgement of the Board, the special exception:
 - *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map,*
 - *Will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, and*
 - *Complies with the special conditions specified in the Zoning Regulations.*
2. For the relief requested by the Application, the “specific conditions” are those of Subtitle E § 5201 for relief from the regulations governing wall extensions, accessory structure rear yard/alley centerline setback, nonconforming structure extensions, and lot occupancy.
3. Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, the Board’s discretion is limited to determining whether the proposed exception satisfies the requirements of the regulations and “if the applicant meets its burden, the Board ordinarily must grant the application.” *First Washington Baptist Church v. D.C. Bd. of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. D.C. Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)).

ELIGIBILITY FOR RELIEF PURSUANT TO SUBTITLE E § 5201

4. The Board concludes that the Application is eligible for special exception relief pursuant to Subtitle E § 5201 because:
 - The Rear Addition is an addition to a residential building and the Accessory Building Addition is an enlargement of an accessory structure to a residential building (Subtitle E § 5201.2);
 - The Project does not propose:
 - The introduction or expansion of either a nonconforming use (Subtitle E § 5201.5);
 - The introduction or expansion of a nonconforming height or number of stories (Subtitle E § 5201.6); and
 - A lot occupancy exceeding 70% (Subtitle E § 5201.3(e)).

SPECIFIC SPECIAL EXCEPTION STANDARDS (SUBTITLE E § 5201.3)

5. Pursuant to Subtitle E § 5201.3(d), an applicant must demonstrate that the requested relief, if granted, would not have a substantially adverse effect as follows:
 - (a) *the light and air available to neighboring properties shall not be unduly affected;*

- (b) *the privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and*
- (c) *the addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage; and*
- (d) *by providing the Board with “graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.”*

6. The Board concludes that the Application satisfies the requirements of Subtitle E § 5201.3(d) because it provided sufficient plans, photographs, and elevations to demonstrate that it met the criteria of Subtitle E § 5201.3(a), (b), and (c), as discussed below, for the requested relief from the following regulations:
- Rear wall extension limits (Subtitle E § 205.4);
 - Accessory Building – rear yard/alley centerline setback requirement (Subtitle E § 5004.1) and nonconforming structure expansion limits (Subtitle C § 202.2); and
 - Lot occupancy limits (Subtitle E § 404.1).

Subtitle E § 5201.3(a) – No Undue Effects on Light and Air

7. The Board concludes, in agreement with OP’s analysis and recommendation, that the Application demonstrated that the Project would not unduly affect the light and air available to neighboring properties because:
- The Rear Addition will be separated from the Accessory Building by an approximately 30-foot open space, which exceeds the RF-2’s minimum 20-foot rear yard;
 - The Accessory Building would not exceed the 20-foot maximum height permitted for accessory structures in the RF zones;
 - The Accessory Building would be of a similar size as other accessory structures on adjacent properties and on the square, several of which are two stories including the one immediately adjacent to the south;
 - Although the Applicant’s Shadow Studies and Party Opponent’s Shadow Studies and Mid-Hearing Submission differed over what constituted a matter-of-right option against which to compare the Project’s shadow impacts, the Board based its conclusions that the shadows cast by the Project would not unduly affect the light to the North and South Abutters based on comparing the shadows cast by the existing Building and Accessory Building with those cast by the Project, as depicted by the Applicant’s Shadow Studies (FF 28), as follows:
 - The Project would not cast any shadows on the South Abutter (FF 28,43);
 - The Project would cast only slightly increased shadows on the North Abutter at noon during the summer and winter months (FF 28);
 - The Project would cast the most shadows at noon and 3 p.m. during the spring and autumn equinoxes, but these shadows would move during the day so that the North Abutter would still receive a substantial amount of sunlight, including afternoon sun

- on the area of the garden in the northeast corner raised as a particular concern (FF 28; Feb. 12 Tr. at 21);
- In reaching the conclusions that the shadow impacts would not, in the aggregate, unduly affect the light reaching the North Abutter, the Board found the Applicant's Shadow Studies more persuasive because they:
 - Depicted the shadows at three times during each day (9 a.m., noon, and 3 p.m.), not the 11 a.m. time shown by the Party Opponent's Shadow Studies that likely is the time of maximum shadowing from the Project and so ignores the changing shadows during each day – as can be seen by comparing the morning and afternoon shadows at the spring and autumn equinox; and
 - Included the shadows cast by the four-story multiunit building at the south end of the block that on the winter solstice completely shadows the North and South Abutters and the Property in the morning and afternoon, with slightly less shading at noon – shadows that are not included in the Party Opponent's Shadow Studies for December and January;
 - While the Project, would result in some impacts to light and air given the proposed total lot occupancy of 69.7%, these impacts would not be undue because the Project would provide a deep rear yard that is more than twice the minimum required by the RF-2 zone and so allows 30 feet of open space – exceeding the minimum 20-foot required rear yard - between the Rear Addition and the Accessory Building (FF 21);
 - The Project remained under the 70% lot occupancy limit permitted for a special exception and as such remains subject to the special exception criteria and not the more stringent variance standards (Feb. 12 Tr. at 25);
 - The Board is unpersuaded by the Party Opponents' argument that the increased lot occupancy proposed for the Project is "too large" for the Property because the lot occupancy remains within the range that the Board can grant by special exception and the Rear and Accessory Building Additions will remain below the matter-of-right height limits;
 - The Party Opponents stated that their concerns would be resolved if the Rear Addition was reduced to extend only ten feet back instead of the proposed 13.25 feet, and the Board concludes that the additional three and one-quarter feet (3.25 ft.) was not significant enough, based on the Applicant's Shadow Study, to create undue adverse impacts to light and air available to the North and South Abutters. (FF 28; Feb. 12 Tr. at 9-11, 19-21, 23.)

Subtitle E § 5201.3(b) – No Undue Compromise of Privacy

8. The Board concludes that the Project would not unduly compromise the privacy of use and enjoyment of neighboring properties because:
- The Rear and Accessory Building Additions have no windows on the side facades facing the North and South Abutters that would have direct sightlines from the Property onto the North and South Abutters;
 - The Rear and Accessory Building Addition's windows facing into the Property will only provide a limited sideways view of the neighboring rear yards;

- The Applicant’s revised plans in the Supplemental Submission addressed the privacy concerns raised by the Party Opponents as follows:
 - For the Rear Addition, by reducing the size of the proposed windows on the second floor and adding frosted glass for the window in the master bathroom;
 - For the Accessory Building, by reducing the size of the windows facing into the Property and adding frosted glass in the powder room window (Ex. 99A);
- The Project’s six-foot-high privacy fence between the Property and the North and South Abutters will further protect privacy;
- The Rear Addition would reduce the amount of the neighboring rear yards visible from the Property; and
- The use of the Accessory Building as an accessory use to the Building’s principal dwelling unit would be consistent with other accessory structures fronting on the alley and would therefore not impact the use or enjoyment of neighboring properties. (FF 22, 37.)

Subtitle E § 5201.3(c) – No Substantial Visual Intrusion

9. The Board concludes that the Project, as viewed from the street, alley, and other public way, will not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage and from the rear alley because:
- The Rear and Accessory Building Additions will not be visible from 15th Street, N.W.;
 - The Rear Addition will match the height of the Building and both the Rear and Accessory Building Additions comply with the matter of height limits of the RF-2 zone;
 - The Rear Addition is not out of character with the pattern of surrounding development because other properties in the square have rear additions of various sizes and the Accessory Building will screen the view of the Rear Addition from the alley; and
 - The Accessory Building Addition maintains the existing footprint of the Accessory Building;
 - The Accessory Building is sufficiently similar in terms of height, scale, and setbacks to other existing accessory structures in the square, including that of the South Abutter, so that it would not visually intrude upon the character or pattern of these accessory structures along the alley. (FF 23; Feb. 12 Tr. at 21.)

SUBTITLE X § 901.2 – GENERAL SPECIAL EXCEPTION STANDARDS

10. Pursuant to Subtitle X § 901.2(a), the Board concludes that the Project will be in harmony with the general purpose and intent of the Zoning Regulations as discussed above and because:
- All of the relief requested by the Application qualifies as special exception relief, subject only to the general and specific special exception standards. The Board cannot arbitrarily institute an undefined and more stringent standard of review, as suggested by the Party Opponents’ argument that a “higher standard” of special exception review should apply to this case because (i) the Zoning Regulations do not impose such a standard, and (ii) the Board must evaluate the Project based on the standards of the Zoning Regulations; and

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- The Project furthers the RF-2 zone’s intent to maintain the zone’s low-scale predominantly residential character and open backyards by:
 - Limiting the height of the Rear Addition to that of the Building, which is less than the height permitted as a matter of right;
 - Retaining a 30-foot open space between the Rear Addition and Accessory Building;
 - Limiting the height of the Accessory Building Addition to below the matter-of-right height;
 - Maintaining the use of the Property as residential, with the Accessory Building used for “purposes that are incidental to the use of the principal building”;
 - Not increasing the number of principal dwelling units on the Property; and
 - Maintaining the Accessory Building’s existing footprint to not impact the “free circulation of vehicles,” in compliance with the intent of the RF-2 zone. (Subtitle E § 400.2(g).)

11. Pursuant to Subtitle X § 901.2(b), the Board concludes that the Project will not adversely affect the use of the neighboring properties as discussed above and because the Applicant revised the Project’s design to address the Party Opponents’ privacy concerns. (FF 21-22, 24, 28, and 37.)

“GREAT WEIGHT” TO THE RECOMMENDATIONS OF OP

12. The Board must give “great weight” to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8. *Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).
13. The Board finds OP’s recommendation to approve the Application persuasive based on OP’s determinations that the potential impacts on the North and South Abutters would not have substantially adverse effects, including shadow and privacy impacts, on abutting or adjacent properties and concurs in that judgement.

“GREAT WEIGHT” TO THE WRITTEN REPORT OF THE ANC

14. The Board must give “great weight” to the issues and concerns raised in a written report of the affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976. (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)); *see* Subtitle Y § 406.2.) To satisfy the great weight requirement, the Board must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. *Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” *Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).

15. Since ANC 2B did not submit a written report to the case record, the Board has nothing to which it can give great weight.

DECISION

Based on the case record, the testimony at the hearing, and the Findings of Fact and Conclusions of Law, the Board concludes that the Applicant has satisfied the burden of proof for the requested relief and therefore **APPROVES** the Application's request for the following relief for Lot 56 in Square 191,

- The rear wall extension limits of Subtitle E § 205.4;
- The nonconforming structure expansion limits of Subtitle C § 202.2;
- The accessory building rear yard/alley centerline setback requirements of Subtitle E § 5004.1; and
- The lot occupancy limits of Subtitle E § 404.1;

subject to the following **CONDITION**:

1. The Project shall be constructed in accordance with the plans submitted as Exhibit 99A in the record,² as required by Subtitle Y §§ 604.9 and 604.10.

VOTE (February 12, 2020) 3-1-1 (Frederick L. Hill, Lorna L. John, and Carlton E. Hart to **APPROVE**; Michael G. Turnbull opposed to the motion; one Board seat vacant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: January 27, 2021

PURSUANT TO SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE

² Self-Certification. The zoning relief requested in this case was self-certified, pursuant to Subtitle Y § 300.6 (Exhibit 70C). In granting the requested self-certified relief subject to the plans submitted with the Application, the Board makes no finding that the requested relief is either necessary or sufficient to authorize the proposed construction project described in the Application and depicted on the approved plans. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any such application that would require additional or different zoning relief from that is granted by this Order.

PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20186 of Elisabeth Hando, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the R-Use group requirements of Subtitle U § 203.1(h) and under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, to convert an existing expanded child development home to a new child development center with 20 children in the R-1-B Zone at premises 240 Quackenbos Street N.E. (Square 3719, Lot 24).¹

HEARING DATES: March 4, July 8, August 5, and October 7, 2020²
DECISION DATES: October 28 and November 18, 2020

DECISION AND ORDER

This application was filed on September 29, 2019 by Elisabeth Hando (the “**Applicant**”), the owner of 240 Quackenbos Street, N.E., (the “**Property**”).³ Following a public hearing, the Board voted to approve the application subject to conditions.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated December 16, 2019, the Office of Zoning provided notice of the application and of the public hearing to the Applicant, the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), Office of State Superintendent of Education (“OSSE”), the Office of Advisory Neighborhood

¹ The original referral memorandum from the Office of the Zoning Administrator, dated July 11, 2019, listed the necessary zoning relief as special exceptions under Subtitle U § 203.1 to allow a child development center, under Subtitle C § 703.2 for parking relief, and under Subtitle D § 5201 for relief from requirements for rear yard, side yard, and lot occupancy. (Exhibit 4.) A revised ZA referral, dated January 31, 2020, listed special exceptions under Subtitle U § 203.1 and Subtitle C § 703.2 as well as under Subtitle D § 5201 for relief from requirements for side yard and lot occupancy. (Exhibit 37.) A second revised ZA referral, dated May 8, 2020, listed special exceptions under Subtitle U § 203.1 and Subtitle C § 703.2 as well as under Subtitle D § 5201 for relief from the side yard requirements. (Exhibits 72, 93.) A subsequent revised ZA referral, dated July 21, 2020, listed the necessary relief as special exceptions under Subtitle U § 203.1(h) to establish a daytime care use (child development center) and under Subtitle C § 703.2 to eliminate the number of parking spaces required for the daytime care use. (Exhibit 156.)

² This application was originally scheduled for public hearing on February 12, 2020. The Applicant requested a postponement to February 19, 2020. (Exhibit 35.) In response to a request for postponement of the hearing scheduled for March 4, 2020 submitted by ANC 4B (Exhibit 48), with the Applicant’s agreement (Exhibits 49, 51), the hearing was rescheduled to April 15, 2020. The hearing was rescheduled for a virtual public hearing on July 8, 2020 based on the closures and postponements related to the public health emergency declared on March 11, 2020. Notice of the virtual public hearing was provided to the parties and to the property owners within 200 feet of the Property.

³ The Applicant is also known as Elisabeth Hando Ngatchou.

Commissions, the Councilmember for Ward 4 as well as the Chairman and the four at-large members of the D.C. Council, Advisory Neighborhood Commission (“ANC”) 4B, the ANC in which the Property is located, Single Member District ANC 4B08, and the owners of all property within 200 feet of the Property. Notice was published in the *D.C. Register* on December 20, 2019 (66 DCR 16379), and updated subsequently on July 31, 2020, (67 DCR 9200) and July 3, 2020, *D.C. Register* (67 DCR 8062).

Party Status. The Applicant and ANC 4B were automatically parties in this proceeding. There were no requests for party status.

Applicant’s Case. The Applicant was represented by Michael Davis and provided evidence and testimony in support of the application from Elisabeth Hando and Thomas Dorsey, an architect. The Applicant has operated an expanded child development home for nine children at the property since 2013 and now seeks approval for a child development center for 20 children and five staff, with no on-site parking spaces.

OP Report. By memorandum dated February 21, 2020, the Office of Planning recommended approval of the zoning relief requested by the Applicant, subject to three conditions.⁴ (Exhibit 40.) In a supplemental memorandum dated June 26, 2020, OP reiterated its recommendation of approval of the requested special exceptions to allow the proposed child development center, subject to the same three conditions, and to eliminate the parking requirement. (Exhibit 96.)

DDOT Report. By memorandum dated January 31, 2020, the District Department of Transportation indicated no objection to approval of the application. (Exhibit 36.) In a supplemental report, dated July 2, 2020, DDOT reiterated its lack of objection to approval of the requested zoning relief. (Exhibit 110.)

OSSE Report. By memorandum dated January 28, 2020, the Office of State Superintendent of Education recommended approval of the special exception requested to allow the proposed child development center “in order to benefit the District’s growing demand for licensed child care slots.” The memorandum noted that OSSE would eventually calculate the licensure capacity of the Applicant’s child development center in accordance with Title 5A DCMR, Chapter 1, Child

⁴ The Office of Planning also recommended approval of special exception relief for the Applicant’s proposed additions to the building at the Property. However, the Applicant subsequently withdrew requests for relief relating to the enlargement of the building after revising the plans so that the new construction would comply with development standards applicable in the R-1-B zone.

Development Facility Regulations, and that the facility's licensure capacity must not exceed the occupant load on its certificate of occupancy.⁵ (Exhibit 34.)

ANC Report. By letter dated January 29, 2019 and addressed to the Department of Consumer and Regulatory Affairs, ANC 4B stated that, at a duly noticed public meeting on January 28, 2019 with a quorum present, the ANC decided, as a matter on its consent calendar, to send a letter of inquiry in support of the Applicant's request for a special exception for an expanded child development home with 20 children and five staff at the Property. The ANC's letter stated that "Based on many conversations with the neighbors, we believe that an increase to 20 children and 5 staff members will not negatively impact the quality of life for surrounding neighbors." (Exhibit 10.) Subsequently, the ANC's representative, Commissioner Alison Brooks, submitted filings and testified in opposition to the application. (Exhibits 148, 200, 202.) At a public meeting on July 27, 2020 with a quorum present, ANC 4B adopted a resolution in opposition to the expansion of the Applicant's child development home. (Exhibit 158.)

Persons in support. The Board received letters and heard testimony in support of the application. The persons in support cited especially the quality of the Applicant's current operation, the need for the proposed use, and the convenient location of the Property.

Persons in opposition. The Board received letters and heard testimony in opposition to the application. The persons in opposition generally objected to the operation of a business in a quiet residential zone and to the size of the planned additions to the Applicant's building, and contended that the proposed child development center would create adverse impacts related to traffic, parking, pedestrian safety, noise associated with the outdoor play area, construction, stormwater runoff, and neighborhood character.

FINDINGS OF FACT

1. The Property is a corner lot on the north side of Quackenbos Street, N.E. and the west side of Third Street, N.E., with an address of 240 Quackenbos Street, N.E. (Square 3719, Lot 24).
2. The Property is rectangular, 35 feet wide and 110 feet deep. The lot area is 3,850 square feet.

⁵ In this proceeding, the Board approved a special exception allowing a child development center use at the Property subject to conditions, including a condition limiting the maximum enrollment at the site to 20 children. The Board notes that OSSE will calculate the licensure capacity for the facility. If the enrollment cap of 20 children adopted by the Board differs from the licensure capacity later determined by OSSE, the certificate of occupancy issued for the child development center should reflect the lower of the two numbers.

3. The Property was improved with a two-story detached principal dwelling built in 1947. The Applicant planned to enlarge the building with a new third floor and a three-story rear addition. The Applicant indicated that the new construction, undertaken in accordance with the plans as finally revised, will comply with all applicable development standards and may be undertaken as a matter of right.
4. The Applicant began operating a child development home as a home occupation at the Property in 2013. The child development home served up to nine children, ages six weeks to 15 years, with two employees, and operated from 6:00 a.m. until 11:00 p.m.
5. After the building is enlarged, the Applicant planned to convert the property to a child development center for 20 children, ages six weeks to 12 years, and a staff of five employees. As proposed, the child development center will be in operation from 7:00 a.m. to 7:00 p.m. and will use the yard for outdoor play. No off-site play area was proposed.
6. The Applicant's building has two side yards, which are six feet wide on the west and five feet wide on the east, facing Third Street.
7. The Property does not abut an alley.
8. Much of the Applicant's rear yard is now paved. A curb cut was installed by a prior owner of the Property on the Third Street frontage at the rear of the lot. However, the curb cut was not approved by a validly issued permit. OP testified that a curb cut at that location would likely not be approved, given its proximity to an intersection. (BZA Public Hearing Transcript of July 8, 2020 at 78, 80.)
9. Third Street in the vicinity of the Property is not subject to restrictions limiting curb-side parking. Only northbound vehicular traffic is permitted on Third Street between 7:00 a.m. and 9:00 a.m. on weekday mornings.
10. The main entrance to the Applicant's building is on Quackenbos Street, N.E., accessible from a sidewalk. The Third Street frontage slopes down from the side yard and does not currently abut a sidewalk. An existing set of steps, located on Third Street, N.E., approximately 40 feet north of the intersection with Quackenbos Street, N.E., provides access to the Applicant's side yard.

11. The Applicant anticipated that some children attending the child development center would travel to and from the facility on foot. The Applicant planned to designate a person to serve as a crossing guard at the intersection of Quackenbos and Third Streets, N.E., to facilitate their arrivals and departures. For those arriving in vehicles, the Applicant proposed to implement measures intended to facilitate the drop-off and pick-up of the children safely. These measures included that (a) patrons arriving by vehicle would be directed to arrive at the corner of Quackenbos and Third Streets, N.E., where they would be met by an employee of the child development center, (b) the Applicant would address the pick-up and drop-off policy with parents at orientation and would provide parents with a handbook and a website with an overview of the policy, (c) the Applicant would encourage carpooling to the child development center, and (d) the Applicant would sanction any guardian who violated the drop-off and pick-up policy. (Exhibits 190, 198A1, 198A2, 199.)
12. The Applicant anticipated that most drop-off and pick-up activity will occur from vehicles on Third Street, N.E., in part due to existing traffic restrictions such as the prohibitions against left turns from southbound New Hampshire Avenue, N.E. and from northbound Eastern Avenue, N.E. onto Quackenbos Street, N.E., during the morning rush hours.
13. The abutting property to the west of the Property is improved with a detached dwelling. The abutting property to the north is unimproved; the closest dwelling to the north is nearly a block away from the Applicant's building. Other properties in the vicinity are developed primarily with detached principal dwellings.
14. The Applicant indicated an intent to install a solid fence at the Property. The fence, six feet high, will align with the front of the building and extend around the rest of the lot along the property lines, enclosing the side and rear yards. (Exhibit 197.)
15. The Property is located in a Residential House zone, R-1-B.
16. The Residential House (R) zones are residential zones are designed to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses. (Subtitle D § 100.1 of the Zoning Regulations [Title 11 DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified].)
17. In addition to the purpose statements of individual chapters, the provisions of the R zones are intended to:

- (a) Provide for the orderly development and use of land and structures in areas predominantly characterized by low- to moderate-density residential development;
- (b) Recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city;
- (c) Allow for limited compatible accessory and non-residential uses;
- (d) Allow for the matter-of-right development of existing lots of record;
- (e) Establish minimum lot area and dimensions for the subdivision and creation of new lots of record; and
- (f) Discourage multiple dwelling unit development. (Subtitle D § 100.2.)

18. The purposes of the R-1-B zones are to:

- (a) protect quiet residential areas now developed with detached dwellings and adjoining vacant areas likely to be developed for those purposes; and
- (b) stabilize the residential areas and promote a suitable environment for family life. (Subtitle D § 300.1)

The R-1-B zone is intended to provide for areas predominantly developed with detached houses on moderately sized lots. (Subtitle D § 300.3.)

CONCLUSIONS OF LAW

1. The Applicant seeks special exceptions under the R-Use group requirements of Subtitle U § 203.1(h) and under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5 to allow a child development center for 20 children, with no on-site parking, in the R-1-B zone at 240 Quackenbos Street, N.E. (Square 3719, Lot 24). The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2012 Repl.), to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. (*See* Subtitle X § 901.2.)
2. Pursuant to Subtitle U § 203.1(h), the Board may approve, by special exception, a daytime care use⁶ subject to specific requirements. These requirements are that:

⁶ The “daytime care” use category encompasses the “non-residential licensed care, supervision, counseling, or training, for a fee, of individuals who are not related by blood, adoption, or marriage to the caregiver, and who are present on the site for less than twenty-four (24) hours per day.” Examples of daytime care uses include child development centers. (Subtitle B § 200.2(h).)

- The facility must be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance;
 - Any off-site play area must be located so as not to endanger individuals traveling between the play area and the center or facility; and
 - No more than one child development center may be located in a square or within 1,000 feet of another daytime care use unless the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.
3. In approving a special exception for a child development center, the Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties.
 4. Based on the findings of fact, the Board concludes that the application, subject to the conditions adopted in this order, satisfies the requirements for special exception approval consistent with Subtitle U § 203.1(h). The Applicant did not propose to use any off-site play area, and the Office of Planning testified that no other daytime care use currently operates in the same square or within 1,000 feet of the Property (*see* Exhibit 40).
 5. The Board concludes that the daytime care use proposed in this application, operated in accordance with the conditions adopted in this order, will be located and designed so as not to create any objectionable traffic condition or unsafe condition for picking up and dropping off persons in attendance. The Property is located in a walkable, low-density neighborhood. As a corner lot, the Property is bounded by two streets capable of accommodating the proposed drop-off and pick-up procedures for the limited number of children served by the planned child development center. Public transportation options, as well as car-sharing services, are available for travel to and from the Property. Both the Office of Planning and DDOT concluded that the proposed use will not create objectionable traffic conditions.
 6. Enrollment at the child development center will be limited to 20 children, who will arrive at and leave the Property at various times staggered over the duration of the facility's hours of operation. The Applicant testified that the child development center will attract a relatively large proportion of children from the surrounding neighborhood, who could be dropped off and picked up on foot. The corner location provides ample space on two streets to accommodate the children expected to travel to and from the site in a vehicle. The Applicant will implement the measures specified in the conditions of approval to help ensure that the drop-off and pick-up procedures can be carried out safely and

efficiently, so as to avoid the creation of traffic impacts on neighboring properties. The Board declined to adopt a condition, proposed by the Applicant (*see, e.g.*, Exhibit 190) and reiterated by DDOT (Exhibit 110), that would have required the Applicant to impose sanctions on any parent or guardian who violated the pick-up and drop-off policy, because that provision would be difficult to enforce. However, the Board emphasizes the importance of compliance with the drop-off and pick-up procedures as a means to avoid the creation of adverse traffic and parking impacts associated with the operation of the child development center.

7. The application also requests a special exception under Subtitle C § 703.2 to allow operation of the planned child development use without the need to meet the minimum off-street parking requirement of three spaces imposed by Subtitle C § 701.5.⁷ The Board is authorized to allow flexibility from the minimum number of parking spaces when the provision of the required number of spaces would be contrary to other District of Columbia Regulations, impractical, or unnecessary due to the shape or configuration of the site, a lack of demand for parking, or proximity to transit. (Subtitle C § 703.1.) The Board may eliminate the parking requirement, subject to the general special exception requirements of Subtitle X, when an applicant demonstrates at least one of the factors listed in the Zoning Regulations.
8. The Board concludes that approval of the requested flexibility is warranted under the circumstances of this application. Because of the physical constraints of the Applicant's property, the required parking spaces cannot be provided either on the lot or within 600 feet of the lot. The Property does not have access to an open public alley or to any parking area on the lot. An existing curb cut, installed without a permit by a prior owner of the property, does not comply with applicable requirements. The Board credits OP's testimony that no permit would likely be issued for a curb cut at the rear of the Property due to the resulting proximity of the curb cut to the intersection of Quackenbos and Third Streets. N.E.
9. The Property is located in a low-density area developed primarily with detached principal dwellings, with relatively little existing traffic congestion or demand for parking, and where no commercial garages or other parking facilities are located nearby. The child development center use will be housed in a structure that is served by mass transit and shared-vehicle services. The characteristics of the planned use minimize the need for

⁷ The Applicant contended that, pursuant to Subtitle C § 701.5, the parking requirement was two spaces, reflecting 0.5 parking spaces per 1,000 square feet of area devoted to the proposed use, with a minimum of 1 space required. However, the referral memorandum from the Office of the Zoning Administrator specified that the minimum parking requirement for the proposed use was three spaces (*see* Exhibit 93).

required parking spaces, because the use will not require long-term parking to serve the expected enrollment of 20 children, who will either walk or use public transportation to the site or will be dropped off and picked up by guardians in vehicles in accordance with the Applicant's procedures and the conditions of approval adopted in this order. The Board notes DDOT's conclusion that the pick-up and drop-off procedures proposed by the Applicant will be sufficient for a child development center at the Property with a maximum enrollment of 20 children.

10. The Board does not find that the absence of parking spaces at the Property will create traffic congestion in the neighborhood. The impact of the planned increase in enrollment, from the 9 permitted at the existing child development home to the maximum of 20 proposed in this application, will be mitigated by the staggered arrival and departure times of the children. The facility will close by 7:00 p.m., and thus will not create parking demand that could adversely affect nearby residents seeking on-street parking in the evenings.
11. The Board notes DDOT's conclusion that approval of the requested parking relief would not cause adverse impacts on travel conditions in the vicinity of the Property. DDOT also determined that no transportation demand management plan was warranted under the circumstances presented in the application. (Exhibit 110.)
12. The Board concludes that approval of the requested special exceptions, subject to the conditions of approval adopted in this order, will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, as is required for approval of the application under Subtitle X § 901.2. The application is consistent with the general purpose of the Residential House (R) zones, which are designed to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses, and with the specific intent of the R-1-B zone, especially by promoting a suitable environment for family life. Approval of the application, subject to the conditions adopted in this order, is also consistent with the intent of the Residential House zones, especially by providing for the orderly development and use of land and structures in areas predominantly characterized by low- to moderate-density residential development; recognizing and reinforcing the importance of neighborhood character, walkable neighborhoods, and improvements to the overall environment to the health of the city; and allowing for limited compatible non-residential uses.

13. The Board is required to give “great weight” to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2012 Repl.)) For the reasons discussed above, the Board agrees with OP’s recommendation that, in this case, the application should be approved subject to conditions.⁸ The conditions recommended by the Office of Planning, which would limit the number of children and staff as well as prescribe hours of operation for the planned child development center, are included in the conditions of approval adopted by the Board in this proceeding.
14. The Board is also required to give “great weight” to the issues and concerns raised by the affected ANC. Section 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)(3)(A) (2012 Repl.)) In this case, ANC 4B initially expressed support for the Applicant’s plans to operate a child development center for 20 children; however, the ANC later indicated that its support was based on its understanding that the Applicant would continue to live at the Property and did not extend to the additions planned by the Applicant to expand the size of the building for use as a business. The Board heard testimony from the ANC’s representative objecting to the enlargement of the Applicant’s building and to the Applicant’s plans to “effectively turn a home into a business inside a residential community,” changing “the look and feel of the neighborhood.” The ANC also contended that the proposed child development center would lead to an increase in parking and “create a traffic and quality of life issue for residents.” (Exhibit 148.) The ANC’s resolution adopted on July 27, 2020 described the proposed increase in enrollment, from 9 to 20 children, as “a modest expansion,” but complained that the ANC had not been informed about or asked “to consider a home expansion or conversion to a day care center.” The ANC objected that the Applicant had not provided plans for the new construction to the ANC and contended that “residents within 200 feet of the proposed site, and a majority of the Lamond Riggs Community are not in favor of the expansion.” The resolution stated the ANC’s opposition to “the expansion of the daycare center to 20 students” as well as “the plan to construct a three-story rear addition and a third story addition to the existing detached dwelling.” (Exhibit 158.)
15. According to the testimony of the ANC’s representative, the ANC remained opposed to the application in light of the opposition of some neighborhood residents to the Applicant’s proposal. However, the ANC also proposed nine “impact mitigation

⁸ The conditions recommended by the Office of Planning were:

1. The maximum number of children shall be 20. The final number of children allowed will be determined by OSSE at the time of permitting and licensing;
2. The maximum number of staff persons shall be 5; and
3. Hours of operation shall be from 7:00 a.m. to 7:00 p.m., Monday through Friday.

requests” for consideration if the Board decided to approve the application. These requests sought:

- (1) Neighborhood friendly signage and lighting,
 - (2) Business hours from 7:00 a.m. to 6:00 p.m.,
 - (3) A six-foot-high privacy fence with two entry points, on Third and Quackenbos Streets, N.E., to match the drop-off/pick-up plan,
 - (4) A cap on the total number of children enrolled at 20,
 - (5) An enforced drop-off/pick-up plan,
 - (6) A parent contract with the child development center including a statement that longer parking not associated with drop-off/pick-up will not be allowed and a commitment from the Applicant to follow the drop-off/pick-up plan,
 - (7) A requirement that the Applicant attend meetings of the Citizens Aware Community Association and the Lamond-Riggs Citizens Association on a quarterly basis to provide a written update on the child development center and respond to questions and concerns,
 - (8) “Reside in the home,” and
 - (9) A five-year “sunset provision to ensure that the mitigation measures are implemented faithfully.” (Exhibits 200, 202.)
16. For the reasons discussed above, the Board determined to approve the application subject to certain conditions intended to mitigate any potential adverse impacts of the planned use. The conditions adopted by the Board in this proceeding incorporated elements of the ANC’s impact mitigation requests, excepting the provision that would require the Applicant to live at the Property and a term limit. The Board agrees with the ANC that the imposition of conditions is appropriate to limit enrollment at the child development center, to require implementation of measures to facilitate drop-off and pick-up procedures, and as a means to facilitate on-going communication between the Applicant and neighborhood associations. The conditions adopted in this proceeding also require the Applicant to install and maintain a six-foot-high, solid fence that will preserve the residential appearance of the property at the front and enclose the rear and side yards so that any outdoor activities and play equipment associated with the child development center will not be visible from adjoining properties. The conditions impose a restriction on signage that is similar to the provisions applicable to home occupations,⁹ consistent with the continued residential appearance of the property. With respect to the facility’s hours of operation, the Board was not persuaded by the ANC that the child development center should be required to close at 6:00 p.m., rather than 7:00 p.m. as requested by the Applicant. The Applicant testified that the final hour would be devoted to cleaning the

⁹ See Subtitle U § 251.4.

facility (Exhibit 203), and the ANC did not offer evidence to explain why the Applicant's proposal would result in adverse impacts on the use of neighboring property. The Board did not find a condition on lighting necessary, because the Applicant did not propose any lighting in this application and the ANC did not identify any specific concerns or potential adverse impacts related to lighting.

17. The Board declined to adopt a condition requested by the ANC that would require the Applicant to reside at the Property. According to the ANC, the "largest concern of most residents surrounds the issue of the change in zoning," and to eliminate that concern, "residents requested that Ms. Hando reside in the property...." The ANC's testimony stressed that "neighbors...wanted this to remain a home-based business" and that the ANC's opposition to the application was based in large part on the Applicant's intention not to live in the dwelling while operating the planned child development center for 20 children.
18. The Board does not agree that approval of this application will result in a change of zoning. The Applicant's property, like surrounding properties, remains zoned R-1-B, where several non-residential uses are permitted either as a matter of right or by special exception. (*See* Subtitle U §§ 202, 203). The Applicant previously operated a child development home at the Property, which is permitted as a matter of right, subject to certain restrictions (*see* Subtitle U § 251.1(b)). As a home occupation, a child development home is an accessory use that must be "clearly secondary to the use of a dwelling unit for residential purposes." (Subtitle U § 251.3.) The practitioner of a child development home must obtain a home occupation permit, which will be granted "only to a designated person or group of persons who reside at a residential address." (Subtitle U § 251.2.)
19. The Applicant now proposes a different use, one that is not accessory to the residential use of the Property. A child development center is a principal use that may be permitted in Residential House zones by special exception when the Board finds that the requirements specified in the Zoning Regulations have been satisfied. As discussed above, these requirements do not require the practitioner to live on-site but concern primarily the traffic impacts and safety considerations of the proposed use as well as the generally applicable requirements for approval of a special exception under Subtitle X, Chapter 9.
20. The record contains conflicting, incomplete information about whether the operator of a child development center may live in a structure that also contains the facility and under what circumstances. Regardless of that uncertainty, it is clear that the Board may not

impose a condition requiring the Applicant to live at the Property in connection with the approval of the requested special exception. The Board's authority in this proceeding does not extend to requiring the Applicant to reside at the Property. That requirement would impermissibly regulate the conduct of the property owner and is not related to any of the requirements set forth in the Zoning Regulations for approval of a special exception for operation of a child development center in the R-1-B zone. Conditions of approval, like the special exception itself, run with the land; personal conditions impermissibly regulate the business conduct of the owner, rather than the use of property, and are unlawful *per se*. See *National Black Child Development Institute, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 483 A.2d 687, 691-692 (D.C. 1984).

21. The Board also declined to adopt a condition imposing a time limit on the special exception allowing operation of the proposed child development center use at the Property. The Board may impose a term limit on a special exception use when the Board determines that a subsequent evaluation of the actual impact of the use on neighboring properties is appropriate, but the Board must consider the reasonable impacts and expectations of the Applicant in doing so. (Subtitle X § 901.5.)
22. In this case, the Applicant argued against the imposition of a term of approval, contending that a term would result in onerous financial impacts on the small business, including difficulties in obtaining loans, as well as creating a deterrent to recruiting children to attend the child development center. (Exhibit 203.) The Board notes that the Office of Planning did not recommend a term limit as a condition of approval in this case.
23. The Board determined not to impose a term limit in this case in light of the Applicant's objections and because the Board's primary concerns in this proceeding – relating especially to potential traffic impacts – are suitably addressed by the adoption of the conditions of approval in this order, which are intended to avoid the creation of adverse traffic and parking conditions in the neighborhood through the implementation of safe and efficient drop-off and pick-up procedures. The Board does not find that a subsequent evaluation of the actual impact of the use on neighboring properties is necessary in this case, considering that the application proposed a child development center of a relatively modest size, involving an increase of only 11 children over the number permitted as a matter of right in the previous child development home, which operated without the conditions imposed in this proceeding.
24. The Board has given great weight to the issues and concerns stated by ANC 4B but does not find its lack of support a persuasive reason to deny the application. The Board is required to accord “great weight” only to the issues and concerns of the affected ANC

that are legally relevant to the application at issue. *See Concerned Citizens of Brentwood v. District of Columbia Bd. of Zoning Adjustment*, 634 A.2d 1234, 1241 (D.C. 1993), citing *Bakers Local 118 v. District of Columbia Bd. of Zoning Adjustment*, 437 A.2d 176, 180 (D.C. 1981) (the “great weight” requirement extends only to “issues and concerns that are legally relevant”).

25. The ANC’s issues and concerns pertaining to a lack of notice about the application or of “transparency” in dealings between the Applicant and neighbors, as well as the planned enlargement of the building at the Property, are not grounds for the Board to deny the application. The Board’s authority is determined by statute, and its jurisdiction to consider applications for special exceptions is limited to the matters stated in the zoning provisions relevant to those specific special exceptions. *See* Subtitle X § 900.2. The Board notes that the Applicant indicated that the planned construction at the Property will comply with all applicable zoning requirements, a matter that will be reviewed by the Office of the Zoning Administrator before a building permit is issued to the Applicant for the construction. The Board also notes that notice of the application and of the public hearing in this matter was given in accordance with requirements set forth in the Zoning Regulations. (*See* Subtitle Y § 402.)
26. The ANC expressed concern “that parking will become a problem on the block.” The Board does not agree, noting especially that DDOT concluded that approval of the application would not cause adverse traffic impacts. As previously discussed, the Board concludes that the Property is unable to accommodate parking on-site but is located in a relatively low-density area with ample street parking and without significant traffic congestion. The Applicant’s proposed child development center use will not generate significant demand for long-term parking. The parking impacts of the operation will be mitigated by the staggered arrival and departure times of the limited number of children in attendance as well as the additional measures undertaken by the Applicant to facilitate drop-off and pick-up activities.

DECISION

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for special exceptions

- Under the R-Use group requirements of Subtitle U § 203.1(h) and
- Under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5

to allow a new child development center for 20 children, and no on-site parking, in the R-1-B Zone at premises 240 Quackenbos Street, N.E. (Square 3719, Lot 24). Accordingly, it is **ORDERED** that the application is **GRANTED** subject to the following **CONDITIONS**:

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1. The maximum number of children shall be 20.
2. The maximum number of staff persons shall be five.
3. Hours of operation shall not exceed 7:00 a.m. to 7:00 p.m., Monday through Friday.
4. The Applicant shall install and maintain a solid fence, six feet high, around the perimeter of the property (flush with the building in the front, and along the property lines in the rear and along both sides) as shown in Exhibit 197.
5. A sign may be installed at the property for the child development center subject to the following conditions and any other applicable regulations:
 - (a) No more than one exterior sign may be displayed on the building;
 - (b) The sign shall not exceed one hundred forty-four square inches (144 sq. in.) in area;
 - (c) The sign shall be flush-mounted;
 - (d) The sign shall not be illuminated; and
 - (e) The sign may state only the name of the child development center.
6. The Applicant shall designate driving routes to the child development center and implement pick-up and drop-off procedures curbside on Quackenbos and Third Streets, N.E., as shown on Exhibits 198A1 and 198A2 of the record.
7. The Applicant shall designate staff members to facilitate pick-up and drop-off, including staff who will meet all patrons driving to the property curbside on Quackenbos Street, N.E.
8. The Applicant shall designate a staff member to serve as a crossing guard at the intersection of Quackenbos and Third Streets, N.E., to facilitate pick-ups and drop-offs.
9. The Applicant shall inform parents and guardians about the pick-up and drop-off policies at orientation and shall provide a handbook and website with an overview of the policies to parents or guardians.
10. The Applicant shall encourage carpooling to the child development center.

11. The Applicant shall designate a staff member to serve as a community liaison to address any issues or concerns raised by the ANC or neighbors.
12. The Applicant shall implement a construction management plan as shown in Exhibit 189 of the record, subject to compliance with applicable regulations.
13. The Applicant shall attend meetings of Citizens Aware Community Association and the Lamond-Riggs Citizens Association, on a quarterly basis for five years from the final date of this order, to respond to questions and concerns relating to the operation of the child development center.

VOTE (November 18, 2020): 4-0-1 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Peter G. May voting to **APPROVE**; one Board seat vacant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: January 25, 2021

PURSUANT TO SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR

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THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Appeal No. 20292 of Advisory Neighborhood Commission 8A, pursuant to 11 DCMR Subtitle Y § 302, from the decision made on February 6, 2020 by the Department of Consumer and Regulatory Affairs, that determined the construction on the property is compliant with the approved plans in the RA-2 Zone at premises 1401 22nd Street, S.E. (Square 4556, Lot 66).

HEARING DATE: October 14, 2020
DECISION DATES: October 21 and 28, 2020

ORDER DISMISSING APPEAL

This appeal was submitted on April 3, 2020 by Advisory Neighborhood Commission 8A (the “ANC”). Following a public hearing, the Board voted to dismiss the appeal as outside the Board’s jurisdiction.

PRELIMINARY MATTERS

Notice of Appeal and Notice of Hearing. By memoranda and letters dated July 30, 2020, the Office of Zoning (“OZ”) provided notice of the appeal and of the public hearing to:

- ANC 8A, as both the appellant and the ANC in which the property that is the subject of the appeal, 1401 22nd Street, S.E. (the “**Property**”), is located;
- Single Member District ANC 8A01;
- ANC 7B as the adjacent ANC;
- The Zoning Administrator (the “**ZA**”) at the Department of Consumer and Regulatory Affairs (“**DCRA**”);
- The owner of the Property, PAL DC Storage (the “**Owner**”),
- The Office of Planning,
- The Office of Advisory Neighborhood Commissions;
- The Chairman and the four at-large members of the D.C. Council, and

- The Councilmember for Ward 8, the ward in which the subject property is located.
- OZ also published the notice in the September 25, 2020, *D.C. Register* (67 DCR 11218).

Party Status. In accordance with Subtitle Y § 501.1, the following automatically had party status in this proceeding: ANC 8A as both the appellant and an affected ANC, ANC 7B as the adjacent affected ANC, DCRA, and the Owner.¹ There were no requests for intervenor status.

ANC's Case. The ANC challenged a determination by DCRA that the construction of a self-service storage facility, undertaken by the Owner at the subject property, was in conformity with plans approved by DCRA in issuing a building permit for the project. The ANC asserted that DCRA had mistakenly decided that the construction was proceeding in accordance with approved plans “notwithstanding a failed wall check and a foundation that visibly extended above the ground surface.” (Exhibit 2.)

DCRA. DCRA joined a motion filed by the Owner to dismiss the appeal. According to DCRA, the appeal must be dismissed because “it either: a) is an attempt to re-litigate issues that have been previously determined” by the Board or “b) raises matters which [are] outside this Board’s jurisdiction.” (Exhibit 33.)

Owner. The Owner filed a motion to dismiss the appeal on the ground that the ANC was collaterally estopped from challenging the building permit for the self-storage facility because the Board had already considered the ANC’s claims about the permit in a prior proceeding, Appeal No. 19839, which was dismissed as untimely. Alternatively, the Owner asserted that the appeal should be dismissed for lack of jurisdiction. (Exhibit 28.)

¹ ANC 7B did not submit a report or otherwise participate in this proceeding.

FINDINGS OF FACT

1. The Property is located near the intersection of Fairlawn Avenue and 22nd Street, S.E., with an address of 1401 22nd Street, S.E. (Square 5564, Lot 66). The Property has a lot area of approximately 20,000 square feet.
2. DCRA issued Building Permit B1707249 (the “**Permit**”) to the Owner on October 24, 2017, authorizing construction of a self-storage facility. The Owner constructed the building, and DCRA issued a certificate of occupancy for the self-service storage facility on September 30, 2020.
3. Reports of wall tests performed at the subject property were dated October 10, 2019 (Exhibit 11) and December 13, 2019 (Exhibit 9). An “as-built survey” was dated January 31, 2020. (Exhibit 10.)
4. A stop work order was issued on December 7, 2019. (Exhibits 5, 12.)
5. In a December 9, 2019, letter to DCRA (Exhibit 12, the “**First ANC Letter**”), the ANC expressed “concerns regarding the development in progress” at the subject property and alleged that “[t]here have been many violations at this location from the inception.” The letter asserted that the stop work order was issued due to “a ‘failed wall check’...discovered by one of [DCRA’s] Inspectors...on Friday, December 6, 2019,” and that, despite the stop work order, “workers [were] on site early this morning....” The letter stated that the ANC had requested a meeting with the Owner, and sought review of the issue by the ZA, as well as issuance of another stop work order “until the developer agrees to meet with the affected community in response to our concerns.” The letter also asked DCRA to “meet with a small group of us that have been monitoring the site to hear our concerns,” adding a list of questions derived from the ANC’s review of “all of the permits.” The questions generally concerned the identity of the owner of the subject property, a revision in the type of foundation, the scope and revision of certain permits, excavation, and construction, both above and below ground.

6. The ANC sent a December 29, 2019, letter to DCRA (Exhibit 13, the “**Second ANC Letter**”) that acknowledged DCRA’s response to the First ANC Letter and posing some “follow-up inquiries, particularly regarding the failed wall check and the resulting stop work order.” The letter asserted that “[e]ven with a stop work order in place, the developer continued to perform work on the site.” The ANC asked DCRA to “develop a plan to more strictly enforce its rules” and “to provide information on the agency’s policy and procedures for managing situations where buildings illegally protrude into the public space and to state what actions will be taken in this case.”
7. The Second ANC Letter also raised questions about the stability of the new building’s foundation, complained about water discharge from the site, and alleged that the “building fails to conform with approved plans and zoning regulations on the south side of the lot,” citing the “failed wall check” and noting that “the basement – which is supposed to be completely below grade – instead appears to extend above grade.” (Exhibit 13.)
8. With regard to the basement, the Second ANC Letter stated that the ANC had “thoroughly re-reviewed plans for B1707249, A-310 Elevations” and was concerned that the construction would result in a zoning violation. According to the ANC, the developer (that is, the Owner) claimed the area on the south side of the lot would be constructed as a sub-grade basement with a planter on top, where the planter would “represent the developer’s compliance with the green space requirement; the basement was intended to be fully below grade to comply with the...setback required between a PDR-1 and a residential zone.” The letter stated that “[a]s far as the community can tell without full access to the site, the recently-constructed basement extends above grade, which will result in the future building occupying a portion of the transitional setback area in violation of the zoning code.” The ANC asked DCRA to conduct “a more thorough survey of the job site that includes a topographic survey by a licensed surveyor,” which would “be able to definitively identify the average grade on each side of the lot to

determine if the basement [that the Owner] has constructed on the south side of the lot illegally protrudes above grade in violation of [Subtitle J § 207.1]” 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). (Exhibit 13.)

9. On January 29, 2020, a full site inspection was conducted at the subject property by Jeffrey Reiss, chief of inspections at DCRA and a certified building inspector. According to his subsequent report, the inspector “arrived on site to perform a general oversight of the project and photo document current construction....Measurements were taken at various locations around the building, where above grade construction was present....A review of the on-site construction documents was also performed, to include permits and approve[d] plans. The inspection noted no observed violations.” (Exhibit 5.)
10. DCRA responded to the ANC in a February 6, 2020, email (Exhibit 4) that transmitted DCRA’s February 4, 2020, letter signed by DCRA’s director and addressed to ANC Commissioner Holly Muhammad (Exhibit 5, the “**DCRA Letter**”). DCRA also emailed the ANC copies of the as-built survey and the two wall checks pertaining to the construction at the subject property. (Exhibits 9-11.)
11. The DCRA Letter related information derived from the site inspection undertaken on January 29, 2020, and stated that “[t]he previously submitted wall test is not representative of the final building’s exterior walls above grade. DCRA received a request for a second wall test that does show the walls above grade and the analysis from the property owner’s counsel on February 3, 2020. The Zoning Administrator will review this...” (Exhibit 5.)
12. According to the DCRA Letter, the “Stop Work Order that was originally issued in December 2019 was lifted by the ZA when it was determined that there was no basis for

that Stop Work Order. The issues raised regarding the foundation were addressed by Program Manager of the Structural Discipline on December 9, 2019.” (Exhibit 5.)

13. The Property is located in a Production, Distribution, and Repair (PDR) zone, PDR-1, which is intended to permit moderate-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones. (Subtitle J § 200.1.) The uses permitted as a matter of right in a PDR zone include “wholesale or storage establishment, including open storage, except a junk yard.” (Subtitle U § 801.1(cc).)
14. The PDR Transition Setback Regulations, set forth in Subtitle J § 207, apply along all lot lines of a lot in a PDR zone when the lot, or any portion, directly abuts a residential zone, a lot developed with a residential use, or an alley that abuts a residential zone, unless the PDR-zoned lot is used only for residential purposes. (Subtitle J § 207.1.) Setbacks of 15 or 25 feet must be provided on PDR-zoned lots, depending on the circumstances. (Subtitle J §§ 207.2, 207.3.) A required setback area may not be used for storage, parking, loading, or accessory uses. (Subtitle J § 207.4.) Any required setback area must be landscaped with evergreen trees, subject to specific conditions. (Subtitle J § 207.5.) The Zoning Regulations also require the installation of a fence or wall to provide screening on a PDR-zoned lot, located along the setback between the PDR lot and a residential lot. (Subtitle J § 207.6.)
15. The ANC previously filed an appeal for this same self-storage facility (Appeal No. 19839, the “**First ANC Appeal**”) challenging the ZA’s determination that the planned self-storage facility would comply with zoning requirements, including the landscaping and setback requirements of Subtitle J § 207. The Board dismissed that appeal as untimely in an order dated December 21, 2020.

16. The ANC filed this appeal on April 3, 2020, to challenge the administrative determination of DCRA, stated in the DCRA Letter emailed to the ANC on February 6, 2020, relating to conformity of the construction with approved plans. (Exhibit 1.)

CONCLUSIONS OF LAW

1. The Board is authorized by § 8 of the Zoning Act (52 Stat. 799, ch. 534, as amended; D.C. Official Code § 6-641.07(g)(1) (2008 Repl.)) to “hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, determination, or refusal” made by any administrative officer in the administration or enforcement of the Zoning Regulations. Appeals to the Board of Zoning Adjustment “may be taken by any person aggrieved, or organization authorized to represent that person, or by any officer or department of the government of the District of Columbia or the federal government affected, by any decision of [an administrative officer] granting or refusing a building permit or granting or withholding a certificate of occupancy, or any other administrative decision based in whole or part upon any zoning regulations or map” adopted pursuant to the Zoning Act (52 Stat. 799, ch. 534, as amended; D.C. Official Code § 6-641.07(f) (2008 Repl.); *see also* Subtitle X § 1100.2 and Subtitle Y § 302.1).
2. In this proceeding, The ANC’s appeal raised issues pertaining to: (a) DCRA’s alleged mishandling of wall checks for a building under construction, including the lifting of a stop work order without explanation other than that the stop work order “was not warranted”; (b) DCRA’s alleged failure “to resolve the question of whether the basement foundation improperly extended above grade”; and (c) DCRA’s alleged reliance on “extra-record material,” such as “an ‘analysis’ from the property owner...regarding wall checks” that was received by DCRA, but not provided to the ANC, in making its determination that the construction complied with approved plans. According to the ANC, “[t]hese combined factors undermine the reliability of DCRA’s decision,” leading the ANC to ask the Board “to require the [Owner] to demonstrate that no part of its construction, including any part of the foundation, intrudes into public space or otherwise

exceeds the owner's property lines" and that "no part of its basement is above ground." (Exhibit 2.)

3. In support of its claim, the ANC cited a provision of the D.C. Construction Code² in arguing that a "failed wall check below grade is not cured by a subsequent wall check at or above grade" and that a subsurface encroachment cannot be ignored. With respect to DCRA's alleged failure "to resolve the question of whether the basement foundation improperly extended above grade," the ANC asserted that construction of an above-grade basement "would result in the building occupying a portion of a mandatory setback devoted to landscaping" and "could result in a violation of the building's 50-foot height requirement once it was complete." (Exhibit 3.) The ANC noted DCRA's statements that no violations were found but contended that "DCRA has not resolved the ANC's issues" and that a "further inspection, or at a minimum a further explanation, is required" because "DCRA's decision, rendered without explanation or reasoning and relying on extra-record information, is completely arbitrary." (Exhibit 3.)
4. The Board concludes that the ANC's appeal must be dismissed for lack of jurisdiction because the ANC did not allege any error in any administrative decision based on any zoning regulation or map. Instead, the ANC raised issues arising from its contention that DCRA did not respond adequately to the ANC's concerns about whether the construction undertaken by the Owner was in conformance with approved plans. DCRA considered

² The ANC cited 12A DCMR 109.3.1.2, *As-Built Foundation Survey (Wall Check)*, which states (*italics in the original*) that:

A wall check survey is required before a wall reaches a height of 1 foot (305 mm) above grade, or, in the case of other vertical construction, when a template or form is located and noted. The *code official* is authorized to require up to three wall checks depending on the design of the *structure*: below grade at footer, near grade, and final grade. Surveys, wall examinations and reports, and field notes shall comply with 10-B DCMR §§ 2802, 2810-2812. Wall check surveys shall be performed by a D.C.-Registered Land Surveyor. Wall check reports, including drawings and field notes, shall be filed with the D.C. Office of the Surveyor. Surveying practices should comply with standards set forth in the "Manual of Practices For Real Property Surveying In The District Of Columbia" published by The District of Columbia Association of Land Surveyors (January 2017). Authorization to continue construction of any *building* or other *structure* beyond construction of the foundation shall not be issued until a wall report has been prepared and submitted to the *Department*. The wall report shall confirm that the location and elevation of the *building* or other *structure* conform to the *approved* plans and the provisions of the *Construction Codes* and other applicable District of Columbia regulations.

the ANC's concerns but concluded that no violations had occurred. The ANC was not satisfied with DCRA's response and now contends that the alleged construction violations might result in zoning violations. However, the ANC never established that any construction violations in fact occurred – DCRA and the Owner asserted that the construction was properly undertaken in conformance with the approved plans – and the Board lacks the authority to address the issues raised by the ANC concerning possible construction violations. Such matters are not governed by the Zoning Regulations but are likely addressed by the Construction Codes or public space regulations. Accordingly, the Board grants the joint motion to dismiss the appeal for lack of jurisdiction. The Board concurs with the Owner that its jurisdiction does not extend to matters that are governed by construction and public space regulations. The Board of Zoning Adjustment has no jurisdiction to hear and decide any appeal or portion of any appeal where the order, requirement, decision, determination, or refusal was not based in whole or in part upon any zoning regulation or map. (Subtitle X § 1100.3.)

5. The Board was not persuaded by the other rationale stated in the Owner's motion to dismiss the appeal; that is, that this appeal was an attempt to relitigate the Board's decision in the First ANC Appeal relating to this same self-storage facility because the ANC's claims in this proceeding all related back to the same permit at issue in the First ANC Appeal. In this appeal, the ANC did not challenge the building permit at issue previously but contended that construction undertaken by the Owner pursuant to that permit might not conform to approved plans. The ANC challenged determinations described in the DCRA Letter, which were not new zoning decisions for purposes of an appeal submitted to the Board because those determinations addressed concerns relating to whether construction conformed to approved plans, which is not a zoning decision but is outside the scope of matters governed by the Zoning Regulations.
6. In its opposition to the joint motion to dismiss, the ANC asserted that the ANC was not attempting to reargue the First ANC Appeal in this proceeding but raised "a matter arising in the course of construction that calls into question the validity of the permit"

since the actions of DCRA “regarding the disputed wall check arguably and plausibly amount to a de facto amended permit.” (Exhibit 30A1.) The ANC alleged that the building “contains a subsurface encroachment” but DCRA dismissed “the ANC’s concerns in a conclusory letter,” giving rise to circumstances leading to “a de facto amendment of the building permit,” which “could not have been granted lawfully” in light of concerns described by the ANC relating to encroachment.³ The ANC concluded that the “ANC must be given an opportunity to establish a subsurface encroachment – a question of fact – which would invalidate the existing permit” (Exhibit 30A2). The Board agrees with the ANC that this appeal is not identical to the First ANC Appeal; however, the ANC’s response to the motion did not demonstrate how the issues raised in this appeal gave rise to a claim of error under the administration of the Zoning Regulations, which is a prerequisite to a finding that the Board has jurisdiction to consider this appeal.

7. After the Board held a public hearing on the joint motion to dismiss this appeal, the Owner filed a motion to reopen the record to accept a motion to strike “the ANC’s improper attempt to amend the appeal and add new issues” relating to Subtitle J § 207, in violation of Subtitle Y § 302.13.⁴ (Exhibit 37.) DCRA later joined the motion (Exhibit 38), but the ANC was opposed. The ANC disputed the Owner’s assertion that the ANC had amended the appeal during the public hearing, stating that the “ANC did no more than state with specificity the zoning regulation underlying the allegations of its

³ The Board notes the ZA’s testimony disputing that a “de facto amendment to the building permit” could ever occur. According to the ZA, “the wall check process in no way is an amendment to the [building] permit,” but “part of the construction code to ensure that construction...is occurring in compliance with the permit.” According to the ZA, “if in the instance a wall check failed, which is not the case here...then the recourse would be for DCRA to require an amendment to the permit or removal of the offending construction. It would not in any way involve zoning regulations. It’s up to the owner to correct.” (BZA Public Hearing Transcript of October 14, 2020, at 65-66.)

⁴ The Board’s Rules of Practice and Procedure specify that an appeal must be filed on a form designated by the Director of the Office of Zoning (Subtitle Y § 302.9), and that an appellant must furnish two copies of all information required by the form at the time of filing the appeal, including a statement of the issues on appeal, identifying the relevant subsections for each issue of the Zoning Regulations. (Subtitle Y § 302.12(g).) Pursuant to Subtitle Y § 302.13, an appeal may not be amended to add issues not identified in the statement of the issues on appeal submitted in response to Subtitle Y § 302.12(g) unless the appellee impeded the appellant’s ability to identify the new issues identified.

complaint,” which “alleges a set of facts that, if proven, constitute violations” of Subtitle J § 207. (Exhibit 40.)

8. The Board notes the objection that the ANC did not refer to Subtitle J § 207 in the initial filing, designated Exhibit 1. However, the Board does not agree that the ANC attempted to amend the appeal during the hearing, and therefore denied the Owner’s motion.⁵ Materials submitted by the ANC in support of its complaint, Exhibits 2-13, which were all filed on the same day as the initial filing, make references to the ANC’s concerns about potential zoning violations that might result from the alleged construction violations. These submissions included the ANC’s memorandum in support of the appeal (Exhibit 3), which referred to both setback requirements and limits on building height imposed by the Zoning Regulations, and the Second ANC Letter to DCRA (Exhibit 13), which stated the ANC’s concerns that the construction would result in zoning violations with respect to the “setback required between a PDR-1 and a residential zone.” The Board does not agree that the ANC attempted to amend the appeal during the public hearing. However, while the materials submitted by the ANC referred to zoning requirements, the threshold issue raised by the ANC’s complaint was that DCRA erred in affirming the Owner’s contention that construction was consistent with the building permit – an allegation that does not claim error in the administration of the Zoning Regulations.
9. The Board is required to give “great weight” to the issues and concerns raised by the affected ANC. Section 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) (2001)). In this case, the affected ANC, ANC 8A, was also the appellant. For the reasons discussed above, the Board concludes that the appeal must be dismissed as outside the Board’s jurisdiction.

⁵ The Board notes that the record had not yet been closed at the time the motion was filed, making the request to reopen the record unnecessary. The public hearing on October 14, 2020, was solely for the purpose of the Board’s consideration of the joint motion to dismiss the appeal; if that motion had been denied, a subsequent public hearing would have been scheduled for the parties to address the merits of the appeal.

DECISION

Based on the findings of fact and conclusion of law, the Board concludes that the appellant, ANC 8A, has not satisfied the burden of proof in a claim of error based on the administration of the Zoning Regulations arising from the determination stated on February 6, 2020, by the Department of Consumer and Regulatory Affairs that construction complied with plans approved for property in the RA-2 Zone at 401 22nd Street, S.E. (Square 4556, Lot 66). Accordingly, it is therefore **ORDERED** that the **APPEAL** is **DISMISSED**, and the Zoning Administrator's determination is **SUSTAINED**.

VOTE (October 28, 2020): 4-0-1 (Frederick Hill, Lorna John; Chrishaun Smith, and Robert Miller voting to **DISMISS** the appeal; one Board seat vacant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: January 26, 2021

PURSUANT TO SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

BZA APPEAL NO. 20292

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20349 of Adrian Dungan and Nicole Aga, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the residential conversion requirements of Subtitle U § 320.2, under Subtitle E § 5201 from the rear addition requirements of Subtitle E § 205.4, and under Subtitles E §§ 206.4 and 5207 from the rooftop element requirements of Subtitle E § 206.1, to convert an existing semi-detached, principal dwelling unit into a four-unit apartment house in the RF-1 Zone, at premises 423 Quincy Street, N.W. (Square 3236, Lot 63).

HEARING DATE: January 13, 2021

DECISION DATE: January 13, 2021

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 28 (Revised); Exhibit 4 (Original).)¹

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 4C.

ANC Report. ANC 4C's report indicated that at a regularly scheduled, properly noticed public meeting on December 9, 2020, at which a quorum was present, the ANC voted to support the application. (Exhibit 36.) The ANC's recommendation was conditioned on the Applicant's agreement to conditions with regard to affordable housing, construction, off-street parking spaces, and environmental issues. The Board did not adopt the conditions as part of their approval, as they were outside the Board's jurisdiction; however, the Board expects that the Applicant will abide by all agreements made with the ANC.

OP Report. The Office of Planning submitted a report, dated December 30, 2020, recommending approval of the application. (Exhibit 31.)

DDOT Report. The District Department of Transportation submitted a report, dated December 10, 2020, indicating that it had no objection to the application. (Exhibit 30.)

¹The Application was amended to add special exception relief from the rear addition and rooftop element requirements.

Persons in Support. The Board received a letter from one adjacent neighbor in support of the application. (Exhibit 33.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under the residential conversion requirements of Subtitle U § 320.2, under Subtitle E § 5201 from the rear addition requirements of Subtitle E § 205.4, and under Subtitles E §§ 206.4 and 5207 from the rooftop element requirements of Subtitle E § 206.1, to convert an existing semi-detached, principal dwelling unit into a four-unit apartment house in the RF-1 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED and pursuant to Subtitle Y § 604.10, subject to the APPROVED PLANS² at EXHIBIT 29.**

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Robert E. Miller to APPROVE; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: January 26, 2021

²Self-certification: In granting the self-certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20368 of KD's Klubhouse, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the R-use requirements of Subtitle U § 203.1(h) to permit the operation of a child development center for 160 children in the RF-1 Zone, at premises 4025 9th Street, SE (Square 6159, Lot 124).

HEARING DATES: December 23, 2020¹ and January 13, 2021

DECISION DATE: January 13, 2021

SUMMARY ORDER

Relief Requested. The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 12 (Revised); Exhibit 7 (Original).)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 8E.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on January 4, 2021, at which a quorum was present, the ANC voted to support the application. (Exhibits 43 and 43A.)

OP Report. The Office of Planning submitted two reports recommending approval of the application with conditions related to the children's ages, the number of children and staff, and hours of operation. (Exhibit 30 – OP Report; Exhibit 35 – Supplemental Report.) The Board adopted these conditions as part of this order.

DDOT Report. The District Department of Transportation submitted two reports in the application, ultimately indicating that it had no objection to the application with conditions related to transportation demand management and landscaping plans. (Exhibit 29 – DDOT Report; Exhibit 36 – Supplemental DDOT Report.) The Board adopted these conditions as part of this order.

¹ The hearing in application was originally scheduled for December 23, 2020, however, the Board postponed the hearing to January 13, 2021 to allow for additional documents to be filed and to afford time to review the reports from the Office of Planning and District Department of Transportation.

Persons in Support. One letter in support was submitted from the former ANC 8E07 Commissioner. (Exhibit 37.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under the R-use requirements of Subtitle U § 203.1(h) to permit the operation of a child development center for 160 children in the RF-1 Zone, at premises 4025 9th Street SE (Square 6159, Lot 124).

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

It is therefore **ORDERED** that this application is hereby **GRANTED and pursuant to Subtitle Y § 604.10, subject to the APPROVED PLANS at EXHIBIT 3 - ARCHITECTURAL PLANS AND ELEVATIONS; and subject to the following CONDITIONS:**

1. The child development center shall enroll no more than 160² children, ages 6 weeks to 13 years old.
2. The child development center's staff shall be limited to no more than 40 staff.
3. Hours of operation of the child development center shall be limited to 23 hours per day Monday to Saturday.
4. The Applicant shall implement the following Transportation Demand Management ("TDM") Plan:
 - a. The Applicant shall designate a staff member to serve as Transportation Management Coordinator ("TMC") who shall be responsible for oversight of the TDM plan, adherence to driving and parking regulations, and encourage staff and parent carpooling.

² The final number of children will be determined by the Office of the State Superintendent of Education ("OSSE") at the time of licensing.

- b. The Applicant shall support and grow a culture around walking, biking, carpooling, and public transit use among faculty families and staff.
- c. The Transportation Coordinator shall develop, distribute, and market various transportation alternatives and options to the employees, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications.
- d. The Applicant shall provide secure bicycle and stroller parking/storage facilities for students and staff, including at least two (2) short-term bicycle parking spaces and two (2) long-term spaces.
- e. The Applicant shall monitor drop-off/pick-up operations and implement changes that may include staff-supported operations as needed.
- f. The Applicant shall implement policies for incoming deliveries to minimize the impact of this traffic on the neighborhood.
- g. The Applicant shall encourage carpooling by offering a parent listserv which shall allow parents to find carpool matches.
- h. The Applicant shall establish and provide parents with information on walking, school buses, and bike trains.
- i. The Applicant shall comply with the DC Commuter Benefits Law.
- j. The Applicant shall offer SmartBenefits to faculty and staff to encourage the use of public transportation.
- k. The Applicant shall offer a subsidy for employees who walk or bicycle to work.
- l. The Applicant shall encourage carpooling by offering a staff listserv which will allow staff to find carpool matches.
- m. The Applicant shall distribute information to carpool matching services sponsored by the Metropolitan Washington Council of Governments (“MWCOG”) or other comparable services.
- n. The Applicant shall distribute information on the Commuter Connections Guaranteed Ride Home (“GRH”) program, which provides commuters who regularly carpool, vanpool, bike, walk, or take transit to work with a free and reliable ride home in an emergency.

- o. The Applicant shall provide Transportation Coordinator’s contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year.
- 5. The Applicant shall demonstrate how the short- and long-term bicycle parking requirements are being met.
- 6. The Applicant shall provide landscape screening surrounding the parking lot within the Building Restriction Line (“BRL”) so parked vehicles are less visible from the sidewalk.

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Robert E. Miller to APPROVE; one Board seat vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: January 22, 2021

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS

APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20392 of Lamond-Riggs DC Public Library, pursuant to 11 DCMR Subtitle X § 901.2, for special exceptions under Subtitle C § 703.2 from the minimum vehicle parking requirements of Subtitle C § 701 and under Subtitle C § 1610 from the lot occupancy requirements of Subtitle C § 1603.4 to raze the existing, two-story, detached public library and to construct a new, two-story, detached, public library, in the R-2 Zone at premises 5401 South Dakota Avenue, N.E. (Square 3761, Lot 804).

HEARING DATE: January 13, 2021
DECISION DATE: January 13, 2021

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant, Advisory Neighborhood Commission ("ANC") 5A, and ANC 4B.

ANC Report. ANC 5A's report indicated that at a regularly scheduled, properly noticed public meeting on November 18, 2020, at which a quorum was present, the ANC voted to support the application and raised no issues or concerns. (Exhibit 29.) ANC 4B's report indicated that at a regularly scheduled, properly noticed public meeting on November 23, 2020, at which a quorum was present, the ANC voted to support the application and raised no issues or concerns. (Exhibit 30.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 33.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application, with conditions. (Exhibit 34.) The Board adopted the proposed conditions as part of its approval.

Persons in Support. The Board received one letter in support of the application. (Exhibit 36.) At the public hearing, Robert Oliver testified in support.

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions from the minimum vehicle parking requirements of Subtitle C § 701 and the lot occupancy requirements of Subtitle C § 1603.4.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

It is therefore **ORDERED** that this application is hereby **GRANTED** and, pursuant to Subtitle Y § 604.10, subject to the **APPROVED PLANS**¹ at **EXHIBIT 5 with the following conditions:**

1. The project shall provide four long-term bike parking spaces which is in excess of the three long term bike parking spaces required. These secure spaces shall be available to the staff, of which there are typically four to six staff members on site at any given time.
2. The project shall provide six short-term bike parking spaces (i.e., one space for each 40,000 sq. ft. but no less than six spaces).
3. The Applicant shall incorporate a bike repair station adjacent to the short-term bike parking spaces which shall be accessible to the community and visitors to the library.

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Robert E. Miller to APPROVE; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

¹ Self-certification: In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

FINAL DATE OF ORDER: January 22, 2021

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX

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DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**OFFICE OF ZONING
ZONING COMMISSION**

ZC Order No. 18-03(1)

ZC Case No. 18-03

Dancing Crab Properties, LLC

**Subtitle Z § 705.9 Administrative Covid-19 One-year Time Extension for Consolidated
PUD & Related Map Amendment @ Lot 32, Square 1769 (4611-4615 41st Street, N.W.)**

January 26, 2021

- Z.C. Order No. 18-03 (the “Order”), effective on March 1, 2019, is valid until March 1, 2021.
- The applicant filed an application to extend the Order’s validity per Subtitle Z § 705.9, as adopted by the Zoning Commission’s emergency action in Z.C. Case 20-26 by one year.
- Pursuant to Subtitle Z § 705.9, the Director of the Office of Zoning extends the Order’s validity to expire on March 1, 2022.

In accordance with the provisions of Subtitle Z § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on February 5, 2021.

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