



District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council adopts Act 20-424, Fiscal Year 2015 Budget Support Act of 2014
- D.C. Public Schools updates language related to student grievance procedures
- D.C. Taxicab Commission proposes rules that would allow digital dispatch services (not taxicab owners or operators) to set fares when dispatching taxicabs
- Office of the Chief Financial Officer sets statutory and special real property **tax** rates for **Tax** Year 2015
- Public Service Commission solicits public input on the Potomac Electric Power Company's notice to construct a substation and underground transmission circuits on Buzzard Point, in the South West section of the District
- Public Service Commission seeks input on its investigation regarding Verizon Washington, DC, Inc.'s continued use of its copper infrastructure for the provision of telecommunications services in the District

DISTRICT OF COLUMBIA REGISTER

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The District of Columbia Office of Documents and Administrative Issuances (ODAI) publishes the *District of Columbia Register* (ISSN 0419-439X) (*D.C. Register*) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979 (25 DCR 6960). The policies which govern the publication of the *D.C. Register* are set forth in Title 1 of the District of Columbia Municipal Regulations, Chapter 3 (Rules of the Office of Documents and Administrative Issuances.) Copies of the Rules may be obtained from the Office of Documents and Administrative Issuances. Rulemaking documents are also subject to the requirements of the *District of Columbia Administrative Procedure Act*, District of Columbia Official Code, §§2-501 *et seq.*, as amended.

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COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 20-135

“Air Quality Amendment Act of 2014”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P L 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-368 on first and second readings May 6, 2014 and June 3, 2014, respectively Following the signature of the Mayor on June 23, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-365 and was published in the July 3, 2014 edition of the D C Register (Vol 61, page 6767) Act 20-365 was transmitted to Congress on June 30, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-365 is now D C Law 20-135, effective September 9, 2014


PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period

June	30
July	1, 2, 3, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, 31
August	1, 4, 5, 6, 7, 8
September	8

COUNCIL OF THE DISTRICT OF COLUMBIA

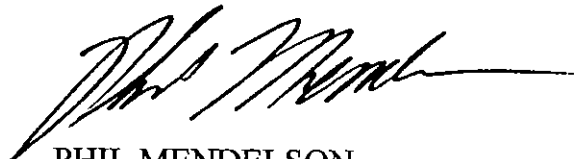
NOTICE

D.C. LAW 20-136

“Southwest Business Improvement District Amendment Act of 2014”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P L 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-462 on first and second readings May 6, 2014 and June 3, 2014, respectively Following the signature of the Mayor on June 23, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-366 and was published in the July 3, 2014 edition of the D C Register (Vol 61, page 6778) Act 20-366 was transmitted to Congress on June 30, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-366 is now D C Law 20-136, effective September 9, 2014



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period

June	30
July	1, 2, 3, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, 31
August	1, 4, 5, 6, 7, 8
September	8

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 20-137

“Workers’ Compensation Statute of Limitations
Temporary Amendment Act of 2014”

Pursuant to Section 412 of the District of Columbia Home Rule Act, P L 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-786 on first and second readings May 6, 2014 and June 3, 2014, respectively Following the signature of the Mayor on June 23, 2014, pursuant to Section 404(e) of the Charter, the bill became Act 20-367 and was published in the July 3, 2014 edition of the D C Register (Vol 61, page 6781) Act 20-367 was transmitted to Congress on June 30, 2014 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-367 is now D C Law 20-137, effective September 9, 2014



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period

June	30
July	1, 2, 3, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, 31
August	1, 4, 5, 6, 7, 8
September	8

ENROLLED ORIGINAL

AN ACT

D C ACT 20-423

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 23, 2014

To establish a sustainable solid waste management hierarchy and require mandatory source separation of solid waste in the District, to require a private collection property to provide adequate waste collection on the property and annually communicate information about source separation requirements to individuals who discard solid waste at the property, to require a collector to label waste containers and submit quarterly reports to the Mayor, to require a collector to register with the Office of Waste Diversion, to establish an Office of Waste Diversion within the Department of Public Works, to establish an Interagency Waste Reduction Working Group, to require the Mayor to ensure that training for employees who enforce the District's waste laws addresses the requirements of this act, to authorize the Mayor to enter into contracts for solid waste collection and disposal services, the operation of recycling and composting facilities, and marketing or selling recyclable or compostable materials, to authorize the Mayor to impose fees on the disposal of solid waste at solid waste facilities, to establish a Solid Waste Diversion Fund, to require the Mayor to submit annual updates to the Council about waste diversion in the District, to require an electronics manufacturer to label and provide return information with covered electronic equipment, register with the Mayor, and submit applicable fees, to establish minimum collection standards for an electronics manufacturer, to require an electronics manufacturer to accept covered electronic equipment sold under the manufacturer's brand name and on a one-to-one basis with a purchase of covered electronic equipment, to prohibit the disposal of covered electronic equipment as trash in the District, and to require an electronics manufacturer to submit annual reports to the Mayor, to amend the Litter Control Administrative Act of 1985 to authorize the Mayor to enforce provisions of the Sustainable Solid Waste Management Amendment Act of 2014, to repeal An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and ninety-six, and for other purposes, to repeal 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 eleven, and for other purposes, to repeal An Act To provide for the collection and disposal of garbage and miscellaneous refuse of the District of Columbia, to repeal An Act Authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes, to repeal An Act For the disposal of combustible refuse from places outside of the city of Washington, to repeal section 3 of the District of Columbia

ENROLLED ORIGINAL

Comprehensive Plan for a Multi-Material Recycling System Act of 1987, and to repeal portions of the Solid Waste Management and Multi-Material Recycling Act of 1988

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Sustainable Solid Waste Management Amendment Act of 2014"

TITLE I WASTE MANAGEMENT, REDUCTION, AND RECOVERY

SUBTITLE A SOLID WASTE REDUCTION AND RECOVERY

Sec 101 Definitions

For the purposes of this subtitle, the term

(1) "Collector" means a person engaged in the collection or transportation of solid waste in the District

(2) "Compost" means a stable, organic substance produced by a controlled decomposition process that can be used as a soil additive, fertilizer, growth media, or other beneficial use

(3) "Compostable" means made solely of materials that break down into, or otherwise become part of, usable compost in a safe and timely manner in an appropriate program

(4) "Composting" or "composted" means the series of activities, including separation, collection, and processing, through which materials are recovered or otherwise diverted from the solid waste stream for conversion into compost

(5) "Compost collection program" means a waste collection program, implemented either directly or through contract, which provides regular collection of separated compostable materials for public collection properties

(6) "DDOE" means the District Department of the Environment

(7) "Disposition" means the transport, placement, reuse, sale, donation, transfer, or temporary storage, for a period of no longer than 6 months, of recyclable materials for all possible uses except disposal as trash

(8) "DPW" means the Department of Public Works

(9) "Incineration" means a form of solid waste disposal through combustion or thermal conversion of solid waste materials into ash, flue gas, fuel, or heat, provided, that recycling, composting, anaerobic digestion of compostable solid waste, and conversion of compostable solid waste into biofuel are not considered incineration

(10) "Intermediate processing facility" means a facility where solid waste can be separated, processed, stored, assembled, and prepared for sale or other disposition, except incineration or burial

(11) "Private collection property" means a property that does not receive solid waste collection services from the District

(12) "Public collection property" means a property that receives solid waste collection from the District either directly or through contract

(13) "Recyclable" means made solely of materials that can be recycled using the District's recycling collection program

ENROLLED ORIGINAL

(14) "Recycle" or "Recycled" or "Recycling" means the series of activities, including separation, collection, and processing, through which materials are recovered or otherwise diverted from the solid waste stream for use as raw materials or in the manufacture of products other than fuel

(15) "Solid waste" means garbage, refuse, trash, or any other waste or waste product, including recyclable, compostable, or otherwise reusable material, whether in solid, liquid, semisolid, or contained gaseous state, resulting from an industrial, commercial, residential, or government operation or community activity, provided, that the following are not considered solid waste for the purpose of this subtitle

(A) Hazardous waste, as defined in section 2(2A) of the Illegal Dumping Enforcement Amendment Act of 1994, effective May 20, 1994 (D C Law 10-117, D C Official Code § 8-901(2A)),

(B) Medical waste, as defined in section 2(3A) of the Illegal Dumping Enforcement Amendment Act of 1994, effective May 20, 1994 (D C Law 10-117, D C Official Code § 8-901(3A)), and

(C) Construction and demolition waste subject to sections 406 and 503 of Title 12K of the District of Columbia Municipal Regulations (12K DCMR §§ 406, 503)

(16) "Solid waste stream" means all solid waste generated within the District

(17) "Source separation" means the separation of solid waste at the point of discard into the categories required under section 103

(18) "Sustainable solid waste management hierarchy" means the prioritization of solid waste diversion and disposal activities in the District set forth in section 102

(19) "SWEEP" means DPW's Solid Waste Education and Enforcement Program

(20) "Trash" means solid waste that is collected for disposal by incineration or landfill

(21) "Waste diversion" means activities that result in solid waste source reduction, reuse, recycling, composting, or conversion of compostable solid waste into biofuel

(22) "Waste diversion rate" means the percentage of the solid waste stream, by weight, successfully diverted from landfilling and incineration through source reduction, reuse, recycling, composting, and conversion of compostable solid waste into biofuel

Sec 102 Sustainable solid waste management hierarchy

To the maximum extent practicable, the District shall direct its solid waste management policies and diversion activities in the following order of priority

(1) Source reduction and reuse,

(2) Recycling or composting of solid waste, or conversion of compostable solid waste into biofuel, and

(3) Landfill or incineration of solid waste

Sec 103 Mandatory source separation

(a)(1) Solid waste in the District shall be separated at the point of discard into the following categories

ENROLLED ORIGINAL

- (A) Recyclable materials,
- (B) Compostable materials, and
- (C) Trash

(2) Paragraph (1)(B) of this subsection shall apply upon the Mayor's implementation of a compost collection program, provided, that the Mayor may require that private collection properties or subcategories of private collection properties separate compostable materials before the implementation of a compost collection program

(b) The Mayor shall make public a list of recyclable materials, and, upon the implementation of a compost collection program established by the Mayor, compostable materials. The Mayor shall review the list on a biannual basis to determine whether additional materials should be added or removed

(c) By January 1, 2016, the Mayor shall submit a report to the Secretary of the Council regarding the feasibility of and progress made toward implementing a compost collection program

(d) The Mayor may establish a uniform color, design, and labeling scheme for public collection property waste containers in the District

Sec 104 Mandatory adequate waste collection

(a) A private collection property owner shall provide adequate waste collection service, including

(1) Supplying waste containers to make source separation accessible for individuals discarding solid waste at the property, provided, that the containers shall

(A) Be capable of containing reasonably anticipated source-separated waste generated at the location, and

(B) Bear or be near visible signage indicating the category of source-separated material by visuals or description or shall comply with a color scheme established by the Mayor,

(2) Annually communicating information to an individual discarding solid waste at the property regarding the types of materials that must be source separated at the property, and

(3) Ensuring annual training on the property's source separation requirements of any janitorial staff employed at the property

(b) The Mayor may require a private collection property owner to submit a source separation plan outlining the steps the property owner will take to implement the requirements of this subtitle

Sec 105 Collector obligations

(a) A collector shall appropriately and visibly label any solid waste container the collector provides to a property to indicate, by visuals or description, the category of waste for which the container is intended, unless the container complies with a color scheme established by the Mayor

(b) A collector shall submit an annual report to the Mayor that includes the following information

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(1) The total tonnage of solid waste collected in the District by the collector in the previous calendar year,

(2) A breakdown of the total tonnage reported in paragraph (1) of this subsection by the individual tonnage of solid waste source separated as required by section 103 that was collected for delivery to recycling, composting, landfill, incineration, and any other waste processing or disposal facilities,

(3) The names, locations, and tonnage of solid waste delivered to recycling, composting, landfill, incineration, and other waste processing or disposal facilities, and

(4) Any other information the Mayor may require

(c) A collector shall retain records of solid waste collected and disposed of for 3 years or a different period as prescribed by the Mayor

(d) To ensure compliance with this section, the Mayor may inspect all records, documents, or data compilations in the possession or control of a collector during normal operating hours

(e) Information submitted to the Mayor pursuant to subsection (b) of this section may not be distributed publicly except in aggregate numbers by year, facility name, type, and waste type as part of the reporting required by section 113. Collector-specific information shall be designated confidential. Except as otherwise provided by law or court order, collector-specific information may be used only by the Mayor, the Mayor's agents and employees, other District agencies, and, as authorized by the Mayor, by the United States Environmental Protection Agency

(f) Failure to submit an annual report required in subsection (b) of this section or to maintain a record pursuant to subsection (c) of this section may result in one or more of the following penalties

(1) A maximum fine of \$25,000, or

(2) Suspension or revocation of a collector's registration or license

Sec 106 Collector registration

(a) A collector shall register with the Office of Waste Diversion before operating in the District in accordance with this section

(b) The Office of Waste Diversion shall issue registrations annually for collectors and vehicles engaged in the collection and transportation of solid waste in the District. No collector registration shall be issued unless a collector

(1) Certifies that recyclable or compostable materials source separated as required by this subtitle shall be delivered to a recycling or composting facility, as appropriate,

(2) Provides a list of all vehicles used to collect solid waste in the District, including any information the Office of Waste Diversion requires about the vehicles, and

(3) Beginning on October 1, 2016, has submitted the annual report required under section 105(b) for the previous year

(c) The Mayor may establish separate registration procedures or requirements for collectors and vehicles based upon the type of solid waste collected or transported

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(d) The Mayor shall establish registration fees to offset the costs of administering this subtitle

Sec 107 Office of Waste Diversion

There is established an Office of Waste Diversion ("Office") within the Department of Public Works. The duties of the Office shall include

- (1) Coordinating and supervising the implementation of the provisions of this subtitle,
- (2) Implementing the source separation education and outreach program developed pursuant to section 108,
- (3) Supervising and developing a system to respond to citizen inquiries about mandatory source separation,
- (4) Serving as a liaison between the District and neighboring jurisdictions in developing regional waste reduction and diversion campaigns,
- (5) Implementing policies developed by the Interagency Waste Reduction Working Group for reducing the generation of solid waste in the District and increasing the District's solid waste diversion rate,
- (6) Publishing annually on its website the reports issued to the Council pursuant to section 113, and
- (7) Registering all collectors and vehicles engaged in the collection or transportation of solid waste in accordance with section 106

Sec 108 Interagency Waste Reduction Working Group

(a) There is established an Interagency Waste Reduction Working Group ("Working Group") that shall regularly evaluate the District's solid waste management and diversion activities and policies, and sustainable waste management and diversion practices, policies, and techniques that could be established in the District. The purpose of the Working Group shall be to advise and guide the Mayor, the Council, and the Office of Waste Diversion on sustainable solid waste management and waste diversion policy in the District in accordance with the sustainable solid waste management hierarchy established in section 102

(b) The Working Group shall be composed of at least 7 members selected by the Mayor from District agencies that have expertise and experience in solid waste management, environmental policy development, and implementation of public waste diversion programs, including, at a minimum, DPW and DDOE

(c) The Working Group shall, at a minimum

- (1) Advise the Office of Waste Diversion in the implementation of policies, outreach, and enforcement techniques that have the potential to reduce the generation of solid waste in the District and increase the District's solid waste diversion rate,
- (2) Develop a zero waste plan for the District outlining steps the District can take to achieve at least an 80% waste diversion rate,

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(3) Design and ensure the development of education and outreach programs with purpose of reducing the generation of solid waste and increasing the waste diversion rate in the District,

(4) Design and guide the development of educational materials reflecting the District's source separation requirements,

(5) Ensure that the educational materials developed pursuant to this section are updated at least every 5 years and upon the addition of a new source separation requirement,

(6) Ensure issuance and accuracy, to the maximum extent practicable, of the reports and studies required by section 113, and

(7) Meet at least quarterly to fulfill the requirements of this section and to evaluate the effectiveness of the programs established pursuant to this section

(d) The source separation education materials developed pursuant to subsection (c)(4) of this section shall be placed on the DPW and DDOE websites and posted in public places where these kinds of materials are customarily placed

Sec 109 Enforcement training

The Mayor shall ensure that training designed for employees who enforce the District's waste laws and regulations addresses the requirements of this subtitle and the policies established by the Interagency Waste Reduction Working Group pursuant to section 108

Sec 110 Contract and licensing authority

(a) The Mayor may enter into a contract or agreement for a period not to exceed 10 years for

(1) Solid waste collection, disposal, and diversion services,

(2) The operation of recycling buy-back centers, composting facilities, and intermediate processing facilities for the collection, storage, processing, and disposition of source separated recyclable or compostable materials, and

(3) The marketing and sale of recyclable and compostable materials

(b) The Mayor may purchase or lease any equipment necessary to facilitate the marketing and sale of recycling or compostable materials

(c) The Mayor may issue to universities, nonprofit institutions, and businesses grants for solid waste research, collection, marketing, and other services

(d)(1) The Mayor may designate, select, or acquire, by purchase, a site or sites that are suitable for the purpose of solid waste disposal or diversion

(2) The Mayor may acquire a site or sites that are suitable for the purpose of solid waste disposal or diversion through condemnation, in accordance with the provisions of Chapter 13 of Title 16 of the D C Official Code

(3) The Mayor shall submit a proposed site 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 site, in whole or in part, by resolution within this 45-day review period, the proposed site shall be deemed approved

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Sec 111 Solid waste disposal and reduction fees

(a) The Mayor shall impose

(1) A fee on the disposal of solid waste at a solid waste disposal facility owned by the District sufficient to cover the costs of operating, maintaining, and improving the solid waste facilities. Revenue from this fee shall be deposited in the Solid Waste Disposal Cost Recovery Fund established under section 6011 of the Fiscal Year 2008 Budget Support Act of 2007, effective September 18, 2007 (D C Law 17-20, D C Official Code § 1-325 91), and

(2) A surcharge on the disposal of solid waste at the District's solid waste disposal facilities of, at a minimum, \$1 per ton. Revenue from this surcharge shall be deposited in the Solid Waste Diversion Fund established by section 112

(b) The Mayor may impose a fee on a public collection property owner, provided, that

(1) The Mayor provides the Council with an analysis of the feasibility and expected economic outcomes of implementing the fee,

(2) Any rules or regulations implementing the fee shall be approved by the Council, and

(3) The fee is proportional to the amount of trash generated at the property

(c) Failure to comply with this section may result in an assessment of twice the amount of the fee or surcharge due

Sec 112 Solid Waste Diversion Fund

(a) There is established as a special fund the Solid Waste Diversion Fund ("Fund"), which shall be administered by the Department of Public Works in accordance with subsection (c) of this section

(b) Revenue from the following sources shall be deposited in the Fund

(1) The surcharge established under section 111(a)(2),

(2) Any money in the District Recycle Program Fund as of the effective date of this section, and

(3) Other funds designated by the Mayor

(c) Money in the Fund shall be used to offset the cost of developing new and additional methods of solid waste diversion in the District

(d) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time

Sec 113 Reporting requirements

(a) On February 28, 2016, and annually thereafter, the Mayor shall provide a solid waste diversion update to the Council that shall include, at a minimum

(1) The total tonnage of solid waste collected in the District, from both private collection and public collection properties,

(2) A breakdown of the total tonnage reported in paragraph (1) of this subsection by the individual tonnage of solid waste that was collected for delivery to recycling, composting, landfill, incineration, and any other waste processing or disposal facilities,

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(3) The names, locations, and tonnage of solid waste delivered to the recycling, compost, landfill, incineration, and other waste processing or disposal facilities,

(4) A calculation of the District's solid waste diversion rate for the previous year, and

(5) A calculation of the District's per-capita solid waste generation for the previous year

(b) On January 31, 2018, and every 4 years thereafter, the Mayor shall issue a waste characterization study describing solid waste generation, collection, recycling, composting, diversion, and management in the District

Sec 114 Rules, enforcement

(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 to implement the provisions of this subtitle within one year of its effective date

(b) Rules and standards adopted pursuant to any act repealed or superseded by this subtitle shall remain in effect unless replaced or repealed by rules and standards promulgated in accordance with this subtitle

(c) The Mayor may establish civil penalties or fines to enforce the provisions of this subtitle and regulations promulgated pursuant to this subtitle

(d) The Mayor may require a private collection property owner found in violation of section 104 more than once in a period of 6 months to submit a source separation plan

SUBTITLE B EXTENDED MANUFACTURER RESPONSIBILITY FOR ELECTRONIC WASTE

Sec 115 Definitions

For the purposes of this subtitle, the term

(1) "Brand" means a manufacturer's name, brand designation, make or model name or number, or other nomenclature by which covered electronic equipment is offered for sale by a manufacturer

(2) "Collection event" means an event lasting at least 4 hours within normal daylight hours at which a District resident, small nonprofit, or small business can drop off, free of charge, unwanted covered electronic equipment for recycling or reuse

(3) "Collection site" means a location at which a District resident, small nonprofit organization, or small business can drop off, free of charge, unwanted covered electronic equipment for recycling or reuse during normal business hours

(4) "Covered electronic equipment" means computers and computer peripherals, including keyboards, electronic pointing devices, printers, computer monitors and display devices, laptops or other portable computers, and portable digital music players that have memory capability and are battery-powered, televisions, and television peripherals. The term "covered electronic equipment" does not include a motor vehicle, part of a motor vehicle, or a component part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised

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dealer, including replacement parts for use in a motor vehicle, telephones of any type, including mobile telephones, a personal digital assistant, a global positioning system, or a hand-held gaming device, household appliances, or covered electronic equipment that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, air purifier, water heater, or exercise equipment, equipment that is functionally or physically part of a larger piece of equipment intended for use in an industrial, research and development or commercial setting, security or anti-terrorism equipment, monitoring and control instrument or system, thermostat, hand-held transceiver, server other than a small-scale server, cash register or retail self-checkout system, stand-alone storage product intended for use in industrial, research and development, or commercial settings, medical equipment that contains a cathode ray tube, a flat panel display or similar video display device, and that is not separate from the larger piece of medical equipment, or other medical devices as defined under the Federal Food, Drug, and Cosmetic Act

(5) "Covered electronic equipment stewardship program" means a recycling effort for covered electronic equipment established by a manufacturer, partnership, or representative organization

(6) "Covered entity" means a District household or small nonprofit or small business entity that procures covered electronic equipment through retail channels

(7) "Manufacturer" means a person who

(A) Manufactures, imports, assembles, or substantially assembles covered electronic equipment for sale in the District by means of retail, wholesale, or electronic commerce, under its own or another brand name or label, or without affixing a brand name or label,

(B) Sells in the District by means of retail, wholesale, or electronic commerce, under its own brand name or label, covered electronic equipment produced by another person, or

(C) Owns a brand name or label that it licenses to another person for use on covered electronic equipment sold in the District by means of retail, wholesale, or electronic commerce

(8) "Market share" means the total pounds of covered electronic equipment sold by a manufacturer to District residents and businesses in the previous year divided by the total pounds of all covered electronic equipment sold to District residents and businesses in the previous year

(9) "Partnership" means an organization of manufacturers created to work together to meet the total minimum collection shares of its member manufacturers under section 119(a)(2)

(10) "Product label" means information on the surface of covered electronic equipment that must be permanently attached to, printed, or engraved on or incorporated in a permanent manner on the equipment and obvious and visible to users of the equipment

(11) "Representative organization" means an organization created to provide convenient collection service to District residents under section 119(a)(3) and to develop and oversee implementation of a District plan consisting of one or more covered electronic

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equipment stewardship programs in the District. A representative organization may also oversee plans in other jurisdictions.

(12) "Retailer" means a person engaged in retail sales.

(13) "Reuse" means a process by which covered electronic equipment or a component of covered electronic equipment is used for the same purpose for which it was originally purchased.

Sec 116 District covered electronics waste diversion goal

In implementing this subtitle, the District shall strive to divert at least 80% of covered electronic equipment waste, estimated based on best available information, to be generated in the District annually from landfill or incineration through recycling or reuse by 2032, and to ensure electronics manufacturer responsibility for the recycling of covered electronic equipment waste.

Sec 117 Registration

(a) By January 1, 2016, a manufacturer or retailer shall not sell or offer for sale or deliver to a retailer for subsequent sale new covered electronic equipment, unless

(1) The equipment is labeled with a readily visible brand identifying the manufacturer, and

(2) The manufacturer has registered with the Mayor pursuant to subsection (b) of this section, provided, that the Mayor may establish by rule a *de minimis* level of covered electronic equipment sales in the District that shall be exempt from the provisions of this section.

(b) By January 1, 2016, and annually thereafter, a manufacturer or its partnership or representative organization as provided in subsection (c) of this section shall submit an application for registration with the Mayor that shall include

(1) The name, address, and contact information of the person responsible for ensuring compliance with this subtitle,

(2) The registration fees applicable under section 118,

(3) A report disclosing

(A) A list of the brands of covered electronic equipment the manufacturer sells in the District,

(B) Annual data of the manufacturer's covered electronic equipment sold in the District during the previous 3 calendar years,

(C) The total weight or an estimate of the total weight of covered electronic equipment sold in the previous year,

(D) The total weight of covered electronic equipment collected and recycled through the manufacturer's electronics recycling program in the previous year,

(E) Compliance with section 119, and

(F) The end markets and electronics recyclers utilized by the manufacturer in the previous year,

(4) A description of the manufacturer's electronics recycling program in the District, including details for the collection, handling, disposition, recycling or reuse of collected covered electronic equipment and the location of anticipated recycling facilities and end markets,

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(5) A description of convenient methods by which a District resident can return covered electronic equipment, and methods by which the manufacturer will inform District residents and businesses about its electronics recycling program,

(6) If the manufacturer has not attained compliance with section 119, a description of how the manufacturer plans to attain compliance,

(7) A signed statement certifying that the manufacturer's collection, handling, and recycling or reuse of covered electronic equipment complies with local state, federal, and international laws and regulations,

(8) A signed statement certifying that vendors who recycle or reuse covered electronic equipment collected under the manufacturer's waste management program have a valid third-party accredited certification as recognized by the Mayor,

(9) If the applicant is a representative organization established to provide convenient collection service to District residents under subsection 119(a)(3), an implementation plan that includes

(A) A description of the convenient collection system established by the organization, including the collection sites at which the representative organization will ensure continuous service, and how the organization, through public outreach and other means, determined where public collection sites would be located to meet the needs of District residents,

(B) A description of public outreach and awareness activities undertaken to ensure District residents are aware of the availability and location of collection sites and events,

(C) The market share percentage of each manufacturer in the representative organization and a description of how the representative organization will allocate responsibility across member manufacturers to ensure compliance with this subtitle, including how the organization will take into account the economic value of different types of covered electronic equipment,

(D) Sufficient information, including financial and operational information, to allow the Mayor to confirm the consistency of the plan with this subtitle, and

(10) Any other information as may be required by the Mayor by rule

(c) A partnership established to meet the total minimum collection shares of its member manufacturers under section 119(a)(2) may, and a representative organization established to provide convenient collection service to District residents under section 119(a)(3) shall, submit a single application for registration including the items listed under subsection (b) of this section on behalf of its member manufacturers, provided, that the application shall also include a list of member manufacturers and their market shares, as well as any other individual manufacturer data, information, or certification required by the Mayor through rulemaking

(d)(1) The Mayor shall approve or disapprove a registration application and notify the applicant in writing or by electronic mail within 45 days of an individual manufacturer's submission and within 60 days of a partnership or representative organization's submission. If the Mayor disapproves an application, the Mayor shall specify the reasons for disapproval. The Mayor shall approve or disapprove a resubmitted application within 30 days of resubmission.

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(2) In determining whether to approve the registration application and implementation plan of a representative organization established to provide convenient collection service to District residents under section 119(a)(3), the Mayor shall consider

(A) The pounds per capita of covered electronics equipment waste generated in the District in the previous year, as estimated using best available data,

(B) The total market share of the representative organization's members and the pounds per capita of covered electronics equipment collected by the representative organization in the previous program year,

(C) The total pounds per capita of covered electronics equipment collected by all manufacturers under this subtitle in the previous program year,

(D) Best practices in similar jurisdictions with pounds per capita electronics recycling rate data,

(E) Whether the convenient collection system outlined in the representative organization's implementation plan is sufficient to provide convenient and equitable collection opportunities to District residents, and

(F) The District's progress toward the goal established in section 116 of this subtitle

(e) The Mayor may establish a procedure and timeframe for the modification or renewal of manufacturer, partnership, and representative organization applications under this section by rule

(f) A retailer shall not be subject to penalties for selling or offering to sell covered electronic equipment received from a manufacturer whose registration under this section has expired or been revoked if the manufacturer was registered at the time that the retailer took possession of the covered electronic equipment and the sale occurred within 6 months of the expiration or revocation

Sec 118 Registration and shortfall fees

(a)(1) A manufacturer that sold less than 100 units of covered electronic equipment in the District in the previous year shall be exempt from paying an annual registration fee

(2) For an individual manufacturer that sold at least 100 units but less than 250 units of covered electronic equipment in the District in the previous year, the individual manufacturer's application for registration under section 117 shall be accompanied by a registration fee of \$500

(3) For an individual manufacturer that sold 250 or more units of covered electronic equipment in the District in the previous year, the manufacturer's application for registration under section 117 shall be accompanied by a registration fee of \$1,000

(4) A partnership's application for registration under section 117 shall be accompanied by a registration fee in the amount of the sum of its member manufacturers' registration fees, or \$10,000, whichever is less

(5) A representative organization's application for registration under section 117 shall be accompanied by a registration fee in the amount of \$10,000

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(6) A manufacturer participating in a partnership or representative organization shall be exempt from paying an individual annual registration fee

(b) Beginning January 1, 2017, if a manufacturer or partnership did not comply with section 119(a)(1) or (2) in the previous program year, the manufacturer's or partnership's application for registration under section 117 shall be accompanied by a shortfall fee. The shortfall fee shall be determined by multiplying the difference of the weight of covered electronic equipment collected and recycled or reused by the manufacturer or the partnership and the manufacturer's minimum collection share by \$0.30 or the sum of the partnership's member manufacturers' minimum collection shares by \$0.30.

(c) The Mayor may increase the fees and modify the fee structures established by this section through rulemaking.

(d) Fees collected under this section shall be used exclusively for the purpose of offsetting the cost of implementing this subtitle, including administering and enforcing the provisions related to supervision of a representative organization.

Sec 119 Manufacturer responsibilities

(a) Beginning January 1, 2016, and annually thereafter, a manufacturer shall either

(1) Collect and recycle or arrange for the collection and recycling or reuse of the manufacturer's minimum collection share of covered electronic equipment as established under subsection (b) of this section,

(2) Join a partnership of manufacturers to jointly collect or arrange for the collection and recycling or reuse of the sum of each member manufacturer's minimum collection share of covered electronic equipment as established under subsection (b) of this section, or

(3) Join a representative organization created by manufacturers to establish a convenient collection service for District residents, small nonprofit organizations, and small businesses that consists of, at a minimum

(A) One permanent publicly accessible collection site in each ward of the District, provided, that, in a ward where there is no feasible location for a permanent collection facility, a collection event made available on a quarterly basis shall fulfill this requirement,

(B) Public outreach and awareness activities to District residents through the representative organization's website and other means to ensure that District residents are aware of the availability and location of collection sites and events, and

(C) Acceptance and recycling or arranging for the recycling or reuse of all covered electronic equipment brought to the sites by covered entities free of charge.

(b)(1) A manufacturer's minimum collection share for covered electronic equipment under subsection (a)(1) of this section shall be

(A) In 2016, the amount of covered electronic equipment collected by the manufacturer in 2016,

(B) In 2017, 40% of the average annual sales of the manufacturer's covered electronic equipment in the District, reported by weight, during the previous reporting year,

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(C) In 2018, 50% of the average annual sales of the manufacturer's covered electronic equipment in the District, reported by weight, during the previous 2 reporting years,

(D) In 2019 and beyond, 80% of the average annual sales of the manufacturer's electronic equipment in the District, reported by weight, during the previous 3 calendar years, or

(E) An amount calculated by a formula established by the Mayor through rulemaking, provided, that the sum of all manufacturer minimum collection shares under the formula, if manufacturers required to comply with this subtitle met their minimum collection share, shall equal at least 60% of the total weight of covered electronic equipment that the Mayor estimates was generated by District residents and businesses in the previous year

(2) For the purposes of calculating a manufacturer or partnership's achievement of its minimum collection share as set forth in subsection (b) of this section, the manufacturer or partnership may count the collection of a single item of covered electronic equipment as twice its weight when that item is donated free of charge for reuse to the District's public or charter schools, to public or charter schools in counties adjoining the District, or to any nonprofit organization with a principal mission of assisting low-income children or families. To qualify for this credit, the covered electronic equipment must be no more than 3 years old, in full working condition, and accepted in writing by the recipient as a donation.

(3) The Mayor may grant a one-year waiver, in whole or in part, from the minimum collection standards, where a manufacturer not participating in a partnership or representative organization has demonstrated that the standard could not be met despite best efforts because the manufacturer has substantially increased the amount of covered electronic equipment sold within the District over the 3-year period during which compliance with the minimum collection standard is to be calculated.

(d) Beginning January 1, 2017, a manufacturer shall accept, on a one-to-one basis with the purchase of the same type of covered electronic equipment, covered electronic equipment that is offered for return by a person in the District.

(e) Beginning January 1, 2017, a manufacturer or retailer shall provide at the point of sale information on how a person can return purchased covered electronic equipment for recycling.

(f) A manufacturer, partnership, or representative organization shall not be liable for damages arising from information stored on covered electronic equipment collected from the manufacturer's, partnership's, or representative organization's recovery programs that comply with this subtitle.

Sec 120 Agency responsibilities

(a) Beginning January 1, 2015, the Mayor shall work with any interested manufacturers, partnerships, or representative organizations to identify District properties that could be utilized for ongoing collection opportunities or collection events.

(b) Upon approval of a manufacturer, partnership, or representative organization registration, the Mayor shall provide information on an appropriate public website about the

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available electronic recycling opportunities in the District, including collection sites and collection events. The website shall also include the definition of covered electronic equipment, the proper methods for disposal of covered electronic equipment, the proper methods for disposal of noncovered equipment, and links to relevant portions of manufacturers' websites. The Mayor may fulfill this requirement by providing a link to a website managed by a third party that contains the required information.

(c) If the District chooses to receive collection or recycling services from a manufacturer, partnership, or representative organization established under this subtitle for covered electronic equipment waste collected by the District, the District shall not charge the manufacturer, partnership, or representative organization for the cost of collection services and shall offer the manufacturer, partnership, or the representative organization the covered electronic equipment at no cost. Nothing in this subtitle shall require a manufacturer, partnership, or representative organization to provide recycling services for covered electronic equipment waste collected by the District.

Sec 121 Disposal ban

(a) Beginning January 1, 2018, no person in the District shall knowingly dispose of covered electronic equipment or subassemblies of covered electronic equipment as solid waste in the District except through recycling programs or other methods approved by the Mayor.

(b) Beginning January 1, 2017, no manufacturer shall dispose of covered electronic equipment as solid waste in the District except through recycling programs or other methods approved by the Mayor.

Sec 122 Confidential information and trade secrets

Information submitted to the Mayor pursuant to this subtitle may be designated by the Mayor as confidential upon a showing of good cause by the person submitting the information. Except as otherwise provided by law or court order, information the Mayor deems confidential may be used only by the Mayor, the Mayor's agents and employees, other District agencies, and, as authorized by the Mayor, the United States Environmental Protection Agency.

Sec 123 Supervision, immunity from liability

(a) The Mayor shall supervise the implementation of this subtitle and manufacturer, partnership, and representative organization activities conducted in connection with this subtitle, including commercial and competitive behavior, provided, that nothing in this section is intended to, or does, create a private right of action against the government of the District of Columbia and its officers, employees, agents, representatives, contractors, successors, and assigns based upon compliance or noncompliance with its provisions.

(b) Notwithstanding the provisions of Chapter 45 of Title 28, a manufacturer or manufacturers and a partnership or representative organization may negotiate, enter into agreements with, share the burdens of their operation with, and conduct business with each other in accordance with this subtitle in ways that may affect competition. No manufacturer,

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partnership, or representative organization shall be prosecuted, held liable, or subject to penalties or damages under Chapter 45 of Title 28, for actions conducted in accordance with this subtitle

Sec 124 Reporting requirements

(a) On March 1, 2017, and annually thereafter, the Mayor shall submit a report to the Council regarding implementation of the provisions in this subtitle and estimating, based on best available information, the progress the District has made toward achieving the goal outlined in section 116. The annual reports shall be posted on the Mayor's website by April 1 of each year.

(b) By March 1, 2019, the Mayor shall submit a report to the Council analyzing the effectiveness of the provisions outlined in this subtitle in meeting the goal established in section 116, and recommending any changes necessary to ensure that the goal may be met as early as possible. The report shall further advise the Council whether the convenient collection service alternative to the minimum collection share requirement allowed under section 119(a)(3) has generated per capita collection rates similar to the best performing electronics waste programs in other jurisdictions, considering relevant differences in covered electronic equipment and the electronics waste stream.

Sec 125 Limitation in the event of a federal program

Upon the establishment and implementation of a federal program for the collection and recycling or reuse of covered electronic equipment discarded by households, sections 115, 116, 117, 118, 119, 120, 121, 122, 123, and 124 shall not apply to that covered electronic equipment.

Sec 126 Rules, enforcement

(a)(1) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat 1204, D C Official Code § 2-501 *et seq*), shall issue rules to implement the provisions of this subtitle within one year of its effective date.

(2) The Mayor may expand the definition of covered electronic equipment to include items exempted in section 115(4), provided, that the Mayor shall not do so before January 1, 2018, provided further, that the Mayor shall not include household appliances. Before issuing such a rule, the Mayor shall provide a report and economic analysis to the Council outlining the reasons that expanding the definition is beneficial to the District's electronics waste diversion activities and will likely result in higher recycling or reuse rates of the electronic equipment that the Mayor proposes to include.

(b) The Mayor may establish civil penalties or fines to enforce the provisions of this subtitle and the regulations promulgated pursuant to this subtitle.

TITLE II WASTE CONTROL AND ENFORCEMENT AMENDMENTS

Sec 201 The Litter Control Administrative Act of 1985, effective March 25, 1986 (D C Law 6-100, D C Official Code § 8-801 *et seq*), is amended as follows:

(a) Section 3(a)(1) (D C Official Code § 8-802(a)(1)) is amended by striking the phrase "the District of Columbia Solid Waste Management and Multi-Material Recycling Act of 1988,"

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and inserting the phrase “the Sustainable Solid Waste Management Amendment Act of 2014, passed on 2nd reading on July 14, 2014 (Enrolled version of Bill 20-641),” in its place

(b) Section 8a (D C Official Code § 8-807 01) is amended as follows

(1) Subsection (b) is amended by striking the word “continuing” and inserting the word “nonlapsing” in its place

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

“(c) Monies deposited into the Fund shall be used to offset some of the costs of implementing this act, the costs of the abatement of solid waste nuisances, and to fund waste recovery and recycling education and activities in accordance with the Sustainable Solid Waste Management Amendment Act of 2014, passed on 2nd reading on July 14, 2014 (Enrolled version of Bill 20-641) ”

(c) Section 13(b) (D C Official Code § 8-812(b)) is amended by striking the phrase “Metropolitan Police Department district,” and inserting the phrase “Ward,” in its place

TITLE III REPEALERS

Sec 301 Repealers

(a) Chapter 176, paragraph 137, line 25 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, eighteen hundred and ninety-six, and for other purposes, approved March 2, 1895 (28 Stat 758, D C Official Code § 8-701), is repealed

(b) Chapter 248, paragraph 117 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 eleven, and for other purposes, approved May 18, 1910 (36 Stat 389, D C Official Code § 8-702), is repealed

(c) Section 6 of Chapter 67 of An Act To provide for the collection and disposal of garbage and miscellaneous refuse of the District of Columbia, approved May 6, 1918 (40 Stat 541, D C Official Code § 8-703), is repealed

(d) An Act Authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes, approved March 4, 1929 (45 Stat 1549, D C Official Code § 8-705 *et seq*), is repealed

(e) Chapter 286 of An Act For the disposal of combustible refuse from places outside of the city of Washington, approved May 15, 1930 (46 Stat 334, D C Official Code § 8-711), is repealed

(f) Section 3 of the District of Columbia Comprehensive Plan for a Multi-Material Recycling System Act of 1987, effective July 25, 1987 (D C Law 7-19, D C Official Code § 8-1102), is repealed

(g) Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 16a, 17, 18, 18a, 20, 22, 23, 24, 25, 25a, and 26 of the Solid Waste Management and Multi-Material Recycling Act of 1988, effective March 16, 1989 (D C Law 7-226, D C Official Code §§ 8-1001-1023), are repealed

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TITLE IV APPLICABILITY, FISCAL IMPACT, AND EFFECTIVE DATE

Sec 401 Applicability

Section 103(c) shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register

Sec 402 Fiscal impact statement

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat 813, D C Official Code § 1-206 02(c)(3))

Sec 403 Effective date

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat 813, D C Official Code § 1-206 02(c)(1)), and publication in the District of Columbia Register



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
September 19, 2014

ENROLLED ORIGINAL

AN ACT
D C ACT 20-424

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
SEPTEMBER 23, 2014

To enact and amend provisions of law necessary to support the Fiscal Year 2015 budget

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AN ACT

 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To enact and amend provisions of law necessary to support the Fiscal Year 2015 budget

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2015 Budget Support Act of 2014"

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**TITLE I. GOVERNMENT DIRECTION AND SUPPORT
SUBTITLE A. BONUS AND SPECIAL PAY LIMITATION**

Sec 1001 Short title

This subtitle may be cited as the "Bonus and Special Pay Limitation Act of 2014"

Sec 1002 Bonus and special pay limitations

(a) For Fiscal Year 2015, no funds may be used to support the categories of special awards pay or bonus pay, provided, that funds may be used to pay

- (1) Retirement awards,
- (2) Hiring bonuses for difficult-to-fill positions,
- (3) Additional income allowances for difficult-to-fill positions,
- (4) Agency awards or bonuses funded by private grants or donations,
- (5) Employee awards pursuant to section 1901 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 § 1-619 01),

- (6) Safe driving awards,
- (7) Gainsharing incentives in the Department of Public Works,
- (8) Suggestion or invention awards,
- (9) Quality Steps,
- (10) Salary incentives negotiated through collective bargaining, or
- (11) Any other award or bonus required by an existing contract or collective

bargaining agreement that was entered into before the effective date of this subtitle

(b) No special awards pay or bonus pay may be paid to a subordinate agency head or an assistant or deputy agency head unless required by an existing contract that was entered into before the effective date of this subtitle

(c) Notwithstanding any other provision of law, no restrictions on the use of funds to support the categories of special awards pay (comptroller subcategory 0137) or bonus pay (comptroller subcategory 0138) shall apply in Fiscal Year 2015 to employees of the District of Columbia Public Schools who are based at a local school or who provide direct services to individual students

(d) Notwithstanding this subtitle or any other provision of law, the Office of the Attorney General shall pay employees of the Office of the Attorney General all performance allowance payments to which they are entitled or may become entitled under any approved compensation agreement negotiated between and executed by the Mayor and Compensation Unit 33 of the American Federation of Government Employees, Local 1403, AFL-CIO, for the period from October 1, 2013, through September 30, 2017

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SUBTITLE B. ELECTED ATTORNEY GENERAL IMPLEMENTATION AND LEGAL SERVICE ESTABLISHMENT TECHNICAL AMENDMENT

Sec 1011 Short title

This subtitle may be cited as the "Elected Attorney General Implementation and Legal Service Establishment Technical Amendment Act of 2014"

Sec 1012 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*), is amended as follows

(a) Section 862(5) (D C Official Code § 1-608 62(5)) is amended by striking the year "2014" and inserting the year "2018" in its place

(b) Section 863 (D C Official Code § 1-608 63) is amended by striking the year "2014" and inserting the year "2018" in its place

(c) Section 864 (D C Official Code § 1-608 64) is amended by striking the year "2014" wherever it appears and inserting the year "2018" in its place

Sec 1013 Section 401(a) of the Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013, effective December 13, 2013 (D C Law 20-60, 60 DCR 15487), is amended by striking the year "2014" and inserting the year "2018" in its place

Sec 1014 (a) 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*), as amended by section 1012, is amended as follows

(1) Section 862(5) (D C Official Code § 1-608 62(5)) is amended by striking the year "2018" and inserting the year "2014" in its place

(2) Section 863 (D C Official Code § 1-608 63) is amended by striking the year "2018" and inserting the year "2014" in its place

(3) Section 864 (D C Official Code § 1-608 64) is amended by striking the year "2018" wherever it appears and inserting the year "2014" in its place

(b) Section 401(a) of the Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013, effective December 13, 2013 (D C Law 20-60, 60 DCR 15487), as amended by section 1013, is amended by striking the year "2018" and inserting the year "2014" in its place

(c) This section shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register

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SUBTITLE C. PUBLIC SECTOR WORKERS' COMPENSATION BUDGET**SAVINGS**

Sec 1021 Short title

This subtitle may be cited as the "Public Sector Workers' Compensation Budget Savings Amendment Act of 2014"

Sec 1022 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*), is amended as follows

(a) The table of contents is amended by adding a new section designation after "SEC 2306a PERIOD OF DISABILITY PAYMENTS" to read as follows

"SEC 2306b REPORT OF EARNINGS"

(b) Title XXIII is amended as follows

(1) Section 2306(b) (D C Official Code § 1-623 06(b)) is repealed

(2) A new section 2306b is added to read as follows

"Sec 2306b Report of earnings

"(a) The Mayor shall require each employee receiving benefits under this subtitle to report his or her earnings from employment or self-employment by affidavit, including by providing copies of tax returns and authorizing the Mayor to obtain copies of tax documents, within 30 days of a written request for a report of earnings

"(b) An employee shall forfeit his or her right to workers' compensation with respect to any period for which the report of earnings was required if the employee

"(1) Fails to file a complete report of earnings within 30 days of a written request for a report of earnings, or

"(2) Knowingly omits or understates any part of his or her earnings

"(c) Workers' compensation forfeited under this section, if already paid, may be recovered by a deduction from future workers' compensation payments owed to the employee or otherwise recovered under section 2329

"(d) The Mayor shall notify any employee receiving workers' compensation benefits, on forms prescribed by the Mayor, of that employee's affirmative duty to report earnings and shall specifically notify the employee that a failure to report earnings may subject him or her to termination from the program and civil or criminal liability The notice by the Mayor may be satisfied by printing the notice on the employee payee statement portion of the indemnity check sent to the employee

"(e) For the purposes of this section, the term "earnings" includes any cash, wages, or salary received from self-employment or from any other employment aside from the employment in which the worker was injured The term "earnings" also includes commissions, bonuses, and the cash value of all payments and benefits received in any form other than cash Commissions and bonuses earned before disability but received during the time the employee is receiving workers' compensation benefits do not constitute earnings that must be reported "

(3) Section 2307 (D C Official Code § 1-623 07) is amended as follows

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(A) Subsection (a)(3) is amended to read as follows

"(3) In addition to compensation for temporary total or temporary partial disability, provided, that

"(A) A claimant who has received compensation for temporary total or temporary partial disability under this title shall be eligible for compensation payable under this section only after compensation for the temporary total or temporary partial disability has ceased,

"(B) A claimant shall not receive any further compensation for a single injury for temporary total or temporary partial disability after receiving compensation for the injury under this section, and

"(C) A claimant shall not be entitled to receive multiple awards of compensation under this section for the same permanent disability, but shall only be entitled to receive one award of compensation payable under this section per permanent disability "

(B) Subsection (b) is repealed

(4) Section 2333(b)(1)(A) (D C Official Code § 1-623 33(b)(1)(A)) is amended by striking the phrase "before reaching age 60"

SUBTITLE D. FLEXIBILITY IN PROVISION OF TECHNOLOGY SERVICES

Sec 1031 Short title

This subtitle may be cited as the "Technology Services Support Amendment Act of 2014"

Sec 1032 Section 1003(a) of the Technology Services Support Act of 2007, effective September 18, 2007 (D C Law 17-20, D C Official Code § 1-1432(a)), is amended as follows

(a) Strike the phrase "health care or education"

(b) Strike the phrase "and any open-access" and insert the phrase "any open-access" in its place

(c) Strike the phrase "neighborhoods in the District of Columbia" and insert the phrase "neighborhoods in the District, and entities designated by the Mayor as necessary to support economic development initiatives of the District government" in its place

SUBTITLE E. CAPITAL POLICY AND RESERVE ACCOUNT

Sec 1041 Short title

This subtitle may be cited as the "Capital Policy and Reserve Account Amendment Act of 2014"

Sec 1042 Section 47-392 02 of the District of Columbia Official Code is amended as follows

(a) Subsection (f) is amended as follows

(1) Paragraph (2) is amended to read as follows

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"(2) Beginning with the Fiscal Year 2017 budget, and for each subsequent year, the annual proposed budget and financial plan submitted to the Council and the approved budget and financial plan submitted to the Congress of the United States shall include a Pay-as-you-go Capital Account "

(2) Paragraph (3) is amended by striking the phrase "May, 2015" and inserting the phrase "in May of the previous year" in its place

(b) Subsection (j-1)(2) is amended to read as follows

"(2) The Fiscal Stabilization Reserve Account may be used by the Mayor for the following purposes

"(A) Those purposes permitted for use of the Contingency Reserve Fund, specified in § 1-204 50a(b)(4), as certified by the Chief Financial Officer, with approval of the Council by act, and

"(B) Funding for locally approved expenditures during a lapse in regular appropriations, provided, that any amounts used must be replenished immediately at the conclusion of the lapse "

(c) Subsection (j-2) is amended as follows

(1) Paragraph (2) is amended to read as follows

"(2) The Cash Flow Reserve Account may be used by the Chief Financial Officer to cover the following

"(A) Cash-flow needs, provided, that any amounts used must be replenished to the Cash Flow Reserve Account in the same fiscal year, and

"(B) Funding for locally approved expenditures during a lapse in regular appropriations, provided, that any amounts used must be replenished immediately at the conclusion of the lapse "

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

"(4) If at the close of a fiscal year, the District has fully funded the Emergency, Contingency, Fiscal Stabilization, and Cash Flow Reserves, all additional uncommitted amounts in the unrestricted fund balance of the General Fund of the District of Columbia as certified by the Comprehensive Annual Financial Report shall be used for the following purposes

"(A) 50% shall be deposited in the Housing Production Trust Fund, and

"(B) 50% shall be reserved for Pay-as-you-go capital projects "

Sec 1043 Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows

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

"47-308 04 Replacement schedule for capital assets "

(b) A new section 47-308 04 is added to read as follows

"§ 47-308 04 Replacement schedule for capital assets

"The Chief Financial Officer of the District of Columbia shall develop a 15-year replacement schedule for the capital assets of the District government The schedule shall be

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prepared in a form that reflects both the adopted capital improvements plan and a replacement schedule for District capital assets. The Chief Financial Officer shall report to the Council and the Mayor on the replacement schedule on an annual basis, with the initial report due on October 1, 2015. All agencies shall cooperate with any requests made by the Chief Financial Officer related to this section "

(c) Section 47-335.01 is amended by striking the word "borrowings" and inserting the phrase "borrowings. In determining the amounts to be financed, the Mayor shall consult with the Chief Financial Officer to determine if any funds appropriated for Debt Service, as defined in § 47-334(1), in excess of Debt Service requirements are available to reduce the amount of borrowing for the next bond issuance" in its place.

(d) Section 47-362 is amended by adding a new subsection (f) to read as follows:

"(f) Notwithstanding § 47-363, any funds appropriated for Debt Service, as defined in § 47-334(1), in excess of Debt Service requirements:

"(1) May not be reprogrammed, unless the Council approves the reprogramming request by resolution, and

"(2) At the end of a fiscal year, any excess shall be transferred to the Capital Fund as Paygo."

SUBTITLE F. GOVERNMENT FAMILY LEAVE PROGRAM

Sec 1051 Short title

This subtitle may be cited as the "Government Family Leave Program Amendment Act of 2014"

Sec 1052 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.*), is amended as follows:

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

"SEC 1203a UNIVERSAL LEAVE PROGRAM

"SEC 1203b DONOR LEAVE

"SEC 1203c FAMILY LEAVE"

(b) A new section 1203c is added to read as follows:

"Sec 1203c Family leave

"(a) An eligible employee shall receive leave with pay for family leave of not more than 8 workweeks within a 12-month period for a single qualifying event.

"(b) Leave authorized by this section for a single qualifying event:

"(1) May be exercised by an eligible employee only within the 12-month period following the qualifying event,

"(2) May be used in no less than one-day increments, either consecutively or intermittently, and

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"(3) Shall count against the 16 workweeks of family leave provided under section 3 of the District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D C Law 8-181, D C Official Code § 32-502) ("D C FMLA")

"(c) If an employee using leave under this section is serving in a probationary capacity, the employee's probationary period shall be extended by the duration of the leave used

"(d) An eligible employee using leave under this section shall enjoy the same employment and benefit protections afforded to an employee under section 6 of the D C FMLA, provided, that section 6(f) of the D C FMLA shall not apply under this section

"(e) An agency may require that a request for leave under this section be supported by appropriate certification or other supporting documentation. An agency shall keep any information regarding the family relationship confidential

"(f) Each agency shall maintain an accounting of leave used under this section and any records related to its use

"(g) For the purposes of this section, the term

"(1) "Child" means

"(A) A person under 21 years of age,

"(B) A person, regardless of age, who is substantially dependent upon the employee by reason of physical or mental disability, or

"(C) A person who is under 23 years of age who is a full-time student at an accredited college or university

"(2) "Eligible employee" means a District government employee eligible to accrue annual leave who has experienced a qualifying event

"(3) "Family member" means

"(A) A person to whom the employee is related by blood, legal custody, domestic partnership, or marriage,

"(B) A foster child,

"(C) A child who lives with the employee and for whom the employee permanently assumes and discharges parental responsibility, or

"(D) A person with whom the employee shares or has shared, within the last year, a mutual residence and with whom the employee maintains a committed relationship

"(4) "Qualifying event" means one of the following

"(A) The birth of a child of the employee,

"(B) The legal placement of a child with the employee (such as through adoption, guardianship, or foster care),

"(C) The placement with the employee of a child for whom the employee permanently assumes and discharges parental responsibilities, or

"(D) The care of a family member of the employee who has a serious health condition "

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Sec 1053 Applicability

An employee may exercise leave under this subtitle for a qualifying event that occurred before the effective date of this act, provided, that the employee otherwise meets the requirements of this subtitle

SUBTITLE G. OFFICE OF CONTRACTING AND PROCUREMENT SURPLUS PERSONAL PROPERTY SALES FUND ESTABLISHMENT

Sec 1061 Short title

This subtitle may be cited as the "Office of Contracting and Procurement Surplus Personal Property Fund Establishment Act of 2014"

Sec 1062 Surplus Personal Property Sales Fund

(a) There is established as a special fund the Surplus Personal Property Sales Fund ("Fund"), which shall be administered by the Chief Procurement Officer in accordance with subsection (c) of this section

(b) Except as provided in subsection (d) of this section, proceeds from the sale of surplus personal property shall be deposited into the Fund

(c) Money in the Fund shall be used to pay for the cost of online auction contracts for surplus personal property

(d) Amounts in excess of the money needed to pay for the cost of online auction contracts for surplus personal property shall be deposited into the unrestricted fund balance of the General Fund of the District of Columbia

SUBTITLE H. COMMISSION ON FATHERS, MEN, AND BOYS

Sec 1071 Short title

This subtitle may be cited as the "Commission on Fathers, Men, and Boys Establishment Act of 2014"

Sec 1072 Commission on Fathers, Men, and Boys

The Commission on Fathers, Men, and Boys ("Commission") is established to advise the Mayor, the Council, and the public on issues and needs of fathers, men, and boys in the District of Columbia

Sec 1073 Commission members, qualifications, terms of office, removal

(a) The Commission shall consist of 12 members nominated by the Mayor and subject to the consent of the Council in accordance with section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D C Law 2-142, D C Official Code § 1-523 01(f)) The makeup of the Commission shall reflect the demographics of the District and shall include prominent business and community leaders and individuals certified in fatherhood training or having documented experience working directly with issues of particular interest and concern to fathers, men, and boys

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- (b) Members of the Commission shall be residents of the District
- (c) Members shall be appointed to serve terms of 4 years and shall serve until their successors are appointed. A member of the Commission may be reappointed but may serve no more than 2 consecutive terms
- (d) Whenever a vacancy occurs on the Commission, the Mayor shall, within 90 business days of the vacancy, appoint a successor to fill the unexpired portion of the term
- (e) The Mayor shall designate, from among the members appointed, the Chairman, who shall serve in that capacity at the pleasure of the Mayor
- (f) All members of the Commission shall serve without compensation except that expenses incurred by the Commission as a whole, or by a group of its members, shall become an obligation against appropriated District funds designated for that purpose
- (g) The Mayor may remove, after notice and hearing, any member of the Commission for neglect of duty, incompetence, misconduct, or malfeasance in office

Sec 1074 Duties of the Commission

- (a) The Commission shall
 - (1) Serve as an advocate for fathers, men, and boys residing in the District by advising and making recommendations to the Mayor and the Council concerning the needs of District residents related to or concerning fathers, men, and boys,
 - (2) Research, review, maintain, and disseminate empirical data, statistics, and facts concerning or attributable to fatherhood and family social economic issues,
 - (3) Stimulate and encourage the dialogue of responsible fatherhood and spur community initiatives to combat fatherlessness,
 - (4) Prepare and recommend to the Mayor and the Council an annual plan of programs and services focused on issues directly related to fathers, men, and boys,
 - (5) Work with District agencies, the private sector, and local communities to promote a healthier societal impact on fathers, men, and boys, and
 - (6) Nominate special advisors to serve and provide technical and expert advice on specific and particular matters relevant to the functions of the Commission
- (b) The Commission shall devise policies and procedures that will effectively address the social economic concerns of fathers, men, and boys, including
 - (1) Employment,
 - (2) Poverty,
 - (3) Fatherlessness and responsible fatherhood,
 - (4) Family law,
 - (5) Health and well-being, and
 - (6) Rehabilitation and reintegration
- (c) The Commission may apply for and receive grants to fund programs and initiatives in accordance with procedures relating to grants management, District government statutes, regulations, Mayor's Orders, and procedures as specified by the Office of the Chief Financial Officer, the Office of Partnerships and Grant Services, and the Office of Contracting and

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Procurement and to recommend to the Mayor and Council applications for federal grants-in-aid for fatherhood, children, and family initiatives

(d) The Commission may accept private gifts and donations to carry out the purposes of this subtitle in compliance with the procedures and requirements of the Office of Partnerships and Grant Services

Sec 1075 Section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D C Law 2-142, D C Official Code § 1-523 01(f)), is amended as follows

(1) Paragraph (48) is amended by striking the word "and"

(2) Paragraph (49) is amended by striking the period and inserting the phrase ", and" in its place

(3) A new paragraph (50) is added to read as follows

"(50) The Commission on Fathers, Men, and Boys established pursuant to section 1072 of the Commission on Fathers, Men, and Boys Establishment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750) "

SUBTITLE I. GRANTS ADMINISTRATION

Sec 1081 Short title

This subtitle may be cited as the "Grants Administration Amendment Act of 2014"

Sec 1082 Section 1093 of the Grant Administration Act of 2013, effective December 24, 2013 (D C Law 20-61, D C Official Code § 1-328 12), is amended by striking the phrase "shall be administered" and inserting the phrase "or the Fiscal Year 2015 Budget Support Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), shall be administered" in its place

SUBTITLE J. WORKPLACE WELLNESS

Sec 1091 Short title

This subtitle may be cited as the "Workplace Wellness Act of 2014"

Sec 1092 Workplace wellness policy

(a) The Mayor shall develop and adopt a workplace wellness policy for the District government no later than one year following the effective date of this act. The workplace wellness policy shall be reviewed and updated annually

(b) The workplace wellness policy required by subsection (a) of this section shall apply to all District agencies, including independent District agencies and the Council of the District of Columbia, but excluding boards and commissions, Advisory Neighborhood Commissions, and the Courts

(c) The workplace wellness policy required by subsection (a) of this section shall include initiatives that

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- (1) Establish measurable goals for improving the health of District government employees,
- (2) Improve nutrition in the workplace, including
- (A) Expanding opportunities for employees to store lunches and foods in District buildings, and
- (B) Promoting the availability and consumption of water throughout the day,
- (3) Improve the physical fitness of employees and physical activity during the work day, including
- (A) Providing opportunities for employees to exercise at their desks and offices, and
- (B) Ensuring that staircases are accessible and their use is encouraged,
- (4) Promote healthy living and educate employees about physical activity, healthy eating, stress management, and disease prevention,
- (5) Provide for early detection and screening for key health indicators, and
- (6) Support changes in the work environment to encourage healthy behaviors and breastfeeding and promote occupational safety and health
- (d) Each agency shall designate one employee as the agency's wellness coordinator who shall have the responsibility of implementing the wellness policy in the agency and promoting wellness programs
- (e) It is the goal of the District for each agency to achieve the American Heart Association's gold-level designation as a "Fit-Friendly" workplace or other evidence-based workplace initiatives of national or local health organizations

Sec 1093 Healthy food and beverage standards for District government property

(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 establishing healthy food and beverage nutrition and procurement standards that are guided by the General Services Administration document "Health and Sustainability Guidelines for Federal Concessions and Vending Operations" for all District agencies no later than one year following the effective date of this act

(b) The standards shall consider both positive and negative contributions of nutrients, ingredients, and foods to diets, including calories, portion size, saturated fat, trans fat, sodium, sugar, and the presence of fruits, vegetables, whole grains, and nutrients of concern in Americans' diets

(c) The standards shall apply to foods and beverages purchased or served by District agencies, including at meetings, events, in vending machines, and through on-site vendors, with the exception of food served by the Department of Corrections and the Department of Behavioral Health to persons who reside at their institutions or are in their direct custody No less than 50% of all foods and beverages shall be healthy, as guided by the General Services Administration

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document "Health and Sustainability Guidelines for Federal Concessions and Vending Operations"

(d) The standards shall not apply to food to be served to children in schools, but may apply to food served to adults in schools if that food is separate and different from the food served to children

(e) Exemptions may be allowed for those circumstances in which the individuals consuming the food have specific dietary needs

Sec 1094 Section 601(b)(2) of the Omnibus Spending Reduction Act of 1993, effective November 25, 1993 (D C Law 10-65, D C Official Code § 10-1301(b)(2)), is amended as follows

(a) Subparagraph (B) is amended by striking the word "and"

(b) Subparagraph (C) is amended by striking the period and inserting the phrase ", and" in its place

(c) A new subparagraph (D) is added to read as follows

"(D) Enter into lease or other agreements, with or without monetary consideration, with entities of the District government and with private entities for establishing healthy food retail opportunities within the Property "

SUBTITLE K. EMANCIPATION DAY.

Sec 1101 Short title

This subtitle may be cited as the "Emancipation Day Amendment Act of 2014"

Sec 1102 The District of Columbia Emancipation Day Parade and Fund Act of 2004, effective March 16, 2005 (D C Law 15-240, D C Official Code § 1-181 *et seq*), is amended as follows

(a) Section 3 (D C Official Code § 1-182) is amended by adding a new sentence at the end to read as follows "For Fiscal Year 2015 only, the Council committee with oversight related to the District of Columbia Emancipation Day shall continue to coordinate the District of Columbia Emancipation Day activities in consultation with the Office of the Mayor "

(b) Section 4 (D C Official Code § 1-183) is amended by adding a new subsection (e) to read as follows

"(e) Each agency, including the Metropolitan Police Department, the District Department of Transportation, the Department of Public Works, and the Department of Parks and Recreation, shall absorb permitting, staffing, and related costs associated with the conduct of the Emancipation Day Parade "

SUBTITLE L. STATEHOOD INITIATIVES BUDGETING

Sec 1111 Short title

This subtitle may be cited as the "Statehood Initiatives Budgeting Amendment Act of 2014"

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Sec 1112 Beginning in Fiscal Year 2015, the Chief Financial Officer shall assign an individual agency-level code for Statehood Initiatives in the District's financial system. The agency-level code shall be used to track the operating budget for the District's efforts to achieve statehood and any funds that are appropriated for that purpose.

Sec 1113 Section 47-1812 11c is revived as of January 1, 2009, and amended to read as follows:

“§ 47-1812 11c Statehood Delegation Fund tax check-off

“(a) There shall be provided on the District of Columbia individual income tax return a voluntary check-off that indicates an individual may contribute a minimum donation or gift of \$ 1 to the Statehood Delegation Fund ("Fund"), established by § 1-129 08. The contribution shall reduce any refund owed to the individual taxpayer or increase the tax owed by the individual taxpayer on the taxpayer's tax return. The funds generated from the tax check-off shall be earmarked for the Fund except that any cost incurred by the Chief Financial Officer in collecting, processing, accounting for, or disbursing the funds generated by the tax check-off shall be reimbursed to the Chief Financial Officer from the funds generated by the tax check-off.

“(b) Except as provided in subsection (c) of this section, the funds generated by the tax check-off established by subsection (a) of this section shall be transferred to the Fund pursuant to rules issued by the Chief Financial Officer that establish timetables and procedures for transfer of the funds. Check-off funds shall be transferred to the Fund only after the costs to the Chief Financial Officer described in subsection (a) of this section have been reimbursed.

“(c)(1) Until the District of Columbia Statehood Delegation Fund Commission, established by § 1-129 02, convenes, the funds generated by the tax check-off shall be deposited in equal amounts in the District of Columbia statehood funds established pursuant to § 1-123(g).

“(2) Semiannually, each Representative and Senator shall submit to the Mayor, the Chairman of the Council, and the Chairman of the District of Columbia Board of Elections and Ethics an accounting of the expenditures made with the tax check-off funds.

“(d)(1) Except as provided in paragraph (2) of this subsection, any unpaid District tax liability on an individual income tax return shall render any voluntary tax check-off election void. Any amount paid for the purpose of contributing to the Fund shall be used first to satisfy any unpaid tax liability, in whole or in part.

“(2) If there is any amount that remains after satisfaction of the unpaid tax liability, the amount shall be transferred to the Fund.”

**SUBTITLE M. HOME RULE ACT 40TH ANNIVERSARY CELEBRATION AND
COMMEMORATION COMMISSION EXTENSION**

Sec 1121 Short title

This subtitle may be cited as the “Home Rule Act 40th Anniversary Celebration and Commemoration Commission Extension Amendment Act of 2014”

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Sec 1122 Section 1089 of the Fiscal Year 2013 Budget Support Act of 2012, effective September 20, 2012 (D C Law 19-168, D C Official Code § 1-137 08), is amended by striking the phrase "October 1, 2014" and inserting the phrase "January 31, 2015" in its place

SUBTITLE N. PAY-FOR-SUCCESS CONTRACT AUTHORIZATION

Sec 1131 Short title

This subtitle may be cited as the "Pay-for-Success Contract Authorization Act of 2014"

Sec 1132 Definitions

For the purposes of this subtitle, the term

(1) "Pay-for-success contract" means a contract between the District and a social service intermediary that establishes outcome-based performance standards for social programs performed by nonprofit service providers and initially funded by private investors through a social impact funding instrument and provides a mechanism by which investors shall receive a return of their investment and earnings thereon only if outcome-based performance standards are met by the social service intermediary

(2) "Social service intermediary" means an organization that is organized and operated pursuant to section 501(c)(3) of the Internal Revenue Code of 1954, approved August 16, 1954 (68A Stat 163, 26 U S C § 501(c)(3)), or an affiliated legal entity thereof that is so organized and operated and that is capable of entering into a pay-for-success contract with the District that sets forth outcome-based performance standards, contracting with service providers to deliver social services, raising capital to finance the delivery of social services via a social impact funding instrument, and administering the social impact funding instrument by providing ongoing investor relations and project management

(3) "Social impact funding instrument" means an investment product established by a social service intermediary to raise private investment capital for social programs

Sec 1133 Authorization of pay-for-success contracts

Notwithstanding any other law, the Mayor may enter into pay-for-success contracts Each contract shall include

(1) A requirement that payment from the District be conditioned on the achievement of specific outcomes based on defined performance targets,

(2) An objective process by which an independent evaluator will determine whether the performance targets have been achieved,

(3) A detailed scope of the social service intermediary's service under the contract,

(4) A calculation of the amount and timing of payments to the social service intermediary during each year of the contract if performance targets are achieved as determined by the independent evaluator,

(5) A requirement that the social service intermediary create a social impact funding instrument to obtain the funds required for the social program,

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(6) A sinking fund requirement under which the Mayor shall request a multiyear appropriation for every fiscal year that the contract is in effect, in an amount equal to the expected payments that the District would ultimately be obligated to pay in the future based upon service provided, if performance targets were achieved pursuant to the terms of the contract,

(7) A process for the District to review payments made by the social service intermediary through reporting requirements pursuant to the contract, and

(8) A determination by the Mayor that the contract will result in significant performance improvements and budgetary savings to the District across all impacted areas if the performance targets are achieved

Sec 1134 Pay-for-Success Contract Fund

(a) There is established as a special fund the Pay-for-Success Contract Fund ("Fund") which shall be administered by the Mayor or his or her designee in accordance with subsection (c) of this section

(b) Each fiscal year there shall be deposited into the Fund the amount of the annual appropriation estimated to be paid in the next fiscal year for any pay-for-success contract

(c) The Fund shall be used to fund payments to be made pursuant to pay-for-success contracts. The Chief Financial Officer shall create separate accounts within the Fund for each pay-for-success contract entered into by the District

(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time

(2) 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

SUBTITLE O FINANCIAL REPORTING

Sec 1141 Short title

This subtitle may be cited as the "Financial Reporting Act of 2014"

Sec 1142 (a) No later than December 1, 2014, and on a quarterly basis thereafter, until the approval of the Fiscal Year 2016 budget and financial plan, the Chief Financial Officer shall provide a report to the Council on the following subjects

(1) Progress toward ensuring that the Fiscal Year 2016 budget will be balanced, including

(A) Savings achieved to date,

(B) Additional revenue certified through revised revenue estimates, and

(C) Additional revenue that may be certified through revenue

enhancements,

(2) An analysis of procurement reform efforts in Fiscal Year 2014, including

(A) Contracts reviewed for potential cost savings,

(B) Savings secured through the renegotiation of existing contracts, and

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(C) A report from the Office of Contracting and Procurement to the Chief Financial Officer regarding subparagraphs (A) and (B) of this paragraph,

(3) An analysis of personnel review efforts, including

(A) Positions left vacant or eliminated as a result of cost-savings initiatives, and

(B) Savings secured through personnel savings, and

(4) Any other operating budget savings achieved or targeted in Fiscal Year 2014

(b) Agencies shall report on their progress toward limiting personal and nonpersonal expenditures whether one-time or recurring

SUBTITLE P. BEGA ESTABLISHMENT AND COMPREHENSIVE ETHICS REFORM AMENDMENT

Sec 1151 Short title

This subtitle may be cited as the “Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2014”

Sec 1152 The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D C Law 19-124, D C Official Code § 1-1161 01 *et seq*), is amended as follows

(a) Section 224(a) (D C Official Code § 1-1162 24(a)) is amended as follows

(1) Paragraph (1) is amended as follows

(A) The lead-in language is amended by striking the phrase “Advisory Neighborhood Commissioners and members of the Washington Metropolitan Area Transit Authority Board of Directors appointed pursuant to section 1 of the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat 1324, D C Official Code § 9-1107 01)” and inserting the phrase “Advisory Neighborhood Commissioners, members of the Washington Metropolitan Area Transit Authority Board of Directors appointed pursuant to section 1 of the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat 1324, D C Official Code § 9-1107 01), and candidates for nomination for election, or election, to public office, who are not otherwise required to file pursuant to this paragraph” in its place

(B) Subparagraph (G)(iv) is amended by striking the phrase “been offered or”

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

“(3)(A) An Advisory Neighborhood Commissioner who is not otherwise required to file a report pursuant to paragraph (1) of this subsection shall file the certification required by paragraph (1)(G) of this subsection for the preceding year

“(B) Effective January 1, 2015, a candidate for nomination for election, or election, to public office who is not otherwise required to file a report pursuant to paragraph (1) of this subsection shall file the certification required by paragraph (1)(G) of this subsection for the preceding year

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“(C) A candidate for nomination for election, or election, to public office who, as of May 15, 2014, had not filed a report for calendar year 2013 required by this section and who was not otherwise required to file a report pursuant to paragraph (1) of this subsection shall not be required to do so ”

(b) Section 225(a) (D C Official Code § 1-1162 25(a)) is amended by striking the phrase “Advisory Neighborhood Commissioners and members of the Washington Metropolitan Area Transit Authority Board of Directors” and inserting the phrase “members of the Washington Metropolitan Area Transit Authority Board of Directors” in its place

SUBTITLE Q. ATTORNEY GENERAL ELECTION

Sec 1161 Short title

This subtitle may be cited as the "Attorney General 2014 Special Election Authorization Clarification Amendment Act of 2014"

Sec 1162 Section 8 of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat 701, D C Official Code § 1-1001 08), is amended by adding a new subsection (j-1) to read as follows

“(j-1) Notwithstanding any other provision of law, and pursuant to the June 4, 2014 Order of the District of Columbia Court of Appeals in *Zukerberg v D C Board of Elections and Ethics, et al*, No 14-CV-222, the Board shall conduct the 2014 election of the Attorney General consistent with the procedural requirements for a special election under this act, and shall have the election of the Attorney General coincide with the November 4, 2014, general election ”

Sec 1163 Section 102(a) of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D C Law 18-160, D C Official Code § 1-301 82(a)), is amended by striking the phrase “which time shall not be before January 1, 2018,”

SUBTITLE R COMMISSION ON THE ARTS AND HUMANITIES

Sec 1171 Short title

This subtitle may be cited as the “Commission on the Arts and Humanities Term Limit Amendment Act of 2014”

Sec 1172 Section 4(b) of the Commission on Arts and Humanities Act, effective October 21, 1975 (D C Law 1-22, D C Official Code § 39-203(b)), is amended by striking the phrase “but may not serve more than 2 consecutive terms”

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TITLE II. ECONOMIC DEVELOPMENT AND REGULATION**SUBTITLE A. MANUFACTURER TASTING PERMIT**

Sec 2001 Short title

This subtitle may be cited as the "Manufacturer Tasting Permit Amendment Act of 2014"

Sec 2002 Title 25 of the District of Columbia Official Code is amended as follows

(a) The table of contents for Chapter 1 is amended by adding a new section designation to read as follows

"25-126 On-site sales consumption permit "

(b) Section 25-110(a)(2)(B) is amended by striking the phrase "The licensee may sell beer to the consumer only in barrels, kegs, and sealed bottles," and inserting the phrase "Except as provided in § 25-126, the licensee may sell beer to the consumer only in barrels, cans, kegs, and sealed bottles," in its place

(c) A new section 25-126 is added to read as follows

"§ 25-126 On-site sales consumption permit

"(a) The holder of a manufacturer's license, class B, may apply for an on-site sales and consumption permit in order to use a portion of the licensed premises for the on-premises sale, service, and consumption of beer brewed by the brewery and purchased by the customer

"(b) The holder of an on-site sales and consumption permit shall only sell, serve, and permit the consumption of beer brewed by the brewery and purchased by the customer between the hours of 1 p m and 9 p m , 7 days a week

"(c) The on-premises sales and consumption permit shall not obviate the requirement of the holder of a manufacturer's license, class B, to obtain a tasting permit pursuant to § 25-118, to be authorized to provide samples of beer to a customer at no cost

"(d) A violation of this section shall constitute a primary tier violation "

(d) Section 25-508 is amended by adding a phrase at the end to read as follows

"On-site sales and consumption permit \$1,000/year "

SUBTITLE B. CONSUMER PROCEDURES AND PROTECTIONS**ENFORCEMENT**

Sec 2011 Short title

This subtitle may be cited as the "Consumer Procedures and Protections Enforcement Amendment Act of 2014"

Sec 2012 Chapter 39 of Title 28 of the District of Columbia Official Code is amended as follows

(a) Section 28-3903(a) is amended as follows

(1) Paragraph (14) is amended by striking the word "and" at the end

(2) Paragraph (16) is amended by striking the period and inserting the phrase "and" in its place

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(3) A new paragraph (17) is added to read as follows

"(17) impose civil fines, pursuant to § 28-3905, as alternative sanctions for any violation of the provisions of this chapter or of any rules issued under the authority of this chapter Any violation of this chapter, or of any rule issued under the authority of this chapter, shall be a Class 2 infraction pursuant to 16 DCMR § 3200 1(b), unless the violation is classified otherwise pursuant to rules issued by the Department "

(b) Section 28-3904(m) is amended to read as follows

"(m) harass or threaten a consumer with any act other than legal process, either by telephone, cards, letters, or any form of electronic or social media,"

(c) Section 28-3905(i)(3)(A) is amended to read as follows

"(3)(A) Any person found to have executed a trade practice in violation of a law of the District within the jurisdiction of the Department may be liable for a civil penalty not exceeding \$1,000 for each failure to adhere to a provision of an order described in subsection (f), (g), or (j) of this section, or a consent decree described in subsection (h) of this section "

SUBTITLE C SOLAR PERMITTING FEES

Sec 2021 Short title

This subtitle may be cited as the "Solar Permitting Fees Amendment Act of 2014"

Sec 2022 Chapter 101 1(a) of Title 12-K of the District of Columbia Municipal Regulations (12-K DCMR § 101 1(a)) is amended by inserting a phrase between the fees for "sign" and "swimming pool" to read as follows

"Solar Photovoltaic	Less than 15 kilowatts	\$250 Residential, \$300 Commercial
"15 - 99 kilowatts	\$300 for first 15 kilowatts and \$11 25 per additional kilowatt	
"100 - 199 kilowatts	\$1,250 for the first 100 kilowatts and \$2 5 per additional kilowatt	
"200 kilowatts or more	\$1,250 for the first 200 kilowatts and \$1 per additional kilowatt	
"Solar Thermal	Fewer than 10 panels	\$250 Residential, \$300 Commercial
"10 - 24 panels	\$300 for first 10 panels and	\$25 per additional
"25 - 49 panels	\$650 for the first 25 panels and	\$15 per additional
"50 panels or more	\$1,010 for the first 50 panels	\$10 per additional panel "

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SUBTITLE D. PUBLIC UTILITIES REIMBURSEMENT FEE AMENDMENT

Sec 2031 Short title

This subtitle may be cited as the "Public Utilities Reimbursement Fee Amendment Act of 2014"

Sec 2032 Paragraph 42(b)(1), (2), and (3) of section 8 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 fourteen, and for other purposes, approved March 4, 1913 (37 Stat 974, D C Official Code §§ 34-912(b)(1), (2), and (3)), is amended to read as follows

"(b)(1) All amounts appropriated for the Public Service Commission and the Office of the People's Counsel for each fiscal year shall be repaid during such fiscal year by the public utilities, natural gas suppliers, electricity suppliers, and telecommunications service providers as a reimbursement fee

"(2) The Public Service Commission shall annually determine the amount of the reimbursement fee to be paid by each natural gas supplier, electricity supplier, and telecommunications service provider authorized to provide service in the District, excluding the local exchange carrier, and the formula by which the amount shall be determined

"(3)(A) The amount of the reimbursement fee to be paid by each public utility other than those subject to paragraph (2) of this subsection shall be equal to the amounts appropriated, less the amount to be reimbursed by the providers subject to paragraph (2) of this subsection, multiplied by the fraction, as determined by the Mayor, represented by the gross revenues of the public utility derived from utility operations in the District of Columbia that are regulated by the Public Service Commission during the immediately preceding fiscal year (or other 12-month period as the Mayor may designate), divided by the gross revenues of all public utilities from utility operations in the District of Columbia during such period. The fee shall be paid by the public utilities during such fiscal year to the Treasurer of the District of Columbia, at such time or times and in such manner as the Mayor by regulation may require

"(B) If the total amount paid or obligated by the Public Service Commission and the People's Counsel during such fiscal year pursuant to appropriations for such fiscal year is less than the amounts appropriated by more than 5%, the Mayor shall refund to or credit each public utility, natural gas supplier, electricity supplier, and telecommunications service provider subject to subparagraph (A) of this paragraph and paragraph (2) of this subsection a portion of the difference, rounded to the nearest dollar, as equals the difference multiplied by the fraction, representing the gross revenues of the public utility, natural gas supplier, electricity supplier, or telecommunications service provider, divided by the gross revenues of all public utilities, natural gas suppliers, electricity suppliers, and telecommunications service providers

"(C) Subparagraph (B) of this paragraph shall apply as of Fiscal Year 2012 "

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SUBTITLE E. DC FILM INCENTIVE FUND

Sec 2041 Short title

This subtitle may be cited as the "DC Film Incentive Fund Amendment Act of 2014"

Sec 2042 Section 2 of the Film DC Economic Incentive Act of 2006, effective March 14, 2007 (D C Law 16-290, D C Official Code § 39-501), is amended as follows

(a) The section heading is amended by striking the phrase "Film DC Economic Incentive Fund" and inserting the phrase "DC Film Incentive Fund" in its place

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

"(a)(1) There is established as a special fund the DC Film Incentive Fund ("Fund") The Fund shall appear as a separate program line within the budget of the Office of Motion Picture and Television Development The Fund shall be funded by annual appropriations

"(2)(A) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted 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 "

SUBTITLE F. FREE TRANSPORTATION FOR SUMMER YOUTH

Sec 2051 Short title

This subtitle may be cited as the "Free Transportation for Summer Youth Amendment Act of 2014"

Sec 2052 Section 2 of the School Transit Subsidy Act of 1978, effective March 6, 1979 (D C Law 2-152, D C Official Code § 35-233), is amended by adding a new subsection (g) to read as follows

"(g)(1) Participants in the Summer Youth Employment Program ("SYEP") administered by the Department of Employment Services pursuant to section 2 of the Youth Employment Act of 1979, effective January 5, 1980 (D C Law 3-46, D C Official Code § 32-241), shall be eligible for a summer youth transit subsidy program ("Program") as established by the Mayor

"(2) The Program shall allow qualified SYEP participants to travel on Metrobus, Metrorail, and public transportation services offered by the District at subsidized or reduced fares

"(3) The subsidized or reduced fares established pursuant to this subsection shall be valid only for the transportation of SYEP participants to and from their internships and related activities for the first 3 weeks of the summer 2015 SYEP "

SUBTITLE G. FOOD STAMP EXPANSION

Sec 2061 Short title

This subtitle may be cited as the "Food Stamp Expansion Amendment Act of 2014"

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Sec 2062 The Food Stamp Expansion Act of 2009, effective March 3, 2010 (D C Law 18-111, D C Official Code §§ 4-261 01 *et seq*), is amended by adding a new section 5084 to read as follows

"Sec 5084 Locally funded minimum benefit

"Beginning on or after January 1, 2015, but beginning no later than October 1, 2015, a family participating in the food stamp program whose federally funded household benefit is less than \$30 per month shall receive locally funded benefits to bring the household's total benefit to \$30 per month "

SUBTITLE H. CABLE TELEVISION O-TYPE TRANSFER

Sec 2071 Short title

This subtitle may be cited as the "Cable Television O-Type Transfer Amendment Act of 2014"

Sec 2072 Notwithstanding any other provision of law, for Fiscal Year 2015, the Chief Financial Officer shall transfer to the unrestricted fund balance of the General Fund of the District of Columbia and recognize as local funds \$1 8 million of Fiscal Year 2014 Cable Television Franchise Fee revenues

Sec 2073 Applicability

This subtitle shall apply as of September 30, 2014

SUBTITLE I. HOME PURCHASE ASSISTANCE PROGRAM

Sec 2081 Short title

This subtitle may be cited as the "Home Purchase Assistance Program Amendment Act of 2014"

Sec 2082 The lead-in language of section 14-2503 1(b) of Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 2503 1(b)) is amended to read as follows

"(b) Downpayment Assistance for eligible very low, low, and moderate income applicants shall be in an amount equal to the Desired Purchasing Power less the Standard Mortgage Qualification Level for each eligible applicant, subject to the Per-Client Downpayment Assistance Cap, and adjusted for household size The maximum amount of Downpayment Assistance for the lowest income applicant shall be \$50,000 and shall be adjusted based on the applicant's income according to subparagraph (1) of this paragraph "

SUBTITLE J RETAIL PRIORITY AREA

Sec 2091 Short title

This subtitle may be cited as the "Retail Priority Area Amendment Act of 2014"

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Sec 2092 Section 2(5) of the H Street, N E , Retail Priority Area Incentive Act of 2010, effective April 8, 2011 (D C Law 18-354, D C Official Code § 1-325 171(5)), is amended by striking the phrase "beginning point" and inserting the phrase "beginning point, and, after October 1, 2014, the Bladensburg Road, N E , Retail Priority Area, as defined in section 4(g) of the Retail Incentive Act of 2004, effective September 8, 2004 (D C Law 15-185, D C Official Code § 2-1217 73)," in its place

Sec 2093 Section 2(4) of the Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007, effective July 10, 2007 (Res 17-257, 54 DCR 7194), is amended to read as follows

"(4) Ward 4 Georgia Avenue Priority Area, consisting of the parcels, squares, and lots within the area bounded by a line beginning at the intersection of Kenyon Street, N W , and Sherman Avenue, N W , continuing north along Sherman Avenue, N W , to New Hampshire Avenue, N W , then continuing northeast along New Hampshire Avenue, N W , to Spring Road, N W , then continuing northwest along the center line of Spring Road, N W , to Kansas Avenue, N W , continuing northeast along Kansas Avenue, N W , to Georgia Avenue, then continuing north along Georgia Avenue, N W , to Allison Street N W , then continuing west along Allison Street N W , to 14th Street, N W , then continuing north along 14th Street, N W , to Longfellow Street, N W , then continuing east along Longfellow Street, N W , to Georgia Avenue, N W , then continuing north along Georgia Avenue, N W , to Eastern Avenue, N W , then continuing southeast along Eastern Avenue, N W , to Kansas Avenue, N E , then continuing southwest along Kansas Avenue, N E , to Blair Road, N W , then continuing south along Blair Road, N W , to North Capitol Street, N E , then continuing south along North Capitol Street, N E , to Kennedy Street, N W , then continuing west along Kennedy Street, N W , to Kansas Avenue, N W , then continuing southwest along Kansas Avenue, N W , to Varnum Street, N W , then continuing east along Varnum Street, N W , to 7th Street, N W , then continuing south along the center line of 7th Street, N W , until the point where 7th Street, N W , becomes Warder Street, N W , then continuing further south along Warder Street, N W , to the center line of Kenyon Avenue, N W , and then continuing west along Kenyon Avenue, N W , to the beginning point,"

Sec 2094 Section 4 of the Retail Incentive Act of 2004, effective September 8, 2004 (D C Law 15-185, D C Official Code § 2-1217 73), is amended as follows

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

"(g) There is established the Bladensburg Road, N E , Retail Priority Area, which shall consist of the parcels, squares, and lots within the following area Beginning at the intersection of Holbrook Street, N E , and Mount Olivet Road, N E , thence east on Mount Olivet Road, N E , to Bladensburg Road, N E , thence south on Bladensburg Road, N E , to 17th Street, N E , thence south on 17th Street, N E , to H Street, N E , thence east on H Street, N E , to 19th Street, N E , thence south on 19th Street, N E , to Benning Road, N E , thence east on Benning Road, N E to Oklahoma Avenue, N E , thence southwest on Oklahoma Avenue, N E to Clagett Place, N E , thence northwest on Clagett Place, N E to 20th Street, N E , thence northwest along the rear

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boundaries of all properties with frontage along the southwest side of Benning Road, N E to 19th Street, N E , thence south on 19th Street, N E to Gales Street, N E , thence northwest on Gales Street, N E to 15th Street, N E , thence west on G Street, N E to 14th Street, N E , thence north on 14th Street, N E to Florida Avenue, N E , thence west on Florida Avenue, N E , to Holbrook Street, N E , thence north on Holbrook Street, N E , to the point of beginning ”

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

“(k) There is established the New York Avenue, N E , Retail Priority Area, which shall consist of the parcels, squares, and lots within the following area Beginning at the intersection of New York Avenue, N E , and Florida Avenue, N E , thence southeast on Florida Avenue, N E , to West Virginia Avenue, N E , thence northeast on West Virginia Avenue, N E to 17th Street, N E , thence southeast on 17th Street N E , thence continuing northeast on 17th Street, N E to Montana Avenue, N E , thence southeast on Montana Avenue, N E to Bladensburg Road, N E , thence northeast on Bladensburg Road, N E to New York Avenue, N E , thence east on New York Avenue, N E , thence continuing northeast on New York Avenue, N E , thence continuing southeast on New York Avenue, N E to Fort Lincoln Drive, N E , thence north on Fort Lincoln Drive, N E , thence continuing northwest on Fort Lincoln Drive, N E , thence continuing southwest on Fort Lincoln Drive, N E to 33rd Place, N E , thence continuing southwest on 33rd Place, N E to South Dakota Avenue, N E , thence northwest on South Dakota Avenue, N E to Channing Place, N E , thence west on Channing Place, N E to Bladensburg Road, N E , thence southwest on Bladensburg Road, N E to Queens Chapel Road, N E , thence northwest on Queens Chapel Road to Channing Street, N E , thence west on Channing Street, N E to 21st Place, N E , thence south on 21st Place, N E to Bryant Street, N E , thence west on Bryant Street, N E to Lawrence Street, N E , then southwest on Lawrence Street, N E to Edwin Street, N E , thence northwest on Edwin Street, N E , thence continuing southwest on Edwin Street, N E to Montana Avenue, N E , thence continuing northwest on Montana Avenue, N E to W Street, N E , thence southwest on W Street, N E , thence west along a line extending W Street, N E , west to the continuation of W Street, N E , and continuing west along W Street, N E , to Brentwood Road, N E , thence southwest along Brentwood Road, N E , to its end at T Street, N E , thence southwest to the intersection of a line extending Fourth Street, N E , south and a line extending R Street, N E , east, thence west on R Street, N E to Eckington Place, N E , thence southwest on Eckington Place, N E , to Florida Avenue, N E , thence southeast on Florida Avenue, N E and continuing southeast until the point of beginning ”

(c) A new subsection (l) is added to read as follows

“(l) There is established the Good Hope Road, S E Retail Priority Area, which shall consist of the parcels, squares, and lots within the following area Beginning at the intersection of Anacostia Drive and Good Hope Road S E , thence southeast on Good Hope Road to Naylor Road S E ”

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**SUBTITLE K. RESIDENTIAL ESSENTIAL SERVICE SUBSIDY
STABILIZATION**

Sec 2101 Short title

This subtitle may be cited as the "Residential Essential Service Subsidy Stabilization Amendment Act of 2014"

Sec 2102 The Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D C Law 17-250, D C Official Code §§ 8-1773 01 *et seq*), is amended as follows

(a) Section 101(6) (D C Official Code § 8-1773 01(6)) is amended to read as follows

"(6) "Existing low-income program" means the program operated under the name "LIHEAP Expansion and Energy Education" "

(b) Section 211 (D C Official Code § 8-1774 11) is amended as follows

(1) Subsection (b)(1) is amended by striking the number " 006" and inserting the number " 0051" in its place

(2) Subsection (c) is amended by striking the phrase "programs in the amount of \$2 409 million in fiscal year 2011, and \$2 6 million annually thereafter" and inserting the phrase "program in the amount of \$2 33 million annually, and the Mayor shall have the fund audited every 2 years to ensure that the assessment imposed pursuant to subsection (b)(1) of this section is appropriately set to fund the low-income program funded by the EATF" in its place

(c) A new section 215 is added to read as follows

"Sec 215 Discount program for low-income gas customers

"The Commission shall establish, by order, a discount program for low-income gas customers in the District The Commission shall establish the eligibility, funding, and administrative guidelines for the program, provided, that the program shall not be funded from existing District funds, District revenue sources, or District assessments "

SUBTITLE L. RENEWABLE ENERGY PORTFOLIO STANDARD

Sec 2111 Short title

This subtitle may be cited as the "Renewable Energy Portfolio Standard Amendment Act of 2014"

Sec 2112 Section 11(b) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D C Law 15-340, D C Official Code § 34-1439(b)), is amended by striking the phrase "April 1" and inserting the phrase "May 1" in its place

SUBTITLE M. ADULT LITERACY TASK FORCE

Sec 2121 Short title

This subtitle may be cited as the "Adult Literacy Task Force Act of 2014"

Sec 2122 Establishment of Adult Career Pathways Task Force

(a) For the purposes of this act, the term

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(1) "Basic skills program" means a secondary, post-secondary, or alternative education or training program that helps individuals enhance the reading, writing, math, English language, digital literacy, or problem-solving skills that adults need to succeed in a job, occupational training, or postsecondary education

(2) "Career pathways" means an approach to connecting progressive levels of basic skills and postsecondary education, training, and supportive services in specific sectors or cross-sector occupations in a way that optimizes the progress and success of individuals (including those with limited education, English skills, or work experience) in securing marketable credentials, family-supporting employment, and further education and employment opportunities

(3) "High-demand occupations or sectors" means occupations or sectors consistent with the Workforce Investment Council's current Workforce Investment Act of 1998 Demand Occupation List

(4) "Task Force" means the Adult Career Pathways Task Force established in subsection (b) of this section

(b) Beginning October 1, 2014, the Mayor shall establish an Adult Career Pathways Task Force that shall have as its purpose development of a city-wide strategic plan for connecting adult basic skills programs administered in the District to career pathways

(c) The Task Force shall be convened by the Workforce Investment Council, and shall consist of the following 13 members

- (1) The Chairman of the Council, or his or her designee,
- (2) The Chair of the Workforce Investment Council, or his or her designee,
- (3) The Deputy Mayor for Education, or his or her designee,
- (4) The State Superintendent of Education, or his or her designee,
- (5) The Chancellor of the District of Columbia Public Schools, or his or her designee,
- (6) The Chair of the Public Charter School Board, or his or her designee,
- (7) The Director of the Department of Employment Services, or his or her designee,
- (8) The Director of the Department of Human Services, or his or her designee,
- (9) The Executive Director of the D C Public Library, or his or her designee,
- (10) A representative of the University of the District of Columbia Community College, appointed by the President of the University of the District of Columbia, and
- (11) Three community representatives, appointed by the Mayor, as follows
 - (A) A representative of a District organization engaged in the direct provision of a basic skills program,
 - (B) A representative of a District school engaged in the direct provision of a basic skills program, and
 - (C) A representative of a District job training provider

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(d) No later than June 1, 2015, the Task Force shall submit to the Council and the Mayor the city-wide strategic plan required under this section. In developing the strategic plan, the Task Force shall

(1) Review best practices for improving literacy, numeracy, and technology skills for adults,

(2) Review and analyze adult basic skills programs currently administered by the Office of the State Superintendent of Education, the District of Columbia Public Schools, the District of Columbia Public Charter Schools, the University of the District of Columbia Community College, the District of Columbia Public Library, and other agencies identified by the Task Force, with focus provided to the missions and goals of the various programs, the types of credentials offered, the degree of funding levels, the age and educational functioning level of students at time of program entry and the rates of gains upon completion, and the degree to which the program partners with job training providers, postsecondary education programs, or employers,

(3) Consult with stakeholders, including the following

(A) Organizations with research or policy expertise in adult basic skills programs and career pathways,

(B) Organizations focused on adult education and workforce development research or service provision,

(C) Representatives of the District's business community in high-demand occupations or sectors that the Task Force has identified for potential career pathways, and

(D) Representatives from the philanthropic community,

(4) Perform an analysis of evidence-based approaches for helping adult learners with different needs and skill levels advance in career pathways, with special attention paid to practices for adult learners with basic skills below the 6th grade level,

(5) Develop a city-wide mission statement for ensuring that adult learners have access to career pathways by 2020 and annual benchmarks for measuring progress toward that goal,

(6) Analyze the high-demand occupations or sectors in which career pathways can be developed,

(7) Develop responsibilities among the Task Force agencies for meeting the city-wide goals, including recommendations to better align policies and practices around support services,

(8) Develop common performance definitions and measures that adult basic skills programs will use to track progress, including educational gains, GED or secondary school diploma attainment, employment placement and retention, entrance into postsecondary education or training, and other credential completion, and

(9) Analyze existing professional development opportunities for adult educators and develop a strategy for addressing any identified gaps

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(e) Following the completion of the city-wide strategic plan, the Workforce Investment Council shall convene the Task Force on a quarterly basis to track implementation of the strategy

TITLE III. PUBLIC SAFETY AND JUSTICE**SUBTITLE A. MPD ESCORT AND REIMBURSEMENT**

Sec 3001 Short title

This subtitle may be cited as the "Police Escort Reimbursement Amendment Act of 2014"

Sec 3002 Reimbursable police escorts and other law enforcement services

(a) The Chief of Police may charge and collect reimbursement fees, as set forth in the fee schedule established pursuant to subsection (b) of this section, for providing police escorts that are necessary to protect public health and safety. All reimbursement fees collected under this subsection shall be deposited into the fund established by D C Official Code § 47-2826(d)

(b) The Chief of Police, 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 setting forth a reimbursement fee schedule

(c) For the purposes of this subtitle, the term "police escort" shall include the assignment of law enforcement personnel and vehicles as necessary to ensure the preservation of public safety, typically either at a specified location or from a point of origin to a specified destination, in a manner consistent with the nature of the persons, material, and the threat posed by the movement or event

Sec 3003 Section 47-2826 of the District of Columbia Official Code is amended as follows

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

"(b) The Mayor may adjust the license fee set in subsection (a) of this section to cover the costs to the District of providing police, fire, and other public services that are necessary to protect public health and safety "

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

"(d)(1) There is established as a special fund the MPD Overtime Reimbursement Fund ("Fund"), which shall be administered by the Metropolitan Police Department ("MPD") in accordance with paragraph (3) of this subsection

"(2) Except as provided in § 1-325 81, revenue from the following sources shall be deposited in the Fund

"(A) Fees paid pursuant to this section related to police services, and

"(B) Fees paid pursuant to section 3002 of the Fiscal Year 2015 Budget Support Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750)

"(3) Money in the Fund shall be used for the purpose of reimbursing MPD for the cost of overtime needed to

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"(A) Staff special events such as parades, carnivals, and movie productions, and

"(B) Provide security details to establishments, such as bars, nightclubs, and sports teams, that pay for extra police coverage "

Sec 3004 Conforming amendment

Section 3052(a) of the FEMS Special Events Fee Fund Establishment Act of 2007, effective September 18, 2007 (D C Law 17-20, D C Official Code § 1-325 81(a)), is amended by striking the phrase "all fees assessed and collected" and inserting the phrase "all fees assessed and collected relating to Fire and Emergency Medical Services Department service delivery" in its place

SUBTITLE B. STATE SAFETY OVERSIGHT AGENCY ESTABLISHMENT

Sec 3011 Short title

This subtitle may be cited as the "State Safety Oversight Agency Establishment Amendment Act of 2014"

Sec 3012 Section 1a of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat 314, D C Official Code § 5-401 01), is amended to read as follows

"Sec 1a State safety oversight agency for DC Streetcar

"(a) For the purposes of this section, the term "DC Streetcar" means the rail-fixed guideway public transportation system operated by the District Department of Transportation pursuant to section 2 of the Department of Transportation Establishment Act of 2002, effective March 21, 2002 (D C Law 14-137, D C Official Code § 50-921 01), or any future rail-fixed guideway public transportation system operated by the District, whichever exists

"(b) The Fire and Emergency Medical Services Department is designated as the state safety oversight agency, as required by 49 U S C § 53 *et seq* and implementing regulations, as they may be amended from time to time (hereinafter referred to as "applicable federal law")

"(c) There is established, within the Fire and Emergency Medical Services Department, a state safety office The state safety office shall be headed by a Program Manager The Program Manager shall not be supervised by, or under the direction or control of, any District officer or employee, anyone acting on their behalf, responsible for any aspect of the operation of the DC Streetcar

"(d) The Program Manager of the state safety office, or his or her designee, shall, in accordance with applicable federal or District law

"(1) Oversee the operations of the DC Streetcar insofar as those operations affect, or could affect, the safe operation of the DC Streetcar,

"(2) Conduct, or cause to be conducted, investigations, independently or in cooperation with federal or District offices or agencies, into the operations of the DC Streetcar,

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including any accident or incident involving the operations or assets of the DC Streetcar, insofar as those operations affect, or could affect, the safe operation of the DC Streetcar,

“(3) Audit the DC Streetcar system for compliance with safety-related plans, or for any other purpose the Program Manager concludes would promote the safe operation of the DC Streetcar,

“(4) Issue reports and findings regarding all aspects of the safety and security of the DC Streetcar, including operations and accidents, when

“(A) The issuance of reports and findings is required by federal or District law, or

“(B) The Program Manager determines that such action would promote the safe operation of the DC Streetcar,

“(5) Require the DC Streetcar to develop and submit safety-related plans to the Program Manager for review. After review, the Program Manager shall approve or disapprove the safety-related plans as appropriate,

“(6) Enforce statutes, regulations, and executive orders related to the safe operation of the DC Streetcar. If the Program Manager concludes that enforcement is required in order to protect or promote public safety, the Program Manager may

“(A) Order the partial or complete cessation of an activity undertaken by the District government, or any entity acting on the District government’s behalf, in connection with the operation of the DC Streetcar, and

“(B) Take any other enforcement actions that are consistent with federal or District requirements related to the safe operation of the DC Streetcar,

“(7) Conduct any other activity and take any other action necessary to implement federal or District laws or regulations related to the functions and responsibilities of a state safety oversight agency,

“(8) Execute and file an application on behalf of the District with the Federal Transit Administration (“FTA”) for federal assistance authorized by 49 U S C §53 *et seq* , Title 23 of the United States Code, or other federal statutes authorizing a project administered by the FTA,

“(9) Execute and file with its application for federal assistance submitted under paragraph (8) of this subsection the annual certifications, assurances, and other documents required by the FTA to award a federal assistance grant or cooperative agreement, and

“(10) Execute grant and cooperative agreements with the FTA on behalf of the District

“(e) 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*), the Program Manager may issue rules to implement the provisions of this section ”

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SUBTITLE C MICROSTAMPING IMPLEMENTATION

Sec 3021 Short title

This subtitle may be cited as the "Microstamping Implementation Amendment Act of 2014"

Sec 3022 The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D C Law 1-85, D C Official Code § 7-2501 01 *et seq*), is amended as follows

(a) Section 408(b) (D C Official Code § 7-2504 08(b)) is amended by striking the phrase "January 1, 2014" wherever it appears and inserting the phrase "January 1, 2016" in its place

(b) Section 503 (D C Official Code § 7-2505 03) is amended by striking the phrase "January 1, 2014" wherever it appears and inserting the phrase "January 1, 2016" in its place

SUBTITLE D. ACCESS TO JUSTICE

Sec 3031 Short title

This subtitle may be cited as the "Access to Justice Initiative Administrative Costs Amendment Act of 2014"

Sec 3032 The Access to Justice Initiative Establishment Act of 2010, effective September 24, 2010 (D C Law 18-223, D C Official Code § 4-1701 01 *et seq*), is amended as follows

(a) Section 201 (D C Official Code § 4-1702 01) is amended as follows

(1) Designate the existing text as subsection (a)

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

"(b) The provisions of this act shall be exempt from the requirements of the Grant Administration Act of 2013, effective December 24, 2013 (D C Law 20-61, D C Official Code § 1-328 11 *et seq*)"

(b) Section 301(b) (D C Official Code § 4-1703 01(b)) is amended as follows

(1) Designate the existing text as paragraph (1)

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

"(2) Any training or evaluation deemed necessary by the Bar Foundation for purposes of the Initiative shall be permitted as a non-administrative expense, with reasonable expenses for these purposes not restricted to the percentage set aside for administrative expenses under paragraph (1) of this subsection "

(c) Section 401 (D C Official Code § 4-1704 01) is amended as follows

(1) Subsection (b) is amended by adding a new paragraph (3) to read as follows

"(3) Any training or evaluation deemed necessary by the Bar Foundation for purposes of the Initiative shall be permitted as a non-administrative expense, with reasonable expenses for these purposes not restricted to the percentage set aside for administrative expenses under subsection (c) of this section "

(2) Subsection (c) is amended as follows

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(A) Paragraph (3) is amended by striking the phrase "The Administer may use" and inserting the phrase "Except as provided in paragraphs (3) and (4) of this subsection, the Administrator may use" in its place

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

"(4) If the Deputy Mayor has designated the Bar Foundation as Administrator, the Bar Foundation may, in lieu of using a percentage of LRAP grant funding under paragraph (3) of this subsection, use a portion of funds authorized under section 301(b) of this section for reasonable administrative expenses associated with administering the LRAP "

SUBTITLE E. DEPUTY CHIEF MEDICAL EXAMINER

Sec 3041 Short title

This subtitle may be cited as the "Deputy Chief Medical Examiner Amendment Act of 2014"

Sec 3042 Section 2903(b) 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(b)), is amended by striking the phrase "Deputy CME" and inserting the phrase "Deputy CME, to be paid at an annual rate of \$206,000," in its place

SUBTITLE F. FEMS OVERTIME LIMITATION

Sec 3051 Short title

This subtitle may be cited as the "Fire and Emergency Medical Services Overtime Limitation Amendment Act of 2014"

Sec 3052 Section 1103(f) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D C Law 2-139, D C Official Code § 1 611 03(f)), is amended as follows

(a) Paragraph (2)(B) is amended by striking the phrase "2011, 2012, 2013, and 2014" and inserting the phrase "2011, 2012, 2013, 2014, and 2015" in its place

(b) Paragraph (4)(A) is amended as follows

(1) Strike the phrase "2011, 2012, 2013, and 2014" and insert the phrase "2011, 2012, 2013, 2014, and 2015" in its place

(2) Strike the phrase "\$ 20,000" and insert the phrase "\$ 30,000" in its place

Sec 3053 Section 2 of An Act To amend the Act entitled "An Act to classify the officers and members of the Fire Department of the District of Columbia, and for other purposes", approved June 20, 1906, and for other purposes, approved June 19, 1948 (62 Stat 498, D C Official Code § 5-405), is amended as follows

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

"(f)(1) Except as provided in paragraph (2) of this subsection and in subsection (h) of this section, for Fiscal Years 2011, 2012, 2013, and 2014, no member of the Fire and Emergency

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Medical Services Department, except for officers, shall work more than 204 hours in 2 consecutive pay periods

“(2) For Fiscal Year 2015, no member of the Fire and Emergency Medical Services Department, except for officers, shall work more than 228 hours in 2 consecutive pay periods ”

(b) Subsection (g) is amended by striking the phrase “2011, 2012, 2013, and 2014” and inserting the phrase “2011, 2012, 2013, 2014, and 2015” in its place ”

SUBTITLE G. MARIJUANA POSSESSION DECRIMINALIZATION EVIDENCE

Sec 3061 Short title

This subtitle may be cited as the “Marijuana Possession Decriminalization Evidence Amendment Act of 2014”

Sec 3062 Section 203(e) of the Marijuana Possession Decriminalization Amendment Act of 2014, effective July 17, 2014 (D C Law 20-126, 61 DCR 3482), is amended by striking the phrase “a statement from a law enforcement officer on the weight of the seized marijuana,”

TITLE IV. PUBLIC EDUCATION

SUBTITLE A. UNIFORM PER STUDENT FUNDING FORMULA FOR PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS

Sec 4001 Short title

This subtitle may be cited as the "Funding for Public Schools and Public Charter Schools Amendment Act of 2014"

Sec 4002 The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D C Law 12-207, D C Official Code § 38-2901 *et seq*), is amended as follows

(a) Section 104 (D C Official Code § 38-2903) is amended by striking the phrase "\$9,306 per student for fiscal year 2014" and inserting the phrase "\$9,492 per student for Fiscal Year 2015" in its place

(b) Section 105 (D C Official Code § 38-2904) is amended by striking the tabular array and inserting the following chart in its place

Grade Level	Weighting	Per Pupil Allocation in FY 2015
Pre-Kindergarten 3	1 34	\$12,719
Pre-Kindergarten 4	1 30	\$12,340
Kindergarten	1 30	\$12,340
Grades 1-5	1 00	\$9,492
Grades 6-8	1 08	\$10,251

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Grades 9-12	1 22	\$11,580
Alternative program	1 44	\$13,668
Special education school	1 17	\$11,106
Adult	0 89	\$8,448

(c) Section 106(c) (D C Official Code § 38-2905(c)) is amended to read as follows

"(c)(1) The supplemental allocations shall be calculated by applying weightings to the foundation level as follows

"Special Education Add-ons

Level/Program	Definition	Weighting	Per Pupil Allocation in FY 2015
"Level 1 Special Education	Eight hours or less per week of specialized services	0 97	\$9,207
"Level 2 Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	1 2	\$11,390
"Level 3 Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1 97	\$18,699
"Level 4 Special Education	More than 24 hours per week which may include instruction in a self-contained (dedicated) special education school other than residential placement	3 49	\$33,127
"Blackman Jones Compliance	Weighting provided in addition to special education level add-on weightings on a per student basis for Blackman Jones compliance	0 069	\$655
"Attorney's Fees Supplement	Weighting provided in addition to special education level add-on weightings on a per student basis for attorney's fees	0 089	\$845
"Residential	D C Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1 67	\$15,852

"General Education Add-ons

Level/Program	Definition	Weighting	Per Pupil Allocation in FY 2015
ELL	Additional funding for English	0 49	\$4,651

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	Language Learners		
At-risk	Additional funding for students in foster care, who are homeless, on TANF or SNAP, or behind grade level	0 219	\$2,079

"Residential Add-ons

Level/Program	Definition	Weighting	Per Pupil Allocation in FY 2015
Level 1 Special Education – Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D C Public School or public charter school that provides students with room and board in a residential setting	0 368	\$3,493
Level 2 Special Education – Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D C Public School or public charter school that provides students with room and board in a residential setting	1 337	\$12,691
Level 3 Special Education – Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D C Public School or public charter school that provides students with room and board in a residential setting	2 891	\$27,438
Level 4 Special Education – Residential	Additional funding to support the after-hours level 4 special education needs of limited and non- English proficient students living in a D C Public School or public charter school that provides students with room and board in a residential setting	2 874	\$27,280
LEP/NEP –Residential	Additional funding to support the after-hours Limited and non-English proficiency needs of students living in a D C Public School or public charter school that provides students with room and board in a residential setting	0 668	\$6,341

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" Special Education Add-ons for Students with Extended School Year ("ESY") Indicated in Their Individualized Education Programs ("IEPs")

Level/Program	Definition	Weighting	Per Pupil Allocation in FY 2015
"Special Education Level 1 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0 063	\$598
"Special Education Level 2 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0 227	\$2,155
"Special Education Level 3 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0 491	\$4,661
"Special Education Level 4 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0 489	\$4,642

"(2) Pursuant to section 106a, allocations in addition to the grade level and supplemental allocations provided pursuant to section 105 and this section shall be provided in accordance with section 106a for students identified as at-risk "

(d) Section 106a(c) (D C Official Code § 38-2905 01(c)) is amended by striking the period at the end and inserting the phrase ", provided, that for students identified as both as at-risk and as participating in an alternative program or as adult learners, only the alternative program weighting shall apply " in its place

SUBTITLE B ALTERNATIVE SCHOOLS

Sec 4011 Short title

This subtitle may be cited as the "Alternative Education Amendment Act of 2014"

Sec 4012 Section 102(1B) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998, effective March 26, 1999 (D C Law 12-207, D C Official Code § 38-2901(1B)), is amended to read as follows

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"(1B) "Alternative program" means specialized instruction for students under court supervision or who have a history of being on short- or long-term suspension or who have been expelled from school, or who meet other criteria as defined by the State Education Office through rulemaking. To qualify as an alternative program, a school must meet the criteria and rules set by the State Education Office. An alternative program may describe an entire school or a specialized program within a school."

SUBTITLE C. DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD FUNDING

Sec 4021 Short title

This subtitle may be cited as the "District of Columbia Public Charter School Board Funding Amendment Act of 2014"

Sec 4022 Section 2211(b)(2) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat 1321, D C Official Code § 38-1802 11(b)(2)), is amended by striking the phrase "one-half of one percent" and inserting the phrase "1%" in its place

SUBTITLE D. PREFERENCES IN ADMISSION FOR PUBLIC CHARTER SCHOOL APPLICANTS.

Sec 4031 Short title

This subtitle may be cited as the "Preferences in Admission for Public Charter Schools Amendment Act of 2014"

Sec 4032 Section 2206(c) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat 1321, D C Official Code, § 38-1802 06(c)), is amended to read as follows

"(c) Random selection - - If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there are spaces available, students shall be admitted using a random selection process, except, that a preference in admission may be given to an applicant who is a

"(1) Sibling of a student already attending or selected for admission to the public charter school in which the applicant is seeking enrollment,

"(2) Child of a member of the public charter school's founding board, provided, that enrollment of such children is limited to no more than 10% of the school's total enrollment or to 20 students, whichever is less, and

"(3) Child of a full-time employee of the public charter school who is a District resident, provided, that enrollment of such children is limited to no more than 10% of the school's total enrollment"

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SUBTITLE E. RESIDENCY EXEMPTION FOR WARDS OF THE STATE

Sec 4041 Short title

This subtitle may be cited as the "Educational Continuity Amendment Act of 2014"

Sec 4042 Section 2 of the District of Columbia Nonresident Tuition Act, approved September 8, 1960 (74 Stat 853, D C Official Code § 38-302), is amended by adding a new subsection (e) to read as follows

"(e) Notwithstanding the provisions of subsection (a) of this section, a child in the care and custody of the District pursuant to D C Official Code § 16-2320(a)(3) who, while attending a DCPS or public charter school, ceases to be in that care and custody as a result of being placed in the permanent care and custody of a parent, guardian, or custodian who resides outside the District of Columbia shall be considered a resident of the District of Columbia for the purpose of school attendance and shall be exempt from the requirement to pay tuition for the period of time until the child completes the educational program offered at the school the child currently attends "

SUBTITLE F. ESTABLISHMENT OF THE COMMON LOTTERY BOARD

Sec 4051 Short title

This subtitle may be cited as the "Common Lottery Advisory Board Establishment Amendment Act of 2014"

Sec 4052 The Department of Education Establishment Act of 2007, effective June 12, 2007 (D C Law 17-9, D C Official Code § 38-191 *et seq*), is amended as follows

(a) Section 202(b) (D C Official Code § 38-191(b)) is amended as follows

(1) Paragraph (7) is amended by striking the word "and" at the end

(2) Paragraph (8) is amended by striking the period and inserting the phrase ", and" in its place

(3) A new paragraph (9) is added to read as follows

"(9) Provide administrative and technical support for the Common Lottery Board "

(b) New sections 205 and 206 are added to read as follows

"Sec 205 Common Lottery Board

"(a)(1) There is established a Common Lottery Board ("CLB") within the Department of Education. The purpose of the CLB shall be to develop and maintain a common lottery system for admission to public schools in the District of Columbia and shall

"(A) Adopt policies and procedures to govern the common lottery system, to be implemented by the Department of Education,

"(B) Develop a 5-year strategic plan for the continuous improvement of the common lottery system,

"(C) Develop an annual budget for the common lottery system,

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"(D) Promote participation of local educational agencies in the common lottery system,

"(E) Identify critical entities with which to partner that will enable the CLB to further develop the common lottery system, and

"(F) Solicit input from a Parent Advisory Council as established by the CLB,

"(2) The CLB shall be funded through local appropriations and any private funding that it receives. The CLB may solicit, accept, and use private gifts, grants, or donations to further its stated purposes

"(3) The CLB shall adopt its own by-laws and rules of procedure

"(4) The CLB may utilize District public space for its official duties

"(5) Subject to the availability of appropriations, the Chairperson shall appoint, terminate, and fix the pay of an Executive Director of the CLB, provided, that the CLB shall approve the appointment and termination of the Executive Director

"(b) The CLB shall consist of the following 10 members

"(1) Seven voting members as follows

"(A) The Deputy Mayor for Education, or designee, who shall serve as Chairperson of the CLB,

"(B) The Chancellor of the District of Columbia Public School ("DCPS"), or designee,

"(C) Two representatives from DCPS, as appointed by the Chancellor, and

"(D) Three representatives from public charter schools, each appointed by a vote among charter schools as organized by the Public Charter School Board ("PCSB"), and

"(2) Three non-voting members as follows

"(A) The State Superintendent of Education, or designee,

"(B) The Chair of the Public Charter School Board ("PCSB"), or designee, and

"(C) The Executive Director of the CLB

"(c)(1) Except as provided in paragraph (2) of this subsection, the representatives appointed by DCPS and by a vote organized by the PCSB ("termed members") shall serve 2-year terms and may be reappointed without limitation

"(2) The initial appointment of the termed members shall be as follows

"(A) One member appointed by DCPS and one member appointed by a vote organized by the PCSB to serve terms of 2 years, with the term to begin on July 1 and end on June 30, and

"(B) One member appointed by DCPS and 2 members appointed by a vote organized by the PCSB to serve terms of one year, with the term to begin on July 1 and end on June 30

"(3) When a vacancy occurs in the membership of the CLB for reasons other than the expiration of a term, an appointment to fill the remainder of the vacated term shall be made

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in the same manner as prescribed in subsection (b)(1)(C) or (D) of this section, whichever is applicable

"Sec 206 Common Lottery Board Fund

"(a) There is established as a special fund the Common Lottery Board Fund ("Fund"), which shall be administered by the Deputy Mayor for Education in accordance with subsections (c) and (d) of this section

"(b) Deposits into the Fund shall include

"(1) Appropriated funds,

"(2) Gifts,

"(3) Grants, and

"(4) Donations

"(c) Money in the Fund shall be used for the continued development and improvement of the common lottery system

"(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time

"(2) 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 "

SUBTITLE G EDUCATION FUNDING FORMULA EQUITY

Sec 4061 Short title

This subtitle may be cited as the "Education Funding Formula Equity Amendment Act of 2014"

Sec 4062 Section 115 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective September 24, 2010 (D C Law 18-223, D C Official Code § 38-2913), is amended by striking the phrase "fiscal year 2015" and inserting the phrase "Fiscal Year 2016" in its place

SUBTITLE H. HEALTHY TOTS

Sec 4071 Short title

This subtitle may be cited as the "Healthy Tots Act of 2014"

Sec 4072 Definitions

For the purposes of this subtitle, the term

(1) "Child and Adult Care Food Program" or "CACF Program" means the program authorized by section 17 of the National School Lunch Act, approved October 7, 1975 (89 Stat 522, 42 U S C § 1766)

(2) "Child development facility" means a licensed community-based center, home, or other structure, regardless of its name, that provides care, supervision, guidance, and other services for infants, toddlers, and preschoolers on a regular basis The term "child

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development facility" does not include a child development center or program that is sponsored or run by a public or private school

(3) "Eligible child" means a child who is a District resident who occupies a slot funded in whole or in part by the childcare subsidy program, authorized by section 3 of the Day Care Policy Act of 1979, effective September 19, 1979 (D C Law 3-16, D C Official Code § 4-402), the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D C Law 12-207, D C Official Code § 38-2901 *et seq*), or the District of Columbia Public Schools' Head Start program

(4) "Farm-to-preschool programs" means programs at child development facilities that connect early care and education settings to local food producers, as an extension of the farm-to-school model, which connect children to local foods through meals and snacks, taste tests, lessons, farmer visits, cooking, field trips, growing food, and community and parent engagement

(5) "Infant" means a child younger than 12 months of age

(6) "Locally grown" shall have the same meaning as provided in section 101(3) of the Healthy Schools Act of 2010, effective July 27, 2010 (D C Law 18-209, D C Official Code § 38-821 01(3))

(7) "OSSE" means the Office of the State Superintendent of Education, established by section 2 of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D C Law 13-176, D C Official Code § 38-2601)

(8) "Preschool" or "preschooler" means a child older than 24 months of age but younger than compulsory school attendance age, who is not enrolled in a public, charter, or private school

(9) "Sustainable agriculture" shall have the same meaning as provided in section 101(9) of the Healthy Schools Act of 2010, effective July 27, 2010 (D C Law 18-209, D C Official Code § 38-821 01(9))

(10) "Toddler" means a child between 12 months of age and 24 months of age

(11) "Unprocessed" shall have the same meaning as provided in section 101(10) of the Healthy Schools Act of 2010, effective July 27, 2010 (D C Law 18-209, D C Official Code § 38-821 01(10))

(12) "WIC" means the Special Supplemental Nutrition Program for Women, Infants, and Children, as provided in section 17 of the Child Nutrition Act of 1966, approved September 26, 1972 (86 Stat 729, 42 U S C § 1786)

Sec 4073 Healthy Tots Fund

(a) There is established as a special fund the Healthy Tots Fund ("Fund"), which shall be administered by OSSE in accordance with this section

(b)(1) The Fund shall be funded by annual appropriations, which shall be deposited into the Fund. The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time

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(2) 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

(c) OSSE shall make funds from the Fund available for the following purposes

(1) To provide additional funding for healthy meals served by child development facilities participating in the CACF Program by reimbursing the child development facility for each meal that meets the rules issued pursuant to this subtitle as follows

(A) For meals eligible for reimbursement through the CACF Program served to an eligible child

(i) Ten cents for each breakfast,

(ii) Ten cents for each lunch, and

(iii) Ten cents for each supper,

(B) For breakfasts served to any child attending the child development facility but not eligible for reimbursement through the CACF Program because child development facilities have maximized the number of allowable reimbursable meals, an amount of local funding equal to the free federal rate as established under the CACF Program, provided, that the breakfasts meet the rules issued pursuant to this subtitle, provided further, that at least 75% of the children attending the child development facility are District residents and at least 50% are eligible to receive free or reduced meals

(2)(A) To provide additional funding to child development facilities participating in the Child and Adult Care Food Program that use local foods by reimbursing the child development facility an additional \$0.05 per lunch or supper that meets the rules issued pursuant to this subtitle served to eligible children and at least one component of a meal is comprised entirely of locally grown and unprocessed foods, provided, that the child development facility reports to OSSE the name and address of the local farms where the foods were grown

(B) For the purposes of this paragraph, the term "locally grown and unprocessed foods" shall not include milk

(3) To provide funding to child development facilities that have partnerships with the Office of the State Superintendent of Education and that follow Early Headstart Standards as defined by 45 C.F.R. § 1304 and that provide comprehensive services, including health, mental health, nutrition, and family services, provided, that the funds shall be used for recruitment into or administration of the Child and Adult Care Food Program, including meal planning and nutrition education to children and their families

(d) In addition to the requirements set forth in subsection (c) of this section, and subject to available funding, OSSE shall make funds from the Fund available

(1) To make competitive grants available to child development facilities participating in the Child and Adult Care Food Program to support physical activity, nutrition, gardens, natural play areas, and farm-to-preschool programs, and

(2) As an incentive to increase participation in the Child and Adult Care Food Program, provide a \$300 grant per year to a child development home that participates in the Child and Adult Care Food Program to help pay for costs associated with licensing, renewal, and other related expenses

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(e) A child development facility receiving a reimbursement or other funding pursuant to this section shall provide the meals at no charge to participating infants, toddlers, and preschoolers

(f)(1) OSSE may, by rule, increase the amount of reimbursements, grants, or other funding provided by this section to further improve the quality and nutrition of meals provided by a child development facility

(2) OSSE may withhold reimbursements or other funding authorized by this section from a child development facility that does not meet the requirements of this subtitle, or rules issued pursuant to this subtitle

Sec 4074 OSSE requirements

(a) The OSSE shall

(1) Provide training to support the efforts of a child development facility to meet the requirements of this subtitle,

(2) Monitor the progress of a child development facility in complying with this subtitle during the facility's licensing process and record collected data in each facility's compliance history, and

(3) Provide to the Mayor, the Council, and the Healthy Schools and Youth Commission an annual evaluation of the effect of the implementation of this subtitle on the health, well-being, and school-readiness of participating District children

(b) Within 60 days of the effective date of this subtitle, the OSSE shall add participation in the Child and Adult Care Food Program to the searchable criteria on the website for the OSSE Child Care Connections, which is the District's child care resource and referral center

(c) No later than December 30 of each year, the OSSE shall submit, in conjunction with the Department of Health, a report to the Council and the Mayor on the efforts to promote WIC in child development facilities, including data on

(1) Identifying opportunities to better promote WIC at child development facilities,

(2) The feasibility of the development of a breastfeeding-friendly rating for child development facilities, and

(3) Whether data matching or other means tested programs can be used to identify families receiving child-care subsidies and connect them to WIC if they are eligible for WIC benefits and are not receiving them

(d) Within 120 days of the effective date of this subtitle, pursuant to the authority granted by section 3(b)(11) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D C Law 13-176, D C Official Code § 38-2602(b)(11)), the OSSE shall issue rules to implement this subtitle, which, at a minimum, shall

(1) Establish nutritional standards for meals and snacks served at child development facilities,

(2) Establish physical activity standards for child development facilities,

(3) Improve the environmental sustainability of child development facilities,

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(4) Increase the use of locally grown and unprocessed foods from growers engaged in sustainable agriculture practices,

(5) Enhance nutrition and healthy eating education programming for infants, toddlers, and preschoolers at child development facilities, including farm-to-preschool programs, and

(6) Ensure that child development facilities provide sufficient training to staff on improving nutrition and increasing the level of physical activity of participating infants, toddlers, and preschoolers

Sec 4075 Use of Department of Parks and Recreation facilities

The Department of Parks and Recreation shall, to the extent feasible, partner with child development facilities to allow the facilities to use District recreation centers, fields, playgrounds, and other facilities on occasions that do not conflict with the Department of Parks and Recreation's existing programming or with on-going community obligations

Sec 4076 Conforming amendment

Section 3b of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D C Law 13-176, D C Official Code § 38-2602(b)), is amended as follows

(a) Paragraph (20)(O)(vi) is amended by striking the word "and" at the end

(b) Paragraph (21) is amended by striking the period and inserting a semicolon in its place

(c) New paragraphs (22) and (23) are added to read as follows

"(22) Administer the Healthy Schools Fund and fulfill its other responsibilities under the Healthy Schools Act of 2010, effective July 27, 2010 (D C Law 18-209, D C Official Code § 38-821 01 *et seq*), and

"(23) Administer the Healthy Tots Fund and fulfill its other responsibilities under the Healthy Tots Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750) "

SUBTITLE I. CHARTER SCHOOL FACILITIES ALLOTMENT

Sec 4081 Short title

This subtitle may be cited as the "Charter School Facilities Allotment Amendment Act of 2014"

Sec 4082 Section 109 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D C Law 12-207, D C Official Code § 38-2908), is amended by adding a new subsection (b-2) to read as follows

"(b-2)(1) For Fiscal Years 2015 and 2016, the per pupil facility allowance for Public Charter Schools shall be \$3072

"(2) For Fiscal Year 2017 and succeeding fiscal years, the per pupil facility allowance for Public Charter Schools shall be \$3100

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"(3) The facility allowance set forth in paragraphs (1) and (2) of this subsection shall be multiplied by the number of students estimated to attend each Public Charter School to determine the actual facility allowance payments to be received by each Public Charter School "

SUBTITLE J. PCSB DONATIONS

Sec 4091 Short title

This subtitle may be cited as the "Public Charter School Board Donation Amendment Act of 2014"

Sec 4092 Section 115 of the Consolidated Appropriations Resolution, 2003, approved February 20, 2003 (117 Stat 123, D C Official Code § 1-329 01), is amended as follows

(a) Subsection (d) is repealed

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

"(d-1) This section shall not apply to the Public Charter School Board, which may accept and use gifts to the Public Charter School Board without prior approval by the Mayor "

SUBTITLE K. DEPUTY MAYOR FOR EDUCATION GRANT-MAKING**AUTHORITY**

Sec 4101 Short title

This subtitle may be cited as the "Deputy Mayor for Education Limited Grant-Making Authority Act of 2014"

Sec 4102 Deputy Mayor for Education limited grant-making authority

For Fiscal Year 2015, the Deputy Mayor for Education shall have grant-making authority solely to provide

(1) An operational grant of \$2 million for the development of a language immersion public charter school campus serving middle- and high-school students, provided, that the grant shall not be used for the lease, renovation, or development costs of a temporary location, and

(2) An operational grant of \$2 million to support the project development and management of an athletic and community meeting space on the grounds of a public charter school that provides a classical education to students in grades 5 through 12

Sec 4103 Grants issued pursuant to this subtitle shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D C Law 20-61, D C Official Code § 1-328 11 *et seq*)

SUBTITLE L. JOINTLY OPERATED PUBLIC CHARTER SCHOOL

Sec 4111 Short title

This subtitle may be cited as the "Jointly Operated Public Charter School Amendment Act of 2014"

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Sec 4112 Section 2201 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat 1321, D C Official Code § 38-1802 01), is amended by adding a new subsection (c-1) to read as follows

“(c-1) *Jointly Operated School* – The Public Charter School Board shall have the authority to approve one joint program for applicants seeking to establish a jointly operated school where 2 or more public charter schools that have adopted, for the combined program, identical mission statements, goals, curricula and educational philosophy (“member schools”) may combine to create a jointly operated middle and high school Notwithstanding any other law, the jointly operated school shall have the same duties, powers and responsibilities of a public charter school, shall be funded as if a public charter school, and shall be treated as a single local educational agency under federal and local law Students matriculating directly from the highest grade of a member school into the entry grade of the jointly operated school shall be exempt from the requirements of section 2206(c) ”

SUBTITLE M. PUBLIC EDUCATION REFORM EVALUATION

Sec 4121 Short title

This subtitle may be cited as the "Public Education Reform Evaluation Amendment Act of 2014"

Sec 4122 Section 204 of the Department of Education Establishment Act of 2007, effective June 12, 2007 (D C Law 17-9, D C Official Code § 38-193), is amended as follows

(a) Subsection (b) is amended by striking the phrase “On September 30, 2014” and inserting the phrase “No later than June 1, 2015” in its place

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

“(e)(1) There is established as a special fund the PERAA Evaluation Fund (“Fund”), which shall be administered by the Office of the District of Columbia Auditor in accordance with paragraph (3) of this subsection

“(2) The following shall be deposited in the Fund

“(A) All excess monies, not to exceed \$600,000, remaining in the local funds operating budget for the Office of the District of Columbia Auditor at the end of each fiscal year, and

“(B) Any interest earned from the monies deposited into the Fund

“(3) Money in the Fund shall be used for the purpose of contracting for the remaining reports with NRC as required by this section

“(4) The money deposited in the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time

“(5) This subsection shall expire on September 30, 2015”

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TITLE V. HEALTH AND HUMAN SERVICES**SUBTITLE A. DEVELOPMENTAL DISABILITY SERVICE MANAGEMENT****REFORM**

Sec 5001 Short title

This subtitle may be cited as the "Department on Disability Services Amendment Act of 2014"

Sec 5002 The Department on Developmental Disabilities Establishment Act of 2006, effective March 14, 2007 (D C Law 16-264, D C Official Code § 7-761 01 *et seq*), is amended as follows

(a) Section 102 (D C Official Code § 7-761 02) is amended as follows

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

"(3A) "DHCF" means the Department of Health Care Finance as established by section 3 of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D C Law 17-109, D C Official Code § 7-771 02) "

(2) Paragraph (8) is repealed

(3) Paragraph (9) is amended by striking the phrase "Medical Assistance Administration" and inserting the acronym "DHCF" in its place

(b) Section 105(4) (D C Official Code § 7-761 05(4)) is amended by striking the acronym "MAA" and inserting the acronym "DHCF" in its place

(c) Section 106(c) (D C Official Code § 7-761 06(c)) is amended by striking the phrase "action," and inserting the phrase "action, including issuing grants and stipends," in its place

(d) Section 107 (D C Official Code § 7-761 07) is amended as follows

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

"(a) The Department and DHCF shall enter into an agreement for the Department to direct policy development and design of services, rate-setting, and support provided under the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities or any other waiver targeted for people with intellectual and developmental disabilities and their families that is approved under section 1915(c) of the Social Security Act, approved August 13, 1981 (95 Stat 809, 42 U S C § 1369n), and policies, services, and supports related to the operation of intermediate care facilities for individuals with intellectual disabilities "

(2) Subsection (b) is amended by striking the phrase "Medical Assistance Administration" and inserting the acronym "DHCF" in its place

(e) A new section 112 is added to read as follows

"Sec 112 Family Support Council

"(a) The Director shall establish a Family Support Council to assist, within available appropriations, the Department and other agencies to develop systems of support for families throughout the lifespans of their family members with intellectual and developmental disabilities

"(b) The Family Support Council shall be composed of 11 members, of whom the majority shall be people with developmental disabilities and their family members

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"(c) No later than one year following the effective date of the Department on Disability Services Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), the Department shall publish operating procedures for the Family Support Council, and the Director shall appoint the initial Family Support Council members "

**SUBTITLE B. DEPARTMENT OF HEALTH FUNCTIONS CLARIFICATION
AMENDMENTS**

Sec 5011 Short title

This subtitle may be cited as the "Department of Health Functions Clarification Amendment Act of 2014"

Sec 5012 The Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D C Law 14-28, D C Official Code § 7-731 *et seq*), is amended as follows

(a) Section 4907a (D C Official Code § 7-736 01) is amended by adding new subsections (e), (f), and (g) to read as follows

"(e)(1) Through Fiscal Year 2015, the Director of the Department of Health may issue grants totaling \$1,550,000 to District of Columbia HIV prevention programs for a combination of HIV prevention interventions These interventions shall include HIV screening in clinical and non-clinical settings and effective behavioral programs

"(2) Through Fiscal Year 2015, the Director of the Department of Health may issue HIV prevention grants for a combination of HIV prevention interventions that include

"(A) HIV screening,

"(B) Harm reduction,

"(C) Social network HIV screening,

"(D) Partner services,

"(E) Faith-based initiatives,

"(F) Youth peer education, and

"(G) Other health-education services for adolescents and older adults

"(3) For the purposes of this subsection, the term "faith-based initiative" means a program to encourage and support places of worship in delivering HIV prevention messages that promote safe-sex practices, educate people about HIV, and promote HIV screening

"(4) In Fiscal Year 2015, the Director of the Department of Health shall issue a competitive grant totaling \$480,000 to a qualified community-based nonprofit corporation or organization for the creation of a comprehensive concussion care protocol for children

"(f) For Fiscal Year 2015, the Director of the Department of Health may issue grants to qualified community organizations to provide

"(1) Clinical nutritional home delivery services for individuals living with cancer and other life-threatening diseases,

"(2) Ambulatory health services,

"(3) Poison control hotline and prevention education services,

"(4) Operations and primary care services for school-based health clinics, and

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"(5) A teen pregnancy prevention program

"(g)(1) All grants issued pursuant to subsections (e) and (f) of this section shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D C Law 20-61, D C Official Code § 1-328 11 *et seq*)

"(2) The Department of Health shall submit a quarterly report to the Secretary to the Council on all grants issued pursuant to the authority granted in subsections (e) and (f) of this section "

(b) New sections 4907b and 4907c are added to read as follows

"Sec 4907b Communicable and Chronic Disease Prevention and Treatment Fund

"(a) There is established as a special fund the Communicable and Chronic Disease Prevention and Treatment Fund ("Fund"), to be administered by the Department of Health in accordance with subsection (c) of this section

"(b) The Fund shall consist of revenue from the following sources related to the prevention and treatment of communicable and chronic diseases by the Department of Health

"(1) Third-party payors,

"(2) Sliding-fee scale collections, and

"(3) Other collections

"(c) The Fund shall be used for operations necessary to provide communicable and chronic disease prevention and treatment services

"(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time

"(2) 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

"Sec 4907c Communicable disease fees

"(a) The Director of the Department of Health may establish a schedule of fees for the prevention and treatment of communicable diseases, including HIV/AIDS, hepatitis, sexually transmitted diseases, and tuberculosis to be provided to any individual who presents for prevention or treatment services, regardless of health insurance coverage or ability to pay. The Director may periodically revise the schedule of fees and may establish a sliding fee scale, based on income, for uninsured individuals. The fees, including any sliding fee scale, shall be published in the District of Columbia Register

"(b) The Director may seek reimbursement from any third-party payor for services provided relating to the prevention and treatment of communicable diseases "

SUBTITLE C. MEDICAL ASSISTANCE PROGRAM AMENDMENTS

Sec 5021 Short title

This subtitle may be cited as the "Medical Assistance Program Amendment Act of 2014"

Sec 5022 Section 1 of An Act to enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program,

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and for other purposes, approved December 27, 1967 (81 Stat 744, D C Official Code § 1-307 02), is amended as follows

(a) Subsection (a) is amended by adding a new paragraph (8) to read as follows

"(8) Review and approval by the Council of the Fiscal Year 2015 Budget and Financial Plan shall constitute the Council review and approval required by paragraph (2) of this subsection of any amendment, modification, or waiver of the state plan required to

"(A) Implement needed amendments to the Elderly and Individuals with Physical Disabilities waiver to ensure compliance with federal law and promote best practices,

"(B) Establish new payment rates for Federally-Qualified Health Centers,

"(C) Establish a new payment method and make other improvements to the payment methodology for hospital inpatient treatment,

"(D) Establish a new payment method and make other improvements to the payment methodology for hospital outpatient services,

"(E) Implement needed amendments to the Intellectual Disabilities/Developmental Disabilities waiver to ensure compliance with federal law and promote best practices,

"(F) Align specialty hospital payments with the complexity of their patient mixes and national best practices and to describe payment standards for sub-acute services for children who are inpatients in private psychiatric specialty hospitals, and

"(G) Update transplantation coverage standards and provide coverage for lung transplantation and autologous bone marrow transplantation "

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

"(e)(1) The District state plan required under Title XIX of the Social Security Act, approved July 30, 1965 (79 Stat 343, 42 U S C § 1396 *et seq*), may provide for reimbursement of chiropractic services

"(2) The Mayor may develop and implement a reimbursement methodology for chiropractic services "

SUBTITLE D. DEPARTMENT OF BEHAVIORAL HEALTH ESTABLISHMENT AMENDMENT

Sec 5031 Short title

This subtitle may be cited as the "Department of Behavioral Health Establishment Amendment Act of 2014"

Sec 5032 Section 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 07), is amended as follows

(a) Designate the existing text as subsection (a)

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

"(b) The following powers, duties, functions, and responsibilities are hereby transferred to the Department of Health, effective October 1, 2014

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"(1) All property, Career and Excepted Service, Management Supervisory Service, and trainee positions, personnel, assets, records, obligations, unexpended balances of appropriations, allocations, and other funds available or to be made available to the Tobacco Control Program

"(2) The Mayor shall coordinate, as necessary, the transfer from the Department to the Department of Health of any property, positions, personnel, assets, records, obligations, unexpended balances of appropriations, allocations, and other funds required for the management and operation of the Tobacco Control Program "

**SUBTITLE E. DEPARTMENT OF BEHAVIORAL HEALTH ENTERPRISE
FUND**

Sec 5041 Short title

This subtitle may be cited as the "Department of Behavioral Health Enterprise Fund Act of 2014"

Sec 5042 Department of Behavioral Health Enterprise Fund

(a) There is established as a special fund the Department of Behavioral Health Enterprise Fund ("Fund"), which shall be administered by the Department of Behavioral Health ("Department") in accordance with subsection (c) of this section

(b) The Fund shall consist of revenue from the following fees, proceeds, and revenues collected from the following activities and operations

(1) Proceeds from the cafeteria managed and operated by the Department on the St Elizabeths Hospital Campus,

(2) Fees charged for trainings and Continuing Education Units by the Department's Organizational Development- DMH Training Institute, and

(3) Recoupment and collection of housing bridge subsidy payments from individual consumers, representative payees, and landlords by the Department's Adult Services Supported Housing program

(c) The Fund shall be used for the management and operation of the food cafeteria, DMH Training Institute, and Supported Housing programs managed and operated by the Department

SUBTITLE F. LIHEAP HEAT AND EAT ELIGIBILITY PRESERVATION

Sec 5051 Short title

This subtitle may be cited as the "LIHEAP Heat and Eat Eligibility Preservation Amendment Act of 2014"

Sec 5052 Section 5083(c) of the Food Stamp Expansion Act of 2009, effective March 3, 2010 (D C Law 18-111, D C Official Code § 4-261 03(c)), is amended by striking the phrase "\$1" and inserting the phrase "\$20 01" in its place

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SUBTITLE G. HEALTH SERVICES PLANNING AND DEVELOPMENT

Sec 5061 Short title

This subtitle may be cited as the "Health Services Planning and Development Amendment Act of 2014"

Sec 5062 Section 2(12) of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D C Law 11-191, D C Official Code § 44-401(12)), is amended as follows

"(12) "Health service" means any medical or clinical related service, including services that are diagnostic, curative, or rehabilitative, as well as those related to inpatient mental health services, home health care, hospice care, medically supervised day care, and renal dialysis The term "health service" shall not include those outpatient behavioral health services subject to the exclusive regulatory authority of the Department of Behavioral Health and services provided by physicians, dentists, HMOs, and other individual providers in individual or group practice "

SUBTITLE H. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES COST-OF-LIVING ADJUSTMENT

Sec 5071 Short title

This subtitle may be cited as the "Temporary Assistance for Needy Families Cost-of-Living Adjustment Amendment Act of 2014"

Sec 5072 The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D C Law 4-101, D C Official Code § 4-201 01 *et seq*), is amended as follows

(a) Section 511b (D C Official Code § 4-205 11b) is amended by striking the phrase "in the District"

(b) Section 552 (D C Official Code § 4-205 52) is amended by adding a new subsection (d-1) to read as follows

"(d-1)(1) Effective October 1, 2015, the payment levels issued pursuant to section (c) of this subsection shall be adjusted annually for the rate of inflation, except for Fiscal Year 2017, for which the payment level shall be increased by 46%

"(2) To adjust for the rate of inflation each year, the payment levels from the immediately preceding year shall be multiplied by the CPI percentage increase from the preceding calendar year, as determined by the United States Department of Labor Bureau of Labor Statistics in the Consumer Price Index for Urban Consumers (CPI-U) for all items "

(c) Section 572a(b) (D C Official Code § 4-205 72a(b)) is amended to read as follows

"(b) An assistance unit's eligibility for POWER pursuant to subsection (a) of this section shall be subject to periodic review and redetermination as determined by the Mayor or the Mayor's designee "

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(d) Section 575 (D C Official Code § 4-205 75) is amended by adding a new subsection (c) to read as follows

"(c) A POWER recipient who is determined eligible for continuation of one year due to incapacity under section 572(b)(2) shall be informed by the Mayor or the Mayor's designee about the recipient's potential eligibility for Social Security Disability Insurance ("SSDI") or Supplemental Security Income ("SSI") If appropriate, the POWER recipient shall submit an application for SSDI or SSI benefits as part of the recipient's self-sufficiency plan The Mayor or the Mayor's designee shall offer application and advocacy assistance "

SUBTITLE I. INSURANCE REGULATORY TRUST FUND

Sec 5081 Short title

This subtitle may be cited as the "Insurance Regulatory Trust Fund Bureau Amendment Act of 2014"

Sec 5082 The Insurance Regulatory Trust Fund Act of 1993, effective October 21, 1993 (D C Law 10-40, D C Official Code § 31-1201 *et seq*), is amended as follows

(a) Section 4(b) (D C Official Code § 31-1203(b)) is amended by adding a new sentence at the end to read as follows "The assessment shall be a tax and licensing and regulatory fee for purposes of 45 CFR §§ 158 221(c) and 158 161(b) "

(b) Section 9 (D C Official Code § 31-1208) is amended as follows

(1) Designate the existing text as subsection (a)

(2) The newly designated subsection (a) is amended to read as follows

"(a) All insurers and health maintenance organizations subject to assessments in accordance with this act shall be members of an Insurance Regulatory Trust Fund Bureau, organized and maintained by such insurers and health maintenance organizations at their own expense, for the purpose of advising the Commissioner and the Executive Director of the District of Columbia Health Benefit Exchange Authority as to the need for the proposed assessments, including the assessment of health carriers in section 4(f) of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D C Law 19-94, D C Official Code § 31-3171 03(f)), the fairness of the proposed assessments, and any other matters with respect to the administration of the Insurance Regulatory Trust Fund The Commissioner and the Executive Director of the District of Columbia Health Benefit Exchange Authority shall submit to the Insurance Regulatory Trust Fund Bureau annually, in advance of the Mayor's budget submission to the Council, a detailed budget showing how the proposed assessments are to be expended "

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

"(b) The board of directors of the Insurance Regulatory Trust Fund Bureau shall consist of no fewer than 15 members and shall include at least a majority of the health carriers issuing qualified health plans and some representation from health carriers issuing qualified dental plans as defined in section 2 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D C Law 19-94, D C Official Code § 31-3171 01) "

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(c) Section 10 (D C Official Code § 31-1209) is amended to read as follows

“Sec 10 Annual audit of Insurance Regulatory Trust Fund or District of Columbia Health Benefit Exchange Authority Fund

“Upon a vote of the Insurance Regulatory Trust Fund Bureau taken in accordance with its bylaws, the Insurance Regulatory Trust Fund Bureau, at its own expense, may annually arrange for an independent audit of the expenditures made in any fiscal year by the Insurance Regulatory Trust Fund or the District of Columbia Health Benefit Exchange Authority Fund established in section 4(a) of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D C Law 19-94, D C Official Code § 31-3171 03(a)) The Commissioner, the Department of Insurance, Securities, and Banking, the Executive Director of the District of Columbia Health Benefit Exchange Authority, and all other elements of the District of Columbia government shall cooperate with such an audit and shall make available all documents and records reasonably necessary to the conduct of the audit ”

Sec 5083 Section 4(e) of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D C Law 19-94, D C Official Code § 31-3171 03(e)), is amended by adding a new paragraph (3) to read as follows

“(3) The assessment on health carriers pursuant to subsection (f) of this section shall be a tax and licensing and regulatory fee for purposes of 45 CFR §§ 158 221(c) and 158 161(b) ”

SUBTITLE J. POWER EXPANSION

Sec 5091 Short title

This subtitle may be cited as the “POWER Expansion Amendment Act of 2014”

Sec 5092 Section 572a(a) of the District of Columbia Public Assistance Act of 1982, effective April 20, 1999 (D C Law 12-241, D C Official Code § 4-205 72a(a)), is amended by adding a new paragraph (1A) to read as follows

“(1A) Is a single custodial parent or caretaker with a child under 6 months old, provided, that no parent or caretaker may remain eligible under this paragraph for more than 12 months,”

SUBTITLE K. END YOUTH HOMELESSNESS

Sec 5101 Short title

This subtitle may be cited as the “End Youth Homelessness Amendment Act of 2014”

Sec 5102 The Homeless Services Reform Act of 2005, effective October 22, 2005 (D C Law 16-35, D C Official Code § 4-751 01 *et seq*), is amended as follows

(a) Section 5(b)(9) (D C Official Code § 4-752 02(b)(9)) is amended to read as follows

“(9) By September 1 of each year, develop a plan, consistent with the right of clients to shelter in severe weather conditions, describing how member agencies will coordinate

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to provide hypothermia shelter, identifying the specific sites that will be used as hypothermia shelters, and including protocols on how to provide shelter services for unaccompanied minors, and”

(b) A new section 5a is added to read as follows

“Sec 5a Plan to end youth homelessness in the District by 2020

“(a) No later than 300 days after the effective date of the End Youth Homelessness Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), the Interagency Council, working jointly with organizations providing service to homeless youth within the Continuum of Care as well as homeless or formerly homeless youth and their advocates, shall prepare, publish, and submit to the Council a comprehensive Plan to End Youth Homelessness in the District by 2020

“(b) The plan required by this section shall

“(1) Include a community-wide needs assessment that takes into account existing data, including the results of the extended youth count required in section 7(h),

“(2) Include an analysis of strategies that have been successful in reducing youth homelessness,

“(3) Be developed pursuant to a process that includes public hearings and that will identify, prioritize, and target needs for services for homeless youth within the Continuum of Care,

“(4) Include specific recommendations for eradicating youth homelessness in the District by 2020, including recommendations for

“(A) A grant-based family reunification program, a host-home program, and additional cultural competency training for youth homeless service workers, including intake and drop-in center workers, designed to inform such workers adequately concerning the developmental needs of homeless youth, and

“(B) Other specific culturally-competent and language-accessible programs designed to prevent youth from becoming homeless, identify youth that are homeless or at risk of becoming homeless, and provide counseling, shelter, and appropriate services to the youth so identified (including minor heads of households and minors temporarily without parental supervision), and

“(5) Include estimates of the costs of carrying out various components of the plan

“(c) The plan required by this section shall identify any new legislation that is necessary to implement its recommendations, and provide recommendations concerning how to fund the provisions of the plan without reducing funding for other social programs

“(d) The Interagency Council shall revise and submit to the Council the strategic plan required by section 5(b)(2) no later than 390 days after the effective date of the End Youth Homelessness Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), incorporating the provisions of the plan required by this section ”

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(c) Section 7 (D C Official Code § 4-753 01) is amended by adding new subsections (h) and (i) to read as follows

“(h) No later than 300 days after the effective date of the End Youth Homelessness Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), the Department of Human Services shall establish a program of street outreach to youth which shall be competitively granted

“(i) No later than 180 days after the effective date of the End Youth Homelessness Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), and annually thereafter, the Department of Human Services, in coordination with the Interagency Council, shall conduct a youth census, separate from the annual Point-in-Time survey, to determine the needed scale and scope of a comprehensive program to end youth homelessness in the District The youth census shall

“(1) Count all children and youth under 18 years of age who are living apart from a parent or guardian, excluding those who are in the physical custody of the District, and all youth between the ages of 18 and 24 years of age who are economically or emotionally detached from their families and lack an adequate or fixed residence, including children and youth who are unstably housed, living in doubled up circumstances, in transitional housing, in shelter, or on the street,

“(2) For each child or youth counted, record basic demographic information including age, race, and gender identification, the location where the child or youth stayed the night before the count, the child or youth’s education and employment status, and membership in pertinent subgroups based on sexual orientation, gender orientation, pregnancy or parenting status, or involvement in the foster care or juvenile or adult criminal justice systems,

“(3) Identify patterns in responses describing factors leading to homelessness,

“(4) Identify patterns in responses describing services used and gaps in service,

“(5) Be conducted over a period of at least one week, controlling for duplication by assigning each child or youth a unique identifier, and

“(6) Include multiple strategies and entry points to identify homeless children and youth ”

(d) Section 8(c) (D C Official Code § 4-753 02(c)) is amended by adding a new paragraph (1C) to read as follows

“(1C)(A) No later than 180 days after the effective date of the End Youth Homelessness Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), the Mayor shall issue a grant to a community-based organization to establish one or more intake and drop-in center for youth, including minors and youth-headed families, for the purposes of

“(1) Assessing the eligibility of youth for services within the Continuum of Care and making referrals, including to the Child and Family Services Agency as appropriate, provided, that homelessness alone is not a valid reason for an allegation of abuse or neglect,

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“(ii) Coordinating as necessary with the intake centers for families operated pursuant to paragraph (1) of this subsection,

“(iii) Contacting the parent or guardian of an unaccompanied minor within 72 hours of the minor’s request for services within the Continuum of Care, and

“(iv) Tracking outcomes, utilization rates, and turn-aways of youth across service providers

“(B) Grants issued pursuant to this paragraph shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D C Law 20-61, D C Official Code § 1-328 11 *et seq*) ”

(e) Section 28 (D C Official Code § 4-755 01) is amended by adding a new subsection (d) to read as follows

“(d)(1) Notwithstanding subsections (a) and (b) of this section, the Mayor shall fund a minimum of 5 additional shelter beds for homeless youth up to 24 years of age and additional transitional housing capacity for 10 youth 18 to 24 years of age

“(2) Homeless services for youth shall be provided through 2-year grants to eligible community organizations based in the District with expertise in systems of care for homeless youth

“(3) Recipients of grants shall establish, maintain, or expand facilities through these grants that protect the safety of homeless youth through facilities that are specifically for homeless youth and separate from any existing homeless services for the general population

“(4) Grants issued pursuant to this subsection shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D C Law 20-61, D C Official Code § 1-328 11 *et seq*) ”

SUBTITLE L. HOMELESS PREVENTION PROGRAM ESTABLISHMENT

Sec 5111 Short title

This subtitle may be cited as the “Homeless Prevention Program Establishment Act of 2014”

Sec 5112 Homeless Prevention Program

(a) There is established within the Department of Human Services (“Department”) a Homeless Prevention Program (“Program”) to conduct community outreach and provide services to families at risk of becoming homeless

(b) The Department may contract with a qualified community-based nonprofit corporation, organization, or consortia of organizations, with offices located in the District, to operate the Program. The Department shall establish the criteria that an entity must meet to be selected to operate the Program. If the Department is unable to contract with an outside entity that meets the specified criteria, or determines it to not be in the best interest of the District, the Department shall operate the Program

(c) The Program shall be administered by the Department in consultation with the Interagency Council on Homelessness

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(d) The Program shall

(1) Use an evidence-based assessment and evaluation method to target and identify families most at risk of becoming homeless,

(2) Connect individuals and families at risk of becoming homeless with housing and financial assistance programs that provide short- and long-term assistance to allow households to remain in their current housing situation, if appropriate,

(3) Have multiple locations in communities identified as being at-risk of homelessness,

(4) Conduct educational campaigns and outreach to inform District residents about the services available to prevent homelessness,

(5) Conduct family or tenant-landlord mediation to assist families in remaining in their current housing situation or provide referrals to other organizations that can provide this assistance, if appropriate,

(6) Provide classes in skills critical to maintaining housing, including household budgeting, financial management, and financial literacy, or provide referrals to other organizations that can provide this assistance,

(7) Provide job training and placement referrals to employment services or provide referrals to other organizations that can provide this assistance, including connecting families with resources available at District agencies,

(8) Assist families in applying for public benefits, including child care, SNAP, tax credits, and Medicaid or provide referrals to other organizations that can provide this assistance, and

(9) Provide other counseling, case management, or services, including mental or behavioral health services or referrals to mental or behavioral health programs, to assist families in preventing homelessness

(e) No later than January 1, 2016, and annually thereafter, the Program shall submit a report to the Council on the operations and services of the Program during the preceding fiscal year

Sec 5113 Section 5 of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D C Law 16-35, D C Official Code § 4-752 02), is amended by adding a new subsection (e) to read as follows

“(e) The Department of Human Services shall administer the Homeless Prevention Program, established pursuant to the Homeless Prevention Program Establishment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750), in consultation with the Interagency Council on Homelessness ”

SUBTITLE M. TOBACCO PRODUCT MANUFACTURER RESERVE FUND

Sec 5121 Short title

This subtitle may be cited as the “Tobacco Product Manufacturer Reserve Fund Amendment Act of 2014”

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Sec 5122 Section 6(b) of the Tobacco Product Manufacturer Reserve Fund Complementary Procedures Act of 2004, effective April 22, 2004 (D C Law 15-150, D C Official Code § 7-1803 05(b)), is amended as follows

(a) Strike the phrase "Corporation Counsel" wherever it appears and insert the phrase "Attorney General" in its place

(b) A new sentence is added at the end to read as follows

"The Attorney General may also disclose the information received under this act with the data clearinghouse created to implement the term sheet agreed to by the District and Participating Manufacturers, and given effect by a March 12, 2013, arbitral award "

SUBTITLE N. SOAR PILOT PROGRAM ESTABLISHMENT

Sec 5131 Short title

This subtitle may be cited as the "SSI/SSDI Outreach, Access, and Recovery ("SOAR") Pilot Program Establishment Act of 2014"

Sec 5132 SOAR Pilot Program

(a) There is established within the Department of Human Services ("Department") a SSI/SSDI Outreach, Access, and Recovery, or SOAR Pilot Program ("Program") to provide application assistance for individuals applying to receive Supplemental Security Income ("SSI") and Social Security Disability Insurance ("SSDI")

(b)(1) The Department may contract with, or provide a grant to, a qualified community-based nonprofit corporation, organization, or consortia of organizations, with offices located in the District, to operate the Program The Department shall establish the criteria that an entity must meet to be selected to operate the Program If the Department is unable to contract with an outside entity that meets the specified criteria, or determines it to not be in the best interest of the District, the Department shall operate the Program

(2) A grant issued under this subsection shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D C Law 20-61, D C Official Code § 1-328 11 *et seq*)

(c) The Program shall conduct outreach to homeless individuals to provide intensive assistance and support with completing an SSI or SSDI application with the federal Social Security Administration

SUBTITLE O. TEEN PREGNANCY PREVENTION FUND

Sec 5141 Short title

This subtitle may be cited as the "Teen Pregnancy Prevention Fund Establishment Act of 2014"

Sec 5142 Definitions

For the purposes of this subtitle, the term

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(1) "Fund" means the Teen Pregnancy Prevention Fund established in section 5143

(2) "Grant-managing entity" means the DC Campaign to Prevent Teen Pregnancy, as authorized by section 5146

Sec 5143 Teen Pregnancy Prevention Fund

(a) There is established a Teen Pregnancy Prevention Fund to provide subgrants to nonprofit organizations

(b) The Department of Health shall make a grant to a single grant-managing entity of which at least 90% shall be used to make subgrants for the purpose of teen pregnancy prevention. The remaining 10% shall be utilized for administrative expenses and evaluation of the Fund. The grant-managing entity is limited to spending any funds received from the Fund on administrative costs only, and not any substantive work related to teen pregnancy prevention.

(c) The Fund is designed to provide subgrants to nonprofits in health services for teens, reproductive health education, professional development and training, research and policy development, and public education and awareness. The funds shall be available for conveyance to a grant-managing entity for the purposes identified in subsection (b) of this section.

(d) Subgrants shall be awarded, subject to the availability of funding, as follows:

(1) All subgrants shall be awarded on a competitive basis,

(2) The subgrants shall not exceed \$100,000 per year,

(3) Subgrants are one-time,

(4) The subgrant funds shall be used exclusively to serve District of Columbia residents, and

(5) All subgrants shall be subject to District transparency requirements, such as Freedom of Information Act requests.

(e) The Fund shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D C Law 20-61, D C Official Code § 1-328.11 *et seq*).

Sec 5144 Required information before approval

(a) To be eligible to receive a subgrant from the grant-managing entity pursuant to section 5143, a subgrantee shall submit the following required documentation to the grant-managing entity, as well as any additional information required by the grant-managing entity:

(1) Internal Revenue Service certification that the organization is tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1954, approved August 16, 1954 (68A 24 Stat 163, 26 U S C § 501(c)(3)),

(2)(A) The organization's most recent financial audit, not more than 2 years old, or

(B) A recent financial statement, not more than one year old, prepared by a certified accountant that shows that the organization is in good financial standing and which delineates its

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- (i) Existing assets and liabilities,
 - (ii) Pending lawsuits, if any, and
 - (iii) Pending and final judgments, if any,
- (3) Internal Revenue Service Form 990 covering the organization's most recently completed fiscal year,
- (4) A notarized statement from the subgrantee certifying that
- (A) The organization is current on District and federal taxes,
 - (B) The grant-managing entity is authorized to verify the organization's tax status with the Office of Tax and Revenue and the Office of Tax and Revenue is authorized to release this information to the grant-managing entity,
 - (C) The grant-managing entity shall have access to the subgrantee's financial, administrative, and operational records, including specific consent for the grant-managing entity to access its books, accounts, records, findings, and documents related to the subgrant, and
 - (D) The subgrantee is registered with the Department of Consumer and Regulatory Affairs, and
- (5) A comprehensive program statement that includes a detailed
- (A) Scope of work, and
 - (B) Budget that describes how the subgrant funds shall be spent

Sec 5145 Reporting requirements

Beginning December 1, 2014, the grant-managing entity shall submit a bimonthly report to the Council of all District funds allocated, which includes

- (1) Detailed subgrantee data,
- (2) Performance measures and performance outcomes under each subgrant,
- (3) The specific services provided under each subgrant,
- (4) The entity providing the services, if one other than the subgrantee,
- (5) The time period of delivery of the services,
- (6) The type of service provided,
- (7) The actual amount paid for the services, and
- (8) The amount of other expenditures under the subgrant, if any

Sec 5146 Authorization for grant-managing entity

For Fiscal Year 2015, the DC Campaign to Prevent Teen Pregnancy ("DC Campaign") is designated as the grant-managing entity. The DC Campaign shall be required to enter into a Memorandum of Understanding ("MOU") with the District of Columbia government. The MOU shall set forth certain administrative requirements for the DC Campaign to abide by when it obtains District funds and awards subgrants involving District funds, and will clarify and reaffirm the DC Campaign's responsibility and obligation with respect to District funds, including the monitoring of the use of District funds.

ENROLLED ORIGINAL**Sec 5147 Limitation on duplicative projects**

(a) The grant-managing entity shall take steps to avoid awarding subgrants to a nonprofit that has been awarded or is being awarded funds from another District agency for the same or similar program purposes for which it is applying for funding from the Fund

(b) Within 30 days after the effective date of the MOU, the grant-managing entity shall provide to the Department of Health and the Council a plan that sets forth procedures for avoiding the award of duplicative funds

SUBTITLE P. UNITED MEDICAL CENTER TRANSFORMATION INITIATIVE**Sec 5151 Short title**

This subtitle may be cited as the “United Medical Center Transformation Initiative Act of 2014”

Sec 5152 Findings and policy

(a) It is the policy of the District government that there shall be an enduring, full-service hospital east of the Anacostia River To effect this policy, the government is committed to improving the United Medical Center (“UMC”) with the expectation that its improved financial condition (i.e., solvency) will enable eventual divestiture of UMC from District ownership and management

(b) The government recognizes and supports the proposition that maintaining full hospital service may likely entail more than renovation of the current facility on Southern Avenue, S E

(c) Substantial funding has been made available to UMC in the Capital Improvement Plan accompanying the Fiscal Year 2015 budget Although most of these dollars are strategic investment in facilities, equipment, and information technology, the Council would be supportive of utilizing these dollars toward a viable proposal, which may involve a public-private partnership, to construct a new hospital facility rather than renovation of the existing facility

(d) The Council affirmatively approved a contract in 2012 with Huron Consulting Group (“Huron”) in part to improve the operations of UMC and to assist with the divestiture of UMC from District ownership and management Huron is urged to solicit bidders for ownership and management without constraint as to a particular business model or financing structure other than to obtain an offer that is both in the best interest of the District government and the policy to maintain an enduring, full-service hospital east of the Anacostia River

(e) The Executive is urged to move forward expeditiously with improving UMC operations and soliciting proposals for private sector takeover of the ownership and management of the United Medical Center

SUBTITLE Q. LOCAL RENT SUPPLEMENT PROGRAM REFERRALS**Sec 5161 Short title**

This subtitle may be cited as the “Local Rent Supplement Program Referrals Amendment Act of 2014”

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Sec 5162 The Homeless Services Reform Act of 2005, effective October 22, 2005 (D C Law 16- 35, D C Official Code § 4-751 01 *et seq*), is amended by adding a new section 8d to read as follows

“Sec 8d Notwithstanding section 8c, during Fiscal Year 2015, the District of Columbia Housing Authority shall fill 75 tenant-based Rent Supplement Program vouchers, established by section 26c of the District of Columbia Housing Authority Act, effective March 2, 2007 (D C Law 13-105, D C Official Code § 6-228), through referrals by the Department of Human Services The referrals shall be based on special eligibility criteria established in 29 DCMR § 2557 1, or shall consist of families currently in the Department of Human Services Permanent Supportive Housing Program who the Department determines no longer need intensive services ”

TITLE VI. TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT**SUBTITLE A. VAULT RENT**

Sec 6001 Short title

This subtitle may be cited as the "Vault Rent Amendment Act of 2014"

Sec 6002 The District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat 1156, D C Official Code § 10-1101 01 *et seq*), is amended as follows

(a) Section 103 (D C Official Code § 10-1101 01) is amended as follows

(1) New paragraphs (1B), (1C), and (1D) are added to read as follows

"(1B) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia

"(1C) "Condominium unit owners' association" shall have the same meaning as the unit owner's association described in section 301 of the Condominium Act of 1976, effective March 29, 1977 (D C Law 1-89, D C Official Code § 42-1903 01), or a master association as defined in section 102(19A) of the Condominium Act of 1976, effective March 29, 1977 (D C Law 1-89, D C Official Code § 42-1901 02(19A)), as the context may require

"(1D) "Declarant" shall have the same meaning as provided in section 102(11) of the Condominium Act of 1976, effective March 29, 1977 (D C Law 1-89, D C Official Code § 42-1901 02(11)) "

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

"(6A) "Responsible condominium unit owners' association" means a condominium unit owners' association if vault rent was an obligation of the condominium as a whole before there was a unit owner other than the declarant, or the condominium unit owners' association or its predecessor entered into an agreement with the Mayor relating to the occupation of vault space "

(3) A new paragraph (9) is added to read as follows

"(9) "Vault rent year" means the period beginning July 1st each year and ending June 30th of each succeeding year "

(b) Section 202 (D C Official Code § 10-1102 02) is amended as follows

(1) Designate the existing text as subsection (a)

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

"(b) Notwithstanding the requirements of subsection (a) of this section, the District shall not charge a fee to a nonprofit organization for occupying public space to operate a farmers market "

(c) Section 303 (D C Official Code § 10-1103 02) is amended to read as follows

"Sec 303 (a)(1) The Chief Financial Officer shall assess and collect rent and charges from the owner or owners of abutting property for any vault located in the public space abutting such property, unless such vault has been removed, filled, sealed, or otherwise rendered unusable in a manner satisfactory to the Mayor

"(2) Bills and notices shall be deemed to be properly served when mailed via first class mail to the abutting property owner's mailing address of record as maintained by the Chief Assessor of the Office of Tax and Revenue

"(b)(1) Notwithstanding section 104 of the Condominium Act of 1976, effective March 29, 1977 (D C Law 1-89, D C Official Code § 42-1901 04), or any other provision of law that imposes liability for vault rent that is contrary to this subsection, vault rent shall be assessed against a responsible condominium unit owners' association

"(2) The responsible condominium unit owners' association shall be billed for vault rent as a separate and distinct taxable entity with its own vault rent account, as designated by the Chief Financial Officer, and, unless the context requires otherwise, for purposes of this title shall be deemed to be the owner of the property abutting public space in which any vault is located

"(3) A notice of proposed land assessment relating to the vault rent account shall be given to the responsible condominium unit owners' association by March 1st before the beginning of the applicable vault rent year

"(4) The assessed value of the land derived for purposes of billing the vault rent may be appealed as provided under D C Official Code § 47-825 01a(d), (e), and (g), except, that for the purposes of this section any references in that section to an owner shall be deemed to be references to a responsible condominium unit owners' association

"(5) Provided that the land values of comparable multi-family residential properties shall only be used in determining land values for vault rent purposes in residential condominiums, the Chief Financial Officer may correct or change any land assessment relating to the vault rent account for which a responsible condominium unit owners' association is responsible as under the circumstances and subject to the conditions in D C Official Code § 47-825 01a(f), except, that the reference to

"(A) Tax years shall be deemed to be a reference to vault rent years,

"(B) Owner shall be deemed to be a reference to a responsible condominium unit owners' association, and

"(C) The owner's address of record shall be deemed to be a reference to the responsible condominium unit owners' mailing address of record as maintained by the Chief Assessor of the Office of Tax and Revenue

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"(c) Where vault rent is assessed against any owner other than a responsible condominium owners' association, the Mayor may adjust any utilization factor or area of the vault level under the circumstances, subject to the conditions in D C Official Code § 47-825 01a(f), except, that the reference to tax years shall be deemed to be a reference to vault rent years "

(d) Section 305 (D C Official Code § 10-1103 04) is amended as follows

(1) Subsection (a) is amended by striking the phrase "shall pay the rent established in accordance with this part for such vault Such rent shall be payable annually for the year commencing July 1st and ending on the following June 30th, and shall be payable in full prior to the beginning of such year " and inserting the phrase "shall pay the rent established in accordance with this part for such vault and any charges levied under § 308(a) Such rent and charges shall be payable annually for the vault rent year and shall be payable in full on or before the later of 30 days after the date the vault rent bill was mailed or September 15 of the vault rent year " in its place

(2) Subsection (c) is amended by striking the second sentence

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

"(c-1) Notwithstanding subsection (c) of this section, rent per fuel oil tank shall be \$100, provided, that the Council may adjust the amount of rent per fuel oil tank pursuant to section 401 "

(e) Section 305a (D C Official Code § 10-1103 04a) is amended by striking the word "Mayor" wherever it appears and inserting the phrase "Chief Financial Officer" in its place

(f) Section 308 (D C Official Code § 10-1103 07) is amended by adding subsections (c), (d), (e), and (f) to read as follows

"(c)(1) For vault years beginning after June 30, 2015, the Mayor, in the Mayor's discretion, may seal off, remove in whole or in part, fill, reconstruct, repair, or close a vault or vault opening, or perform any other service in connection with a vault or vault opening that the Mayor considers necessary or appropriate, provided, that should the subject vault contain utility infrastructure, the Mayor shall confer with the affected utility before any modification to the vault about whether the planned activity would compromise the operations of the utility infrastructure system

"(2) The Chief Financial Officer shall levy a charge against the abutting property for the reasonable cost of action by the Mayor

"(d)(1) For periods beginning after June 30, 2015, interest on unpaid vault rent and the charges authorized under subsection (a) of this section shall accrue at the rate set forth in D C Official § 47-811(c) per month or part thereof after the due date prescribed in section 305

"(2) Except as provided in subsection (f) of this section, the abutting property for any vault located in the public space shall be sold by the Chief Financial Officer at a tax sale held under Chapter 13A of Title 47 of the District of Columbia Official Code for vault rent, charges, and interest that are delinquent as of the October 1st before the tax sale

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"(3) Notwithstanding any other provision of law, delinquent vault rent, charges, and interest shall not be required to be certified for purposes of the tax sale and the lien priority of vault rents, charges, and interest shall be immediately junior to real property taxes

"(e) Payments shall be applied to the oldest vault year owed, and within such year first to interest, then to charges, and then to rent

"(f)(1) When a responsible condominium unit owners' association is billed for vault rent, charges, and interest and the rent, charges, and interest are not timely paid, the rent, charges, and interest shall constitute a delinquent tax to be collected against the responsible condominium unit owners' association in accordance with Chapter 44 of Title 47 of the District of Columbia Official Code, notwithstanding section 104 of the Condominium Act of 1976, effective March 29, 1977 (D C Law 1-89, D C Official Code § 42-1901 04), or any other provision to the contrary Liability shall follow to any subsequent or successor responsible condominium unit owners' association or the resulting owners of any termination of the condominium, as the case may be, notwithstanding any other law to the contrary "

(g) A new subsection 308a is added to read as follows

"Sec 308a Waiver and compromise, authority of the Chief Financial Officer

"The Chief Financial Officer may

"(1) Waive, in whole or in part, interest assessed pursuant to this act in the interest of equity or in the public interest, or

"(2) Compromise any charge or vault rent assessed pursuant to this act when, in the Chief Financial Officer's judgment, there is reasonable doubt as to the liability of the owner against whom the vault rent was assessed or the collectability of the tax "

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

"Sec 311 Rules

"The Chief Financial Officer, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat 1204, D C Official Code § 2-501 *et seq*), may issue rules to implement the provisions of this title "

Sec 6003 Applicability

Sections 6002 (a), (c), (d), (e), and (f) shall apply as of July 1, 2015

SUBTITLE B CAPITAL BIKESHARE CORPORATE SPONSORSHIP ESTABLISHMENT

Sec 6011 Short title

This subtitle may be cited as the "Private Sponsorship of Capital Bikeshare Amendment Act of 2014"

Sec 6012 Section 5(a) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D C Law 14-137, D C Official Code § 50-921 04(a)), is amended as follows

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(a) Paragraph (4)(G)(iv) is amended by striking the period and inserting the phrase ", provided, that proceeds related to advertisements on bicycles, equipment, or facilities used for the purposes of the Bicycle Sharing program shall be deposited into the Bicycle Sharing Fund established by section 9h " in its place

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

"(4A) Rights-of-Way Management Administration may enter into agreements to allow the private sponsorship of bicycles, equipment, and facilities used in the Bicycle Sharing program, the placement of a corporate logo, slogan, or other indicia on the bicycles or facilities, and on related websites and social media, provided, that that an agreement that would modify the name or design of any part of the Capital Bikeshare system, including equipment, or facilities, shall be submitted to the Council for a 30-day period of passive review before execution The agreement submitted to the Council shall include detailed information about a proposed name or design All proceeds collected from a private sponsorship agreement shall be deposited into the Bicycle Sharing Fund established by section 9h "

SUBTITLE C. DDOT MANAGED LANE AUTHORIZATION

Sec 6021 Short title

This subtitle may be cited as the "District Department of Transportation Managed Lane Authorization Amendment Act of 2014"

Sec 6022 Section 5(a)(2) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D C Law 14-137, D C Official Code § 50-921 04(a)(2)), is amended as follows

(a) Subparagraph (M) is amended by striking the word "and" at the end

(b) Subparagraph (N) is amended by striking the period and inserting the phrase ", and" in its place

(c) A new subparagraph (O) is added to read as follows

"(O) Implement managed lane policies, including lane pricing, vehicle eligibility, and access control, provided, that at least one lane of traffic on a street with managed lanes shall be free of charge, provided further, that the Department shall submit to the Council any policy created pursuant to this subparagraph for approval by act before implementation "

SUBTITLE D. INTEGRATED PREMIUM TRANSIT SYSTEM AMENDMENT

Sec 6031 Short title

This subtitle may be cited as the "Integrated Premium Transit System Amendment Act of 2014"

Sec 6032 The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D C Law 14-137, D C Official Code § 50-921 01 *et seq*), is amended as follows

(a) Section 5 (D C Official Code § 50-921 04) is amended as follows

(1) The lead-in language is designated as subsection (a)

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(2) The newly designated subsection (a) is amended as follows

(A) Paragraph (1) is amended as follows

(i) Subparagraph (C) is amended by striking the word "and" at the end

(ii) Subparagraph (D) is amended by striking the period and inserting the phrase ", and" in its place

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

"(E) Plan, manage, and contract for all, or any part of, the design, engineering, construction, operation, and maintenance of any element of the Integrated Premium Transit System "

(B) Paragraph (2) is amended as follows

(i) Subparagraph (L) is amended by striking the phrase "Operate, develop, and finance" and inserting the phrase "Operate, maintain, and regulate" in its place

(ii) Subparagraph (N) is amended by striking the phrase "Operate, develop, regulate, and finance" and inserting the phrase "Operate, maintain, and regulate" in its place

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

"(b) For the purposes of this section, the term

"(1) "DC Streetcar" means a fixed guideway transit network offering rail passenger service operated by the District government or its agent

"(2) "Integrated Premium Transit System" means an integrated transit system composed of any or all of the DC Streetcar, bus service operated or managed by, or on behalf of, the District government consistent with the Washington Metropolitan Area Transit Regulation Compact, and facilities including buildings, other structures, and parking areas appurtenant to the DC Streetcar and bus service "

(b) Section 11n (D C Official Code § 50-921 72) is amended as follows

(1) Paragraph (1) is amended by striking the word "and" at the end

(2) Paragraph (2) is amended by striking the period and inserting the phrase ", and" in its place

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

"(3) Enter into contracts with third parties for the design, construction, operation, and maintenance of the DC Streetcar "

Sec 6033 Section 47-392 02 of the District of Columbia Official Code is amended as follows

(a) Subsection (f) is amended as follows

(1) Paragraph (5)(A) is amended by striking the phrase "Beginning in the fiscal year following the completion of the capital construction of the Streetcar Project," and inserting the phrase "Beginning in Fiscal Year 2045," in its place

(2) Paragraph (6) is amended to read as follows

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"(6) All funds in the Pay-as-you-go Capital Account shall be budgeted for the Integrated Premium Transit System until Fiscal Year 2045 "

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

"(l) For the purposes of this section, the term

"(A) "DC Streetcar" shall have the same meaning as provided in section 5(b)(1) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D C Law 14-137, D C Official Code § 50-921 04(b)(1))

"(B) "Integrated Premium Transit System" shall have the same meaning as provided in section 5(b)(2) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D C Law 14-137, D C Official Code § 50-921 04(b)(2)) "

Sec 6034 The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D C Law 18-371, D C Official Code § 2-351 01 *et seq*), is amended as follows

(a) Section 104 (D C Official Code § 2-351 04) is amended as follows

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

"(2A) "Alternative technical concept" means a proposed change to an agency-supplied base design configuration, project scope, design criterion, or construction criterion that the agency determines is equal to or better than a requirement in a request for proposals "

(2) Paragraph (13) is amended to read as follows

"(13) "Construction" means the process of building, altering, repairing, improving, or demolishing any public infrastructure facility The term "construction" does not include the routine operation, routine repair, or routine maintenance of an existing public infrastructure facility "

(3) A new paragraph (37A) is added to read as follows

"(37A) "Public infrastructure facility" includes any public structure, public building, any element of the Integrated Premium Transit System, as that term is defined in section 5(b)(2) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D C Law 14-137, D C Official Code § 50-921 04(b)(2)), and other public improvements of any kind to real property "

(b) Section 201(d) (D C Official Code § 2-352 01(d)) is amended by striking the phrase "roads and bridges" and inserting the phrase "roads, bridges, other transportation systems, and facilities and structures appurtenant to roads, bridges, and other transportation systems" in its place

(c) Section 403 (D C Official Code § 2-354 03) is amended by adding a new subsection (d-1) to read as follows

"(d-1) An RFP for the construction of a road, bridge, other transportation system, or a facility or structure appurtenant to a road, bridge, or other transportation system, may allow prospective offerors or contractors to submit alternative technical concepts as a part of their proposals The agency's determination on the alternative technical concepts may be considered by the contracting officer as part of the evaluation and ranking of proposals "

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SUBTITLE E. PESTICIDE REGISTRATION FUND AMENDMENT

Sec 6041 Short title

This subtitle may be cited as the "Pesticide Registration Fund Amendment Act of 2014"

Sec 6042 Section 9a(c) of the Pesticide Education and Control Amendment Act of 2012, effective December 24, 2013 (D C Law 20-61, D C Official Code § 8-438 01(c)), is amended by striking the word "pesticide" and inserting the phrase "pesticide, chemical, tank, land remediation, and wildlife protection" in its place

SUBTITLE F. DISTRIBUTED GENERATION AMENDMENT

Sec 6051 Short title

This subtitle may be cited as the "Distributed Generation Amendment Act of 2014"

Sec 6052 Section 4(e) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D C Law 15-340, D C Official Code § 34-1432(e)), is amended as follows

(a) Paragraph (1) is amended by striking the phrase "serving the District" and inserting the phrase "serving the District, provided, that renewable energy credits from solar energy systems larger than 5MW in capacity located on property owned by the District, or by any agency or independent authority of the District, may be used to meet the solar requirement" in its place

(b) Paragraph (2) is amended to read as follows

"(2) As of January 1, 2015, notwithstanding paragraph (1) of this subsection, an electricity supplier may meet the remaining non-solar tier one renewable source requirement of the renewable energy portfolio standard by obtaining the equivalent amount of renewable energy credits from solar energy systems that do not satisfy the requirements under paragraph (1) of this subsection "

SUBTITLE G. CLEAN AND AFFORDABLE ENERGY AMENDMENT

Sec 6061 Short title

This subtitle may be cited as the "Clean and Affordable Energy Amendment Act of 2014"

Sec 6062 The Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D C Law 17-250, D C Official Code § 8-1773 01 *et seq*), is amended as follows

(a) Section 201(d)(4) (D C Official Code § 8-1774 01(d)(4)) is amended to read as follows

"(4) Improve the energy efficiency or increase the renewable energy generating capacity of low-income housing, shelters, clinics, or other buildings serving low-income residents in the District of Columbia,"

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(b) Section 202(a) (D C Official Code § 8-1774 02(a)) is amended by striking the phrase "5 years" and inserting the phrase "5 years Upon the expiration of the initial SEU contract, including any option years, subsequent SEU contracts shall be multiyear contracts of not less than 4 years If options to extend the SEU contract are included in subsequent SEU contracts, the option periods shall be for not less than 2 years" in its place

(c) Section 210 (D C Official Code § 8-1774 10) is amended as follows

(1) Subsection (a) is amended as follows

(A) Paragraph (1) is amended by striking the word "nonlapsing" and inserting the word "special" in its place

(B) Paragraph (2) is amended to read as follows

"(2) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time "

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

"(3) 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 "

(2) Subsection (c) is amended as follows

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

"(1) The SEU contract in an amount of at least \$20 million annually,"

(B) Paragraphs (5), (6), (7), and (8) are repealed

Sec 6063 Section 8 of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D C Law 15-340, D C Official Code § 34-1436), is amended as follows

(a) Subsection (b) is amended by striking the phrase "shall receive" and inserting the phrase "may receive" in its place

(b) Subsection (c) is amended by adding a new sentence at the end to read as follows

"The Fund may be used to supplement programs supporting the creation of new solar energy sources in the District of Columbia through the Sustainable Energy Utility contract established by the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D C Law 17-250, D C Official Code § 8-1773 01 *et seq*) "

SUBTITLE H. ATHLETIC FIELD PERMIT COORDINATION COMMITTEE

Sec 6071 Short title

This subtitle may be cited as the "Athletic Field Permit Coordination Committee Amendment Act of 2014"

Sec 6072 The Recreation Act of 1994, effective March 23, 1995 (D C Law 10-246, D C Official Code § 10-301 *et seq*), is amended by adding a new section 7b to read as follows

"Sec 7b Athletic Field Permit Coordination Committee

"(a)(1) Within 90 days of the effective date of the Athletic Field Permit Coordination Committee Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version

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of Bill 20-750), the Department shall establish an Athletic Field Permit Coordination Committee ("Committee") to advise the Department on how to develop a collaborative permitting system for athletic fields located on property owned by the District of Columbia

"(2) The Committee shall include representatives from the following

"(A) The Department,

"(B) The Department of General Services,

"(C) The District of Columbia Public Schools,

"(D) The District of Columbia Public Charter School Board, and

"(E) The National Park Service

"(3) The Department shall assign an employee from the Department to perform duties, including the following

"(A) Coordinating and securing a location for Committee meetings,

"(B) Ensuring administrative support for the Committee, such as circulating meeting notices and keeping meeting minutes, and

"(C) Developing an agenda for meetings and ensuring that the Committee issues the comprehensive report described in subsection (b) of this section

"(b) By March 31, 2015, the Committee shall transmit to the Mayor and to the Council, and make publicly available, a comprehensive report containing the following

"(1) An analysis of public field availability throughout the District,

"(2) An analysis of whether it is feasible to create a singular office for permitting public athletic field space located throughout the District,

"(3) A recommendation of how to proportionately allocate permit revenue to the District government entities whose fields are being used, as opposed to all funds being deposited into the General Fund of the District of Columbia, and

"(4) A list of underutilized public fields that the Department, in collaboration with the Department of General Services, may convert to usable and sustainable fields

"(c) By March 31, 2016, and each year thereafter, the Committee shall transmit to the Mayor and to the Council, and make publicly available, a report containing the following

"(1) An update on the progress of the analysis conducted and recommendations provided in previous reports created by the Committee,

"(2) Actions taken by the Committee in the preceding year, and

"(3) Recommendations for methods to develop and provide a collaborative permitting system for athletic fields owned by the District of Columbia "

SUBTITLE I. COMPETITIVE GRANTS

Sec 6081 Short title

This subtitle may be cited as the "Competitive Grants Act of 2014"

Sec 6082 In Fiscal Year 2015, the Council shall award a grant on a competitive basis to a regional organization, in an amount not to exceed \$500,000, to produce a comprehensive rail plan for the District, including plans to accommodate future increases in passenger, commuter,

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and freight rail traffic The Council shall consult with the Office of Planning and the District Department of Transportation before awarding the grant

Sec 6083 In Fiscal Year 2015, the District Department of the Environment shall award a grant on a competitive basis, in an amount not to exceed \$50,000, for recycling education at public housing

Sec 6084 In Fiscal Year 2015, the Department of Parks and Recreation shall award a grant on a competitive basis, in an amount not to exceed \$250,000, to improve the Kenilworth Parkside Community Park

Sec 6085 In Fiscal Years 2015 to 2018, the Office of the State Superintendent of Education shall award a grant on a competitive basis, in an amount not to exceed \$63,000, to one or more nonprofit organizations to support school pantries at low-income schools in the District

Sec 6086 In Fiscal Years 2015 to 2018, the District Department of the Environment shall award a grant on a competitive basis, in an amount not to exceed \$200,000, to provide wildlife rehabilitation services

Sec 6087 (a) Of the funds appropriated in Fiscal Years 2015 and 2016 to the Department of Small and Local Business Development for Clean Teams, the amount of \$600,000 shall be awarded as a competitive grant over a 2-year period to include \$300,000 in Fiscal Year 2015 and \$300,000 in Fiscal Year 2016 to a Business Improvement District ("BID") that can provide clean team services to, at minimum, the following areas, with funds divided equally

(1) In Ward 7 Pennsylvania Avenue, S E , from Fairlawn Street, S E , to Naylor Road, S E ,

(2) In Ward 3 Wisconsin Avenue, N W , from Lowell Street, N W , to Davenport Street, N W , and

(3) In Ward 5 Penn Street, N E , between 6th Street, N E , and 4th Street, N E , 4th Street, N E , between Penn Street, N E , and New York Avenue, N E , New York Avenue, N E , between 4th Street, N E , and Fenwick Street, N E , Fenwick Street, N E , between New York Avenue, N E , and West Virginia Avenue, N E , West Virginia Avenue, N E , between Fenwick Street, N E , and Mount Olivet Road, N E , Capitol Avenue, N E , between Fenwick Street, N E , and Mount Olivet Road, N E , Gallaudet Street, N E , between Fenwick Street, N E , and Corcoran Street, N E , Fairview Avenue, N E , between New York Avenue, N E , and Gallaudet Street, N E , Corcoran Street, N E , between Gallaudet Street, N E , and Mount Olivet Road, N E , Kendall Street, N E , between New York Avenue, N E , and Capitol Avenue, N E , Central Place, N E , between Gallaudet Street, N E , and West Virginia Avenue, N E , Providence Street, N E , between Gallaudet Street, N E , and Capitol Avenue, N E , Okie Street,

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N E , between Fenwick Street, N E , and Kendall Street, N E , and the 1100 block of Okie Street, N E

(b) The BID must further have experience in

- (1) Providing clean team services,
- (2) Providing job training services to its employees,
- (3) Hiring District residents, and
- (4) Providing additional social support services to its Clean Team employees

(c) Section 6082 of the Fiscal Year 2014 Budget Support Act of 2013, effective December 24, 2013 (D C Law 20-61, 60 DCR 12541), is amended by striking the phrase "Cathedral Avenue" and inserting the phrase ""Devonshire Place" in its place

Sec 6088 All grants issued pursuant to this subtitle shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D C Law 20-61, D C Official Code § 1-328 11 *et seq*)

Sec 6089 Notwithstanding section 6088 or the Grant Administration Act of 2013, effective December 24, 2013 (D C Law 20-61, D C Official Code § 1-328 11 *et seq*), in Fiscal Year 2015, the Deputy Mayor for Planning and Economic Development shall award a grant of \$5 million for the improvement of facilities and operations of the Animal Care and Control Agency selected pursuant to section 3 of the Animal Control Act of 1979, effective October 17, 1979 (D C Law 3-30, D C Official Code § 8-1802)

SUBTITLE J. ANACOSTIA RIVER TOXICS REMEDIATION

Sec 6091 Short title

This subtitle may be cited as the "Anacostia River Toxics Remediation Act of 2014"

Sec 6092 By June 30, 2018, the Director of the District Department of the Environment shall adopt and publish a record of decision in the District of Columbia Register choosing the remedy for remediation of contaminated sediment in the Anacostia River The remedial choice shall be based on the remedial investigation and feasibility study results and shall be consistent with the National Contingency Plan set forth in 40 C F R Part 300, and with section 121 of the Comprehensive Environmental Response Compensation and Liability Act, approved October 17, 1986 (100 Stat 1672, 42 U S C § 9621)

TITLE VII. FINANCE AND REVENUE

SUBTITLE A. SUBJECT TO APPROPRIATIONS AMENDMENTS

Sec 7001 Short title

This subtitle may be cited as the "Subject to Appropriations Amendment Act of 2014"

Sec 7002 Section 47-4304 01(3) of the District of Columbia Official Code is amended to read as follows

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“(3) The tax credit shall be applied over a 3-year period in equal amounts in tax years beginning on or after January 1, 2019 ”

Sec 7003 Section 3 of the Earned Sick and Safe Leave Amendment Act of 2013, effective February 22, 2014 (D C Law 20-89, 61 DCR 317), is repealed

Sec 7004 Section 3 of the Minimum Wage Amendment Act of 2013, effective March 11, 2014 (D C Law 20-91, 61 DCR 3746), is repealed

Sec 7005 Section 4(c) of the Small and Certified Business Enterprise Development and Assistance Amendment Act of 2014, effective June 10, 2014 (D C Law 20-108, 61 DCR 3892), is repealed

Sec 7006 Section 5 of the Fair Student Funding and School-Based Budgeting Amendment Act of 2013, effective February 22, 2014 (D C Law 20-87, 61 DCR 3742), is repealed

Sec 7007 Section 4 of the Smoking Restriction Amendment Act of 2013, effective December 13, 2014 (D C Law 20-48, 61 DCR 15145), is repealed

Sec, 7008 Section 13 of the Wildlife Protection Act of 2010, effective March 8, 2011 (D C Law 18-289, 57 DCR 11499), is repealed

Sec 7009 Section 5 of the Traffic Adjudication Amendment Act of 2014, effective July 23, 2014 (D C Law 20-127, 61 DCR 5711), is amended to read as follows

“Sec 5 Applicability

“This act shall apply as of October 1, 2014 ”

Sec 7010 Section 501 of the Electric Company Infrastructure Improvement Financing Act of 2014, effective May 3, 2014 (D C Law 20-102, 61 DCR 5193), is repealed

SUBTITLE B. TAX REVISION COMMISSION IMPLEMENTATION

Sec 7011 Short title

This subtitle may be cited as the “Tax Revision Commission Implementation Amendment Act of 2014”

Sec 7012 Title 47 of the District of Columbia Official Code is amended as follows
(a) The table of contents is amended by adding a new chapter designation to read as follows

“1C Tax Revision Implementation ”

(b) A new Chapter 1C is added to read as follows

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"CHAPTER 1C TAX REVISION IMPLEMENTATION

Sec

"47-181 Tax reform procedure and priority

"§ 47-181 Tax reform procedure and priority

"(a) If local Fiscal 2015 or Fiscal Year 2016 recurring annual revenues included in the quarterly revenue estimate issued in February 2015 exceed the annual revenue estimate incorporated in the approved budget and financial plan for Fiscal Year 2015

"(1) The first \$181 million shall be recognized as Fiscal Year 2016 revenue, and

"(2) Any additional recurring revenue remaining after paragraph (1) of this subsection has been addressed shall be used to implement the provisions set forth in the Tax Revision Commission Implementation Amendment Act of 2014, passed on 2nd reading on June 24, 2014 (Enrolled version of Bill 20-750) ("TRC Act"), according to the priority set forth in subsection (c) of this section, for taxable years beginning or deaths occurring, as applicable, after December 31, 2015

"(b) After the Fiscal Year 2016 budget and financial plan has been approved, any recurring revenues in a quarterly revenue estimate preceding any subsequent fiscal year, net of the dedication required by § 47-392 02(f), that exceed the local revenue incorporated in the approved budget and financial plan for that year shall be used to continue implementation of the TRC Act according to the priority set forth in subsection (c) of this section for taxable years beginning or deaths occurring, as applicable, after December 31 of the year of the applicable February estimate

"(c) The tax reform provisions of this section shall be implemented in the following priority

"(1) Reduce the rate on the new individual income tax middle bracket of \$40,000 - \$60,000 from 7 0% to 6 75%,

"(2) Create new individual income tax brackets of \$350,000 to \$1 million at 8 75% and in excess of \$1million at 8 95%,

"(3) Reduce the unincorporated and incorporated business franchise tax from 9 4% to 9 2%,

"(4) Reduce the rate on the new individual income tax middle bracket of \$40,000 - \$60,000 from 6 75% to 6 5%,

"(5) Reduce the unincorporated and incorporated business franchise tax from 9 2% to 9 0%

"(6) Raise the estate tax threshold from \$1 million to \$2 million,

"(7) Raise the standard deduction from \$5,200 for singles, \$6,650 for Head of Household, and \$8,350 for married to \$5650 for singles, \$7,800 for Head of Household, and \$10,275 for married,

"(8) Increase the personal exemption from \$1,675 to \$2,200,

"(9) Raise the standard deduction from \$5,650 for singles, \$7,800 for Head of Household, and \$10,275 for married to conform to the federal level,

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- “(10) Increase the personal exemption from \$2,200 to \$2,700,
- “(11) Reduce the unincorporated and incorporated business franchise tax from 9 0% to 8 75%,
- “(12) Increase the personal exemption from \$2,700 to \$3,200,
- “(13) Raise estate threshold from \$2 million to conform to the federal level,
- “(14) Reduce unincorporated and incorporated business franchise tax from 8 75% to 8 5%,
- “(15) Increase the personal exemption from \$3,200 to \$3,700,
- “(16) Reduce unincorporated and incorporated business franchise tax from 8 5% to 8 25%, and
- “(17) Increase the personal exemption from \$3,700 to conform to the federal level, and repeal the low income credit

“(d) Except for those provisions of the TRC Act that are funded in the approved budget and financial plan for Fiscal Year 2015, the currently unfunded provisions of the TRC Act shall not apply until their fiscal effect is provided for pursuant to this section

“(e) The cost of the tax policy reforms authorized by subsections (a) and (b) of this section shall be recalculated on an annual basis and reported in each February revenue estimate ”

(c) Chapter 18 is amended as follows

(1) Section 47-1801 04 is amended as follows

(A) Paragraph (11)(A) is amended by striking the phrase "paragraph (44)(A) and (B)" and inserting the phrase "paragraph (44)(A), (B), and (C)" in its place

(B) Paragraph (43) is amended by striking the phrase "section " and inserting the phrase "section The term "sales" does not include receipts of a taxpayer from hedging transactions and from the maturity, redemption, sales, exchange, loan, or other disposition of cash or securities " in its place

(C) Paragraph (44) is amended to read as follows

"(44) "Standard deduction" means

"(A) In the case of a return filed by a single individual or married individual filing a separate return

"(i) For taxable years beginning before January 1, 2015, the amount of \$4,000 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50),

"(ii) For taxable years beginning after January 1, 2015, the highest of

“(I) \$5,200 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50),

“(II) Subject to availability of funding and in accordance with § 47-181, \$5,650 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50), or

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“(III) Subject to availability of funding and in accordance with § 47-181, the amount of the standard deduction as prescribed in section 63(c) of the Internal Revenue Code of 1986,

“(B) In the case of a return filed by a head of household

“(i) For taxable years beginning before January 1, 2015, the amount of \$4,000 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50),

“(ii) For taxable years beginning after January 1, 2015, the highest of

“(I) \$6,650 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50),

“(II) Subject to availability of funding and in accordance with § 47-181, \$7,800 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50), or

“(III) Subject to availability of funding and in accordance with § 47-181, the standard deduction as prescribed in section 63(c) of the Internal Revenue Code of 1986,

“(C) In the case of a return filed by married individuals filing a joint return, or a surviving spouse

“(i) For taxable years beginning before January 1, 2015, the amount of \$4,000 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50),

“(ii) For taxable years beginning after January 1, 2015, the highest of

“(I) \$6,650 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50),

“(II) Subject to availability of funding and in accordance with § 47-181, \$7,800 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50), or

“(III) The standard deduction as prescribed in section 63(c) of the Internal Revenue Code of 1986, and

“(D) In the case of an individual who is a resident, as defined in paragraph (42) of this section, for less than a full 12-month taxable year, the amounts specified in subparagraph (A), (B), or (C) of this paragraph prorated by the number of months that the individual was a resident ”

(2) Section 47-1803 02(a)(2)(N) is amended as follows

(A) Sub-subparagraph (i) is amended by striking the word "and" at the

end

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(B) Sub-subparagraph (ii) is amended by striking the period and inserting the phrase ", and" in its place

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

"(iii) This paragraph shall apply for taxable years beginning before January 1, 2015 "

(3) Section 47-1803 03(b-1) is amended by striking the phrase "An individual" and inserting the phrase "For taxable years beginning before January 1, 2015, an individual" in its place

(4) Section 47-1806 02 is amended as follows

(A) Subsection (c) is amended to read as follows

"(c) Before January 1, 2015, there shall be allowed an additional exemption for a taxpayer who qualifies as a head of household "

(B) Subsection (d) is amended by striking the phrase "There shall" and inserting the phrase "Until § 47-181(c)(I) is implemented, there shall" in its place

(C) Subsection (e) is amended by striking the phrase "There shall" and inserting the phrase "Until § 47-181(c)(I) is implemented, there shall" in its place

(D) Subsection (f)(1)(A) is amended to read as follows

"(A) Whose gross income for the calendar year in which the year of the taxpayer begins is less than the higher of

"(i) \$1,675, increased annually, beginning January 1, 2013, by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50), or

or"
"(ii) The amount set forth in subsection (i) of this section,

(E) Subsection (i) is amended to read as follows

"(i) For the purposes of this section, the deduction for personal exemptions shall be

"(1) For taxable years beginning after December 31, 2012, \$1,675, increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50), or

"(2) Subject to availability of funding and in accordance with § 47-181 and subject to § 47-1806 04(e), the amount shall be

"(A) \$2,200,

"(B) \$3,200, or

"(C) The prescribed personal exemption amount in section 151 of the Internal Revenue Code of 1954 without reduction for the phaseout of section 151(d)(3) of the Internal Revenue Code of 1954 "

(F) A new subsection (h-1) is added to read as follows

"(h-1)(1) The amount of the personal exemption otherwise allowable for the taxable year in the case of an individual whose adjusted gross income exceeds \$150,000 shall be reduced by 2% for every \$2,500 of the excess of the adjusted gross income over \$150,000

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"(2) No amount of the personal exemption in excess of the amount provided in paragraph (1) of this subsection shall be available for an adjusted gross income in excess of \$275,000 "

(5) Section 47-1806 03(a) is amended as follows

(A) Paragraph (8)(B) is amended by striking the phrase "January 1, 2016" and inserting the phrase "January 1, 2015" in its place

(B) New paragraphs (9) and (10) are added to read as follows

"(9) In the case of the taxable year beginning after December 31, 2014, there is imposed on the taxable income of every resident a tax determined in accordance with the following table

"If the taxable income is	The tax is
"Not over \$10,000	4% of the taxable income
"Over \$ 10,000 but not over \$ 40,000	\$400, plus 6% of the excess over \$ 10,000
"Over \$ 40,000 but not over \$ 60,000	\$2,200, plus 7% of the excess over \$ 40,000
"Over \$ 60,000 but not over \$ 350,000	\$3,600, plus 8 5% of the excess over \$ 60,000
"Over \$350,000	\$28,250, plus 8 95% of the excess above \$350,000

"(10) In the case of taxable years beginning after December 31, 2015, there is imposed on the taxable income of every resident a tax determined in accordance with the following table

"(A) "If the taxable income is	The tax is
"Not over \$ 10,000	4% of the taxable income
"Over \$ 10,000 but not over \$ 40,000	\$400, plus 6% of the excess over \$ 10,000, and
"(B) Subject to availability of funding and in accordance with § 47-181,	
"If the taxable income is	The Tax is
"Over \$ 40,000 but not over \$ 60,000	\$2,200, plus 6 5% of the excess over \$ 40,000
"Over \$ 60,000 but not over \$ 350,000	\$3,500, plus 8 5% of the excess over \$ 60,000
"Over \$350,000 but not over \$1,000,000	\$28,150, plus 8 75% of the excess above \$350,000
"Over \$1,000,000	\$85,025, plus 8 95% of the excess above \$1,000,000

"(C) Paragraph (9) of this subsection shall continue to apply for taxable years beginning after December 31, 2015, except where superseded by any funded provision of § 47-181, until subparagraph (B) of this paragraph is fully applicable "

(6) Section 47-1806 04 is amended as follows

(A) Subsection (e) is amended by adding a new paragraph (4) to read as follows

"(4) The credit provided for in paragraph (1) of this subsection shall no longer be allowed upon the personal exemption being increased to conform to the federal level "

(B) Subsection (f) is amended as follows

(i) Paragraph (1) is amended as follows

(I) Designate the existing text as subparagraph (A)

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(II) New subparagraphs (B) and (C) are added to read as follows

"(B) If a return is filed for a full calendar or fiscal year beginning after December 31, 2014, an individual with a qualifying child who is eligible for and claimed an earned income tax credit on their federal tax return under section 32 of the Internal Revenue Code of 1986 shall be allowed a credit against the tax imposed by this chapter for the taxable year in an amount equal to 40% of the earned income tax credit allowed under section 32 of the Internal Revenue Code of 1986

"(C)(i) If a return is filed for a full calendar or fiscal year beginning after December 31, 2014, an individual without a qualifying child who is eligible for an earned income tax credit on their federal tax return under section 32 of the Internal Revenue Code of 1986 (without regard to the limit in section 32(a)(2) of the Internal Revenue Code of 1986) shall be allowed a credit against the tax imposed by this chapter in an amount equal to the credit percentage of so much of a taxpayer's earned income as does not exceed the earned income amount

"(ii) The amount of the credit allowable to a taxpayer under subparagraph (i) of this subparagraph for any taxable year shall not exceed the credit percentage of the earned income amount, over the phaseout percentage of 8 48% of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds the phaseout amount of \$17,235, increased annually by the cost-of-living adjustment "

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

"(4) For the purposes of this subsection, credit percentage, earned income, earned income amount, and qualifying child shall have the same meanings as provided in section 32 of the Internal Revenue Code of 1986 "

(C) Subsection (g)(1) is amended by striking the phrase "under subsection" and inserting the phrase "under subsection (f)(1)(C) of this section or subsection" in its place

(7) Section 47-1807 02(a) is amended by adding new paragraphs (5) and (6) to read as follows

"(5) For the taxable year beginning after December 31, 2014, a tax at the rate of 9 4% upon the taxable income of every corporation, whether domestic or foreign, and

"(6) Subject to availability of funding and in accordance with § 47-181, upon the taxable income of every corporation, whether domestic or foreign, a tax at the rate of 9%, 8 75%, 8 5%, or 8 25% "

(8) Section 47-1808 01 is amended as follows

(A) Paragraph (4) is amended by striking the word "or" at the end

(B) Paragraph (5) is amended by striking the period at the end and inserting the phrase ", or" in its place

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

"(6) For tax years beginning after December 31, 2014, a trade or business that arises solely by reason of the purchase, holding, or sale of, or the entering, maintaining, or

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terminating of positions in, stocks, securities, or commodities for the taxpayer's own account, provided, that this paragraph shall not apply to

"(A) A taxpayer that holds property, or maintains positions, as stock in trade, inventory, or for sale to customers in the ordinary course of the taxpayer's trade or business,

"(B) A taxpayer that acquires debt instruments in the ordinary course of the taxpayer's trade or business for funds loaned or services rendered, or

"(C) A taxpayer that holds any of the following that is not traded on an established securities market

"(i) Stock in a real estate investment trust, or

"(ii) A partnership interest "

(9) Section 47-1808 03(a) is amended by adding new paragraphs (5) and (6) to read as follows

"(5) For the taxable year beginning after December 31, 2014, a tax at the rate of 9.4% upon the taxable income of every unincorporated business, whether domestic or foreign, and

"(6) Subject to availability of funding and in accordance with § 47-181, upon the taxable income of every unincorporated business, whether domestic or foreign, a tax at the rate of 9%, 8.75%, 8.5%, or 8.25% "

(10) Section 47-1810 02 is amended as follows

(A) Subsection (d) is amended by striking the phrase "(d-1), all" and inserting the phrase "(d-1) or (d-2), whichever is applicable, all" in its place

(B) Subsection (d-1)(2) is amended by striking the phrase "beginning after December 31, 2010 " and inserting the phrase "beginning after December 31, 2010, and before January 1, 2015 " in its place

(C) A new subsection (d-2) is added to read as follows

"(d-2) Apportionment of business income

"(1) All business income shall be apportioned to the District by multiplying the income by the sales factor

"(2) This subsection shall be applicable for the tax years beginning after December 31, 2014 "

(D) Subsection (g)(3) is amended to read as follows

"(3)(A) Sales, other than sales of tangible personal property, are in the District if the taxpayer's market for the sales is in the District. The taxpayer's market for sales is in the District

"(1) In the case of sale, rental, lease, or license of real property, if and to the extent the property is located in the District,

"(ii) In the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in the District,

"(iii) In the case of the sale of a service, if and to the extent the service is delivered to a location in the District, and

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"(iv) In the case of intangible property

"(I) That is rented, leased, or licensed, if and to the extent the property is used in the District, provided, that intangible property utilized in marketing a good or service to a consumer is used in the District if that good or service is purchased by a consumer who is in the District, and

"(II) That is sold, if and to the extent the property is used in the District, provided, that

"(aa) A contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is used in the District if the geographic area includes all or part of the District,

"(bb) Receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property shall be treated as receipts from the rental, lease, or licensing of such intangible property under sub-sub-paragraph (I) of this sub-subparagraph, and

"(cc) All other receipts from a sale of intangible property shall be excluded from the numerator and denominator of the sales factor

"(B) If the state or states of assignment under subparagraph (A) of this paragraph cannot be determined, the state or states of assignment shall be reasonably approximated

"(C) If the taxpayer is not taxable in a state in which a sale is assigned under subparagraph (A) or (B) of this paragraph, or if a state of assignment cannot be determined under subparagraph (A) of this paragraph or reasonably approximated under subparagraph (B) of this paragraph, the sale shall be excluded from the denominator of the sales factor

"(D) The Chief Financial Officer may prescribe regulations as necessary or appropriate to carry out the purposes of this subsection "

(11) Section 47-1810 04(c) is amended as follows

(A) The lead-in text is amended by striking the phrase "The taxpayer's share" and inserting the phrase "Except as provided in paragraph (3), the taxpayer's share" in its place

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

"(3) For taxable years beginning after December 31, 2014, the apportionment provisions of § 47-1810 02(d-2) shall apply "

(d) Section 47-2001 is amended as follows

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

"(e-1) "e-cigarette" means an electronic vaporizer that produces an aerosol that simulates tobacco smoking "

(2) Subsection (h-3) is amended to read as follows

"(h-3) "Other tobacco product" means any product containing, made, or derived from tobacco, other than a cigarette or a premium cigar, that is intended or expected to be consumed. The term "other tobacco product" does not include an e-cigarette or any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation

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product, a tobacco dependence product, or for other medical purposes and is being marketed and sold solely for the approved purpose "

(3) Subsection (n) is amended as follows

(A) Paragraph (1) is amended as follows

(i) Subparagraph (T) is amended by striking the word "or" at the end

(ii) Subparagraph (U) is amended by striking the period at the end and inserting a semicolon in its place

(iii) New subparagraphs (V), (W), (X), (Y), (Z), and (AA) are added to read as follows

"(V) The sale by a bottled water delivery service of bottled water by the gallon generally for use with and to be dispensed from a water cooler or similar type of water dispenser,

"(W) The sale of or charge for the service of the storage of household goods through renting or leasing space for self-storage, including rooms, compartments, lockers, containers, or outdoor space, except general merchandise warehousing and storage and coin-operated lockers,

"(X) The sale of or charge for the service of carpet and upholstery cleaning, including the cleaning or dyeing of used rugs, carpets, or upholstery, or for rug repair,

"(Y)(i) The sale of or charge for health-club services or a tanning studio,

"(ii) For the purposes of this subparagraph, the term

"(I) "Health-club services" includes the use of, access to, or membership to, an athletic club, fitness center, gym, recreational sports facilities featuring exercise and other active physical fitness conditioning or recreational sports activities including swimming, skating, or racquet sports, or other facility for the purpose of physical exercise. The term "health club services" does not include the use of facilities for non-fitness-related purposes, including room rentals, or for other services or charges covered by a separate contract with the user, such as a lease or occupancy agreement

"(II) "Tanning studio" means a business the purpose of which is to provide individuals a manmade tan, including sun tanning salons and spray tanning salons,

"(Z) The sale of or charge for the service of car washing, including cleaning, washing, waxing, polishing, or detailing an automotive vehicle, except not for coin-operated self-service carwashes, or

"(AA)(i) The sale of or charge for the service of a bowling alley or a billiard parlor,

"(ii) For the purposes of this subparagraph, the term

"(I) "Billiard parlor" means the structure where the game of striking balls on a cloth-covered table with a cue stick for amusement and recreation takes place, including a billiard room, pool room, and pool parlor

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“(II) "Bowling alley" means a structure where the game of rolling a ball down a wooden alley to knock down pins for amusement and recreation takes place, including candle-pin, duck-pin, five-pin, and ten-pin bowling ”

(B) Paragraph (2)(J) is amended to read as follows

"(J) Sales of cigarettes, as defined in § 47-2401(1A), and other tobacco product, as defined in § 47-2401(5A) ”

(e) Chapter 24 is amended as follows

(1) The chapter heading is amended by striking the word “CIGARETTE” and inserting the word “TOBACCO” in its place

(2) Section 47-2401 is amended as follows

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

“(1) The term “cigar” means any roll for smoking, other than a cigarette, where both the roll and wrapper or cover of the roll are composed entirely of tobacco ”

(B) Paragraph (2) is amended by striking the word “cigarettes” and inserting the phrase “cigarettes or other tobacco products” in its place

(C) Paragraph (5) is amended by striking the phrase “cigarettes, cigars, or other tobacco products” and inserting the phrase “cigarettes or other tobacco products” in its place

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

“(5A) The term "other tobacco product" means any product containing, made from, or derived from tobacco, other than a cigarette or premium cigar, that is intended or expected to be consumed. The term “other tobacco product” does not include an e-cigarette (as that term is defined in § 47-2001(e-1)) or any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and that is being marketed and sold solely for such an approved purpose ”

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

“(7A) The term "premium cigar" means any cigar with a retail cost of \$ 2 00 or more, or packaged units of cigars averaging \$ 2 00 or more per packaged cigar at retail ”

(F) Paragraph (8) is amended by striking the word “cigarettes” and inserting the phrase “cigarettes or other tobacco products” in its place

(G) Paragraph (8A) is repealed

(H) Paragraph (10) is amended by striking the word “cigarettes” and inserting the phrase “cigarettes or other tobacco product” in its place

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

“(11) The term “wholesale price” means the price for which a licensed wholesaler sells other tobacco products. The wholesale price includes the applicable federal excise tax, freight charges, or packaging costs, regardless of whether they were included in the purchase price, but excludes any discount, trade allowance, rebate, or other reduction ”

(3) Section 47-2402 is amended by striking the word “payment” in the section heading and inserting the phrase “payment of cigarette tax” in its place

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(4) Section 47-2402 01 is amended as follows

(A) The section heading is amended to read as follows

“§ 47-2402 01 Tax on other tobacco products ”

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

“(a)(1)(A) A tax is levied and imposed on the sale or possession of other tobacco products in the District

“(B)(i) Other tobacco products on which the taxes levied and imposed by this section have been paid shall not be subject to additional taxation under this section, provided, that the burden of proof that the taxes levied and imposed by this section have been paid shall be upon the person who sells or possesses other tobacco products in the District, against whom a tax assessment has been made, who has submitted an application for a refund, or whose other tobacco products have been seized

“(ii) For the purposes of this subparagraph, the term "person" includes any officer or employee of a corporation responsible for payment of the tax, or any member of a partnership or association responsible for the payment of the tax

“(C) The tax rate for other tobacco products shall be equal to the cigarette tax and surtax under § 47- 2402(a)(1)-(2) on a pack of 20 cigarettes, expressed as a percentage of the average wholesale price of a package of 20 cigarettes, for the March 31 preceding the September 1 announcement of the change in rates, or in the case of retailers upon whom this tax is imposed, at a rate prescribed in regulations promulgated by the Mayor The first calculation shall be made and applicable for calendar quarters beginning after September 30, 2014

“(D) The rate shall be applied against gross receipts from sales of or charges for such other tobacco products subject to the tax under this section

“(2)(A) Beginning as of March 31, 2015, and on March 31 of each year thereafter, the Mayor shall reevaluate the percentage calculation in paragraph (1) of this subsection on the basis of the § 47-2402 cigarette tax and surtax to be effective on the following October 1 on a pack of 20 cigarettes and shall recompute the tax rate on other tobacco product as defined in this chapter

“(B) The Mayor shall provide notice of any change in the tax rate for other tobacco products on or before September 1 of that year, and the change shall be effective as of the following October 1 ”

(5) Section 47-2403 is amended as follows

(A) Subsection (a) is amended as follows

(i) Paragraph (1) is amended by striking the word “cigarettes” wherever it appears and inserting the phrase “cigarettes or other tobacco products” in its place

(ii) Paragraph (4) is amended by striking the word “and” at the end

(iii) Paragraph (5) is amended as follows

(I) Strike the word “cigarettes” and insert the phrase “cigarettes or other tobacco products” in its place

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(II) Strike the period and insert the phrase “, and” in its place

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

“(6) Possession of other tobacco product by licensed wholesalers for sale outside of the limits of the District or for sale to other licensed wholesalers as provided for in § 47-2402(f), sales of other tobacco products by licensed wholesalers to other licensed wholesalers as provided for in § 47-2402(f), and possession by authorized licensed retailers and vending machine operators of other tobacco products on which the tax rate for any other state or jurisdiction has been paid, for sale in such other state or jurisdiction, provided, that such authorized licensed retailers and vending machine operators are licensed under the laws of such other state or jurisdiction to engage in the business of selling other tobacco products therein ”

(B) Subsection (b) is amended by striking the word “cigarettes” wherever it appears and inserting the phrase “cigarettes or other tobacco products” in its place

(6) Section 47-2404(3)(B) is amended by striking the word “cigarettes” wherever it appears and inserting the phrase “cigarettes or other tobacco products” in its place

(7) Section 47-2405 is amended as follows

(A) The heading is amended by striking the phrase “cigarettes ” and inserting the phrase “cigarettes and other tobacco products ” in its place

(B) Subsections (a) and (b) are amended to read as follows

“(a) Any person, other than a consumer, who transports cigarettes not bearing District cigarette tax stamps or other tobacco products over the public highways, roads, streets, waterways, or other public space of the District, shall have in his actual possession invoices or delivery tickets for such cigarettes or other tobacco products, which show the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes or other tobacco products so transported

“(b) If the cigarettes or other tobacco products are consigned to or purchased by any person in the District, such purchaser or consignee must be a person authorized by this chapter to possess unstamped cigarettes or untaxed other tobacco products in the District. If the invoice or delivery ticket specifies that the cigarettes or other tobacco products are to be delivered to any person in any state or jurisdiction other than the District, such person must be licensed under the laws of such other state or jurisdiction to engage in the business of selling cigarettes or other tobacco products within that state or jurisdiction. Any cigarettes or other tobacco products transported in violation of any of the provisions of this section shall be deemed contraband cigarettes and other tobacco products and such cigarettes or other tobacco products, the conveyance in which such cigarettes or other tobacco products are being transported, and any equipment or devices used in connection with, or to facilitate, the transportation of such cigarettes or other tobacco products shall be subject to seizure and forfeiture as provided for in § 47-2409 ”

(8) Section 47-2408 is amended as follows

(A) Subsection (b) is amended as follows

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(i) Paragraph (3)(B) is amended by striking the word "cigarettes" and inserting the phrase "cigarettes or other tobacco product" in its place

(ii) Paragraph (4) is amended to read as follows

"(4) Stop any conveyance that the Mayor has knowledge or reasonable cause to believe is carrying more than 200 cigarettes or other tobacco products with a value exceeding the wholesale price of 200 cigarettes and, upon presenting appropriate credentials to the operator of the conveyance, examine the invoices or delivery tickets for such cigarettes or other tobacco products and inspect the conveyance for contraband cigarettes or other tobacco products "

(B) Subsection (c) is amended by striking the word "cigarettes" wherever it appears and inserting the phrase "cigarettes or other tobacco product" in its place

(C) Subsection (g) is amended by striking the word "cigarettes" and inserting the phrase "cigarettes or other tobacco product" in its place

(9) Section 47-2422(a) is amended by striking the word "cigarette" and inserting the phrase "cigarette or other tobacco product" in its place

(10) Section 47-2425(b) is amended by striking the word "cigarettes" wherever it appears and inserting the phrase "cigarettes or other tobacco products" in its place

(f) Chapter 37 is amended as follows

(1) Section 47-3701 is amended as follows

(A) The lead-in language of paragraph (4)(C) is amended to read follows

"(C) For a decedent dying after December 31, 2002, but before January 1, 2016 "

(B) Paragraph (6) is amended by striking the period and inserting the phrase ", provided, that if the federal estate tax is not in effect at the time of the decedent's death, it means the Internal Revenue Code as in effect immediately before the federal estate tax ceased to be in effect " in its place

(C) Paragraph (12) is amended as follows

(i) Subparagraph (B) is amended by striking the phrase "decedent whose death occurs on or subsequent to January 1, 2008, the meaning defined in section 2501" and inserting the phrase "decedent dying after December 31, 2007, but before January 1, 2015, the meaning defined in section 2051" in its place

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

"(C) For a decedent dying after December 31, 2014, the meaning defined in section 2051 of the Internal Revenue Code, but without reduction for the deduction provided in section 2058 of the Internal Revenue Code, and calculated as if the federal estate tax recognized a domestic partner in the same manner as a spouse "

(D) A new paragraph (12A) is added to read as follows

"(12A) "Taxable situs" means with regard to

"(A) Real property, the place where the property is situated,

"(B) Tangible personal property, the place where the property is customarily located at the time of the decedent's death, and

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"(C) Intangible personal property, the domicile of the decedent at the time of the decedent's death, provided, that intangible personal property used in a trade or business in the District shall have a taxable situs in the District regardless of the domicile of the owner "

(E) Paragraph (13) is amended to read as follows

"(13) "Value" means value as finally determined for federal estate tax purposes, or otherwise defined under the Internal Revenue Code

(F) A new paragraph (14) is added to read as follows

"(14) (A) "Zero bracket amount" means, subject to available funding and in accordance with § 47-181

“(i) \$2 million, or

“(ii) \$5 million increased by an amount equal to \$5 million multiplied by the cost-of-living adjustment for the calendar year

"(B) For the purposes of this paragraph, the term

"(i) "Cost-of-living adjustment" means for a calendar year the percentage (if any) by which the CPI for the preceding calendar year exceeds the CPI for the calendar year 2010, provided, that for any amount as adjusted under the preceding sentence that is not a multiple of \$10,000, the amount shall be rounded to the nearest \$10,000

"(ii) "CPI" means the consumer price index as defined in sections 1(f)(4) and (5) of the Internal Revenue Code "

(2) Section 47-3702 is amended as follows

(A) Subsection (a) is amended by striking the phrase "resident dying on or after April 1, 1987, subject" and inserting the phrase "resident decedent dying after March 31, 1987, but before January 1, 2015, subject" in its place

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

"(a-1) A tax is imposed on the taxable estate of every resident decedent dying after December 31, 2015, as follows

"(1) The rate of tax shall be 16%, except, that if the taxable estate does not exceed the zero bracket amount, the tax rate shall be 0%, and if the taxable estate exceeds the zero bracket amount, the following tax rates shall be applied to the incremental values of the taxable estate

“(A) The rate of tax on the taxable estate over \$2 million but not over \$2 5 million shall be 8 0%,

“(B) The rate of tax on the taxable estate over \$2 5 million but not over \$3 million shall be 8 8%,

“(C) The rate of tax on the taxable estate over \$3 million but not over \$3 5 million shall be 9 6%,

“(D) The rate of tax on the taxable estate over \$3 5 million but not exceeding \$4 million shall be 10 4%,

“(E) The rate of tax on the taxable estate over \$4 million but not exceeding \$5 million shall be 11 2%,

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“(F) The rate of tax on the taxable estate over \$5 million but not exceeding \$6 million shall be 12%,

“(G) The rate of tax on the taxable estate over \$6 million but not exceeding \$7 million shall be 12 8%,

“(H) The rate of tax on the taxable estate over \$7 million but not exceeding \$8 million shall be 13 6%,

“(I) The rate of tax on the taxable estate over \$8 million but not exceeding \$9 million shall be 14 4%, and

“(J) The rate of tax on the taxable estate over \$9 million but not exceeding \$10 million shall be 15 2%

“(2) If any real or tangible personal property of a resident decedent has a taxable situs outside the District, the amount of the tax due under this section shall be reduced by the proportion that the value of the real or tangible property outside the District bears to the amount of the gross estate of the resident decedent ”

(C) Subsection (b) is amended by striking the word "If" and inserting the phrase "For a decedent dying before January 1, 2015, if" in its place

(D) Subsection (c) is repealed

(3) Section 47-3703 is amended as follows

(A) Subsection (b) is amended by striking the word "The" and inserting the phrase "For every nonresident decedent dying before January 1, 2016, the" in its place

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

"(b-1) For every nonresident decedent dying after December 31, 2015, the tax shall be an amount computed by multiplying the tax determined under § 47-3702(a-1) by a fraction, the numerator of which shall be the value of that part of the gross estate that has its taxable situs in the District and the denominator of which shall be the value of the nonresident decedent's gross estate "

(C) Subsection (c) is repealed

(4) Section 47-3705(a)(2) is amended to read as follows

"(2) A personal representative shall not be required to file a return if the gross estate does not exceed \$1 million or the zero bracket amount, whichever is higher "

(5) Section 47-3723 is repealed

Sec 7013 Section 7 of the Government Employer-Assisted Housing Amendment Act of 1999, effective May 9, 2000 (D C Law 13-96, D C Official Code § 42-2506), is amended by adding a new subsection (c) to read as follows

"(c) This section shall apply for taxable years beginning after October 1, 2006, through the taxable year ending December 31, 2014 "

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SUBTITLE C. URBAN INSTITUTE REAL PROPERTY TAX REBATE

Sec 7021 Short title

This subtitle may be cited as the "The Urban Institute Real Property Tax Rebate Amendment Act of 2014"

Sec 7022 Section 47-4624 of the District of Columbia Official Code is amended to read as follows,

"§ 47-4624 The Urban Institute tax rebate

"(a) If The Urban Institute leases and occupies a building or a portion of a building that is subject to real property taxation under Chapter 8 of this title, The Urban Institute shall receive a rebate of its proportionate share of the real property tax paid with respect to the building, if

"(1) It is liable under the lease for its proportionate share of the real property tax,

"(2) It applies for the rebate of real property tax by September 15 of the calendar year in which the tax was payable as provided under § 47-811, and

"(3) The real property tax was paid

"(b) The rebate shall be the amount of the portion of the real property tax that was paid, either directly or indirectly, by The Urban Institute under its lease with the lessor

"(c) The application for the rebate shall include

"(1) A copy of the lease with the lessor, and

"(2) Documentation that the tax has been paid

"(d) If a proper application has been made, the Chief Financial Officer shall rebate the tax on or before December 31 of the same calendar year

"(e) The real property tax rebate established by this section shall begin no earlier than January 1, 2015, and shall be effective for a 10-year period. The first year of the 10-year period shall be the year that The Urban Institute occupies a building or a portion of a building that is subject to real property taxation under Chapter 8 of this title pursuant to a signed lease with the lessor of that building or building portion. The amount of the rebate shall not exceed \$1 million per tax year "

SUBTITLE D. INDUSTRIAL REVENUE BOND SECURITY INTEREST INSTRUMENT RECORDATION TAX EXEMPTION

Sec 7031 Short title

This subtitle may be cited as the "Industrial Revenue Bond Security Interest Instrument Recordation Tax Exemption Amendment Act of 2014"

Sec 7032 Section 302 of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat 11, D C Official Code § 42-1102), is amended as follows

(a) Paragraph (31) is amended by striking the word "and"

(b) Paragraph (32) is amended by striking the period and inserting a semicolon in its place

(c) A new paragraph (33) is added to read as follows

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"(33) A security interest instrument executed by a borrower in connection with a loan under the Industrial Revenue Bond Forward Commitment Program authorized by Subchapter II-B of Chapter 3 of Title 47 of the District of Columbia Official Code, provided, that unless waived by regulation, a certification by the Mayor that the security interest instrument is entitled to this exemption accompanies the security interest instrument at the time it is presented for recordation, and"

SUBTITLE E. FISCAL YEAR 2014 BUDGET SUPPORT ACT AMENDMENTS

Sec 7041 Short title

This subtitle may be cited as the "Fiscal Year 2014 Budget Support Act Amendment Act of 2014"

Sec 7042 The Fiscal Year 2014 Budget Support Act of 2013, effective December 24, 2013 (D C Law 20-61, 60 DCR 12472), is amended as follows

- (a) Section 4092 is repealed
- (b) Section 4122 is repealed

Sec 7043 Title 47 of the District of Columbia Official Code is amended as follows

- (a) Section 47-2002(c) is repealed
- (b) Section 47-2402(l) of the District of Columbia Official Code is amended as follows
 - (1) Paragraph (1) is amended by striking the phrase "Department of Behavioral Health" and inserting the phrase "Department of Health" in its place
 - (2) Paragraph (2)(A) is amended to read as follows
 - "(A) Such funds as may be appropriated from time to time, and"
 - (3) Paragraph (4) is repealed

Sec 7044 Section 6a of the Commission on the Arts and Humanities Act, effective January 29, 1998 (D C Law 12-42, D C Official Code § 39-205 01), is amended as follows

- (a) Subsection (a-1)(1) is repealed
- (b) Subsection (a-2) is repealed
- (c) Subsection (f) is repealed

SUBTITLE F. SENIOR CITIZEN REAL PROPERTY TAX RELIEF

Sec 7051 Short title

This subtitle may be cited as the "Senior Citizen Real Property Tax Relief Amendment Act of 2014"

Sec 7052 Title 47 of the District of Columbia Official Code is amended as follows

- (a) Chapter 8 is amended as follows
 - (1) Section 47-845 03(c) is amended to read as follows

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“(c) Taxes deferred under this section shall bear simple interest at the rate of ½% per month or portion of a month until paid, provided, that if an individual owner is 75 years of age or older, has less than \$12,500 of household interest and dividend income, and has owned a residence in the District for at least 25 years (including no more than 2 consecutive gaps of ownership where each gap shall not exceed 120 days), no interest shall bear for taxes deferred under this section ”

(2) Section 47-863(a) is amended by adding a new paragraph (6) to read as follows

“(6) “20 consecutive tax years” shall include no more than 2 consecutive gaps of ownership where each gap shall not exceed 120 days ”

(b) Section 47-1806 06 is amended as follows

(1) Subsection (a) is amended as follows

(A) Paragraph (2)(C) is amended by striking the phrase "for all claimants" and inserting the phrase "for all claimants other than eligible senior claimants" in its place

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

“(2A) For taxable years beginning after December 31, 2014, the percentage required under paragraph (1) of this subsection to be determined for eligible senior claimants shall be 100% of property tax or of rent constituting property taxes accrued exceeding 3 0% of adjusted gross income of the tax filing unit ”

(2) Subsection (b) is amended by adding a new paragraph (9) to read as follows

“(9) The term "eligible senior claimant" means a claimant who is 70 years or older at any time during the tax year and whose adjusted gross income does not exceed \$60,000 ”

(3) Subsection (r) is amended by striking the phrase “\$50,000 shall be” and inserting the phrase “\$50,000 (\$60,000 for eligible senior claimants) shall be” in its place

SUBTITLE G. WHITMAN-WALKER REAL PROPERTY TAX REBATE

Sec 7061 Short title

This subtitle may be cited as the "Whitman-Walker Tax Rebate Act of 2014"

Sec 7062 Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows

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

"47-4662 Whitman-Walker Clinic, Inc , Lot 129, Square 241 "

(b) A new section 47-4662 is added to read as follows

"§ 47-4662 Whitman-Walker Clinic, Inc , Lot 129, Square 241 "

"(a) Real property taxes paid with respect to Lot 129, Square 241 shall be rebated to the Whitman-Walker Clinic, Inc ("WWC"), to the extent of WWC's proportionate share of the real property tax incurred if

(1) The WWC is liable under the lease for its proportionate share of the real property tax,

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"(2) The WWC applies for the rebate of real property tax by September 15 of the calendar year in which the tax was payable as provided under § 47-811, and

"(3) The real property tax was paid

"(b) The rebate shall be the amount of the real property tax passed through to WWC under a lease with the lessor that was paid, directly or indirectly, by WWC

"(c) The application for the rebate shall include

"(1) A copy of the lease with lessor, and

"(2) Documentation that the real property tax has been paid

"(d) If a proper application as required by this section has been submitted, the Chief Financial Officer shall rebate the real property tax on or before December 31 of the same calendar year

"(e) The rebate provided pursuant to this section shall apply beginning with tax year 2015

"(f) The rebate provided pursuant to this section shall be in addition to, and not in lieu of, any other tax, financial, or development incentive, or tax credit, or any other type of incentive provided to WWC under any District or federal program "

SUBTITLE H. ENCOURAGING ALTERNATIVE FUEL VEHICLES AND INFRASTRUCTURE INSTALLATION THROUGH TAX INCENTIVES

Sec 7071 Short title

This subtitle may be cited as the "Alternative Fuel Vehicle and Infrastructure Installation Through Tax Incentives Act of 2014"

Sec 7072 Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows

(a) The table of contents is amended as follows

(1) New section designations 47-1806 12 and 47-1806 13 are added to Subchapter VI to read as follows

"47-1806 12 Tax on residents and non-residents — Credits — Alternative fuel infrastructure credit

"47-1806 13 Tax on residents and non-residents – Credits – Alternative fuel vehicle conversion credit "

(2) New section designations 47-1807 10 and 47-1807 11 are added to Subchapter VII to read as follows

"47-1807 10 Tax on corporations — Credits — Alternative fuel infrastructure credit

"47-1807 11 Tax on corporations – Credits – Alternative fuel vehicle conversion credit "

(3) New section designations 47-1808 10 and 47-1808 11 are added to Subchapter VIII to read as follows

"47-1808 10 Tax on unincorporated businesses — Credits — Alternative fuel infrastructure credit

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"47-1808 11 Tax on unincorporated businesses – Credits – Alternative fuel vehicle conversion credit "

(b) New sections 47-1806 12 and 47-1806 13 are added to read as follows

"§ 47-1806 12 Tax on residents and non-residents — Credits — Alternative fuel infrastructure credit

"(a) Beginning with the taxable year after December 31, 2013, through the taxable year ending December 31, 2026, there shall be allowed against the tax imposed on an eligible applicant by § 47-1806 03 a credit in the amount of 50% of the equipment and labor costs directly attributable to the purchase and installation of alternative fuel storage and dispensing or charging equipment on a qualified alternative fuel vehicle refueling property or in a qualified private residence, provided, that the credit shall not exceed

"(1) For a qualified private residence, \$1,000 per vehicle charging station, or

"(2) For a qualified alternative fuel vehicle refueling property, \$10,000 per qualified alternative fuel vehicle refueling property or vehicle charging station

"(b) The equipment and labor costs for which a tax credit may be claimed under this section shall not include costs associated with the

"(1) Purchase of land, or access to land, to be used as a qualified alternative fuel vehicle refueling property,

"(2) Purchase of an existing qualified alternative fuel vehicle refueling property,
or

"(3) Construction or purchase of any structure

"(c) The credit claimed under this section in any one tax year may not exceed the taxpayer's tax liability under § 47-1806 03 for that year

"(d) If the amount of the tax credit permitted under this section exceeds the tax otherwise due under § 47-1806 03, the amount of the credit not used may be carried forward for up to 2 tax years. The credit shall not be refundable

"(e) If the alternative fuel storage and dispensing equipment or charging equipment on a qualified alternative fuel vehicle refueling property is no longer used to dispense or sell alternative fuel to the public, any unused tax credit shall be forfeited and the taxpayer may not claim a tax credit for the portion of the tax year after the date on which the alternative fuel storage and dispensing equipment or charging equipment was no longer used to dispense or sell alternative fuel to the public

"(f) For the purposes of this section, the term

"(1) "Alternative fuel" means a fuel used to power a motor vehicle that consists of one or more of the following

"(A) At least 85% ethanol,

"(B) Natural gas,

"(C) Compressed natural gas,

"(D) Liquefied natural gas,

"(E) Liquefied petroleum gas,

"(F) Biodiesel, excluding kerosene,

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"(G) Electricity provided by a vehicle-charging station, or
"(H) Hydrogen

"(2) "Eligible applicant" means a resident who is an owner or lessee of a qualified alternative fuel vehicle refueling property or a qualified private residence

"(3) "Qualified alternative fuel vehicle refueling property" means a property in the District that contains equipment available for use by the public for storing and dispensing alternative fuel, including charging electrically

"(4) "Qualified private residence" means a property that is the dwelling of a person that has a vehicle-charging station

"§ 47-1806 13 Tax on residents and non-residents – Credits – Alternative fuel vehicle conversion credit

"(a) Beginning with the taxable year after December 31, 2013, through the taxable year ending December 31, 2026, there shall be allowed against the tax imposed by § 47-1806 03 a credit in the amount of 50% of the equipment and labor costs directly attributable to the cost to convert a motor vehicle licensed in the District that operates on petroleum diesel or petroleum derived gasoline to a motor vehicle that operates on an alternative fuel, not to exceed \$19,000 per vehicle

"(b) The credit claimed under this section in any one tax year may not exceed the taxpayer's tax liability under § 47-1806 03 for that year The credit shall not be refundable

"(c) For the purposes of this section, the term "alternative fuel" shall have the same meaning as provided in § 47-1806 12(f)(1) "

(c) New sections 47-1807 10 and 47-1807 11 are added to read as follows

"§ 47-1807 10 Tax on corporations — Credits — Alternative fuel infrastructure credit

"(a) Beginning with the taxable year after December 31, 2013, through the taxable year ending December 31, 2026, there shall be allowed against the tax imposed on an eligible applicant by § 47-1807 02 a credit in the amount of 50% of the equipment and labor costs directly attributable to the purchase and installation of alternative fuel storage and dispensing or charging equipment on a qualified alternative fuel vehicle refueling property

"(b) The equipment and labor costs for which a tax credit may be claimed under this section shall not include costs associated with the

"(1) Purchase of land, or access to land, to be used as a qualified alternative fuel vehicle refueling property,

"(2) Purchase of an existing qualified alternative fuel vehicle refueling property,
or

"(3) Construction or purchase of any structure

"(c) The credit claimed under this section in any one tax year may not exceed the taxpayer's tax liability under § 47-1807 02 for that year

"(d) If the amount of the tax credit permitted under this section exceeds the tax otherwise due under § 47-1807 02, the amount of the credit not used may be carried forward for up to 2 tax years The credit shall not be refundable

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"(e) If the alternative fuel storage and dispensing equipment or charging equipment on a qualified alternative fuel vehicle refueling property is no longer used to dispense or sell alternative fuel to the public, any unused tax credit shall be forfeited and the taxpayer may not claim a tax credit for the portion of the tax year after the date on which the alternative fuel storage and dispensing equipment was no longer used to dispense or sell alternative fuel to the public

"(f) For the purposes of this section, the term

"(1) "Alternative fuel" shall have the same meaning as provided in § 47-1806 12(f)(1)

"(2) "Eligible applicant" means a corporation that is the owner or lessee of a qualified alternative fuel vehicle refueling property

"(3) "Qualified alternative fuel vehicle refueling property" shall have the same meaning as provided in § 47-1806 12(f)(3)

"§ 47-1807 11 Tax on corporations – Credits – Alternative fuel vehicle conversion credit

"(a) Beginning with the taxable year after December 31, 2013, through the taxable year ending December 31, 2026, there shall be allowed against the tax imposed by § 47-1807 02 a credit in the amount of 50% of the equipment and labor costs directly attributable to the cost to convert a motor vehicle licensed in the District that operates on petroleum diesel or petroleum derived gasoline to a motor vehicle that operates on an alternative fuel, not to exceed \$19,000 per vehicle

"(b) The credit claimed under this section in any one tax year may not exceed the taxpayer's tax liability under § 47-1807 02 for that year The credit shall not be refundable

"(c) For the purposes of this section, the term "alternative fuel" shall have the same meaning as provided in § 47-1806 12(f)(1) "

(d) New sections 47-1808 10 and 47-1808 11 are added to read as follows

"§ 47-1808 10 Tax on unincorporated business — Credits — Alternative fuel infrastructure credit

"(a) Beginning with the taxable year after December 31, 2013, through the taxable year ending December 31, 2026, there shall be allowed against the tax imposed on an eligible applicant by § 47-1808 03 a credit in the amount of 50% of the equipment and labor costs directly attributable to the purchase and installation of alternative fuel storage and dispensing or charging equipment on a qualified alternative fuel vehicle refueling property, not to exceed \$10,000 per qualified alternative fuel vehicle refueling property or per vehicle-charging station

"(b) The equipment and labor costs for which a tax credit may be claimed under this section shall not include costs associated with the

"(1) Purchase of land, or access to land, to be used as a qualified alternative fuel vehicle refueling property,

"(2) Purchase of an existing qualified alternative fuel vehicle refueling property,
or

"(3) Construction or purchase of any structure

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"(c) The credit claimed under this section in any one tax year may not exceed the taxpayer's tax liability under § 47-1808 03 for that year

"(d) If the amount of the tax credit permitted under this section exceeds the tax otherwise due under § 47-1808 03, the amount of the credit not used may be carried forward for up to 2 tax years. The credit shall not be refundable

"(e) If the alternative fuel storage and dispensing equipment or charging equipment on a qualified alternative fuel vehicle refueling property is no longer used to dispense or sell alternative fuel to the public, any unused tax credit shall be forfeited and the taxpayer may not claim a tax credit for the portion of the tax year after the date on which the alternative fuel storage and dispensing equipment was no longer used to dispense or sell alternative fuel to the public

"(f) For the purposes of this section, the term

"(1) "Alternative fuel" shall have the same meaning as provided in § 47-1806 12(f)(1)

"(2) "Eligible applicant" means an unincorporated business that is the owner or lessee of a qualified alternative fuel vehicle refueling property

"(3) "Qualified alternative fuel vehicle refueling property" shall have the same meaning as provided in § 47-1806 12(f)(3)

"§ 47-1808 11 Tax on unincorporated businesses – Credits – Alternative fuel vehicle conversion credit

"(a) Beginning with the taxable year after December 31, 2013, through the taxable year ending December 31, 2026, there shall be allowed against the tax imposed by § 47-1808 03 a credit in the amount of 50% of the equipment and labor costs directly attributable to the cost to convert a motor vehicle licensed in the District that operates on petroleum diesel or petroleum derived gasoline to a motor vehicle that operates on an alternative fuel

"(b) The credit claimed under this section in any one tax year may not exceed the taxpayer's tax liability under § 47-1808 03 for that year. The credit shall not be refundable

"(c) For the purposes of this section, the term "alternative fuel" shall have the same meaning as provided in § 47-1806 12(f)(1) "

SUBTITLE I. REAL PROPERTY TAX CALCULATED RATE CLARITY

Sec 7081 Short title

This subtitle may be cited as the "Real Property Tax Calculated Rate Clarity Amendment Act of 2014"

Sec 7082 Section 47-812 of the District of Columbia Official Code is amended as follows

(a) Subsection (b-8) is amended as follows

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

(A) Sub-sub-subparagraph (I) is amended by striking the phrase ", as certified in the latest revenue estimate,"

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(B) Sub-sub-subparagraph (II) is amended to read as follows

"(II) By January 5 of the tax year, the Mayor shall submit to the Council the real property tax rate computed under sub-sub-subparagraph (I) of this sub-subparagraph "

(2) Paragraph (2) is repealed

(b) Subsection (b-9) is amended as follows

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

"(A) For the first \$3 million of assessed value, \$1 65 of each \$100 of assessed value, and"

(2) Paragraph (2) is amended as follows

(A) Subparagraph (A)(1) is amended to read as follows

"(1) For the first \$3 million of assessed value, the rate as established in subparagraph (B) of this paragraph, provided, that for the tax year beginning October 1, 2011, the tax rate shall be \$1 65 of each \$100 of assessed value, and"

(B) Subparagraph (B) is amended as follows

(i) Sub-subparagraph (ii) is amended as follows

(I) Sub-sub-subparagraph (I) is amended by striking the word "received" and inserting the phrase "estimated to be received" in its place

(II) Sub-sub-subparagraph (II) is amended by striking the phrase "for Class 2 Properties based upon a rate of \$1 85 of each \$100 of assessed value" and inserting the phrase "in the tax year based upon the applicable rates in effect for Class 2 Properties during the prior tax year" in its place

(ii) Sub-subparagraph (iii) is amended by striking the phrase

"Before September 16 of each year" and inserting the phrase "By January 5 of each tax year" in its place

(c) A new subsection (f) is added to read as follows

"(f)(1) When the last day prescribed under this section for performing any act falls on Saturday, Sunday, or a legal holiday, the performance of the act shall be considered timely if it is performed on the next succeeding day that is not a Saturday, Sunday, or a legal holiday

"(2) The last day for the performance of any act shall be determined by including any authorized extension of time

"(3) For the purposes of this subsection, the term "legal holiday" means a legal holiday in the District of Columbia "

SUBTITLE J CARVER 2000 SENIOR MANSION REAL PROPERTY TAX ABATEMENT

Sec 7091 Short title

This subtitle may be cited as the "Carver 2000 Senior Mansion Real Property Tax Abatement Amendment Act of 2014"

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Sec 7092 Section 47-4605(d) of the District of Columbia Official Code is amended as follows

- (a) Paragraph (2) is amended by striking the number "16"
- (b) Paragraph (3) is repealed

**SUBTITLE K. RESIDENTIAL REAL PROPERTY EQUITY AND
TRANSPARENCY AMENDMENT**

Sec 7101 Short title

This subtitle may be cited as the "Residential Real Property Equity and Transparency Revised Amendment Act of 2014"

Sec 7102 Title 47 of the District of Columbia Official Code is amended as follows

(a) Chapter 8 is amended as follows

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

"47-805 Office of Real Property Tax Ombudsman "

(2) Section 47-802(5) is amended as follows

(A) Subparagraph (D) is amended by striking the word "or" at the end

(B) Subparagraph (E) is amended by striking the period and inserting the phrase ", or" in its place

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

"(F) For purposes of appealing the assessment of real property sold under § 47-1353(b), the tax sale purchaser or the purchaser's assignee, as applicable, provided, that the Mayor shall not be required to mail notices or bills issued under this chapter to the tax sale purchaser or assignee, provided further, that the owner of record is not appealing the assessment for the same tax year "

(3) A new section 47-805 is added to read as follows

"§ 47-805 Office of Real Property Tax Ombudsman

"(a) There is created within the Office of the Mayor the Office of the Real Property Tax Ombudsman ("Office"), which shall be headed by the Real Property Tax Ombudsman ("Ombudsman"), who shall be appointed by the Mayor pursuant to § 1-523 01(a), as a statutory employee in the Excepted Service pursuant to § 1-609 08 The Ombudsman shall serve for a term of 5 years The Ombudsman shall serve at the pleasure of the Mayor

"(b) The Ombudsman shall appoint staff and additional personnel as provided for in an approved budget and financial plan for the District

"(c) The Ombudsman shall

"(1) Consult with and advise Class 1 real property owners on any real property tax matter arising under Chapter 8 or 13A of this title or under Chapter 31A of Title 42,

"(2) Receive and investigate concerns and complaints from Class 1 real property owners related to real property tax matters,

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"(3) Provide counsel and assistance to Class 1 real property owners relating to real property taxes, including referring Class 1 real property owners to appropriate

"(A) Legal service providers,

"(B) Public interest organizations, and

"(C) Government offices,

"(4) Maintain a list of organizations that provide free or reduced-price legal services to District of Columbia residents and a list of housing counseling agencies approved by the U S Department of Housing and Urban Development,

"(5) Protect the confidentiality of records and comply with all applicable confidentiality provisions, including § 47-821(d)(2), and

"(6) Prepare and submit to the Council and the Mayor an annual report on the activities of the Office that the Mayor shall make available to the public on the Mayor's website

"(d) The Ombudsman may assist an owner with matters concerning an abutting lot where the abutting lot and the Class 1 property are owned by the same owner

"(e) The Ombudsman shall not appear on behalf of Class 1 real property owners in any court, administrative, or quasi-judicial proceeding

"(f) The Office of the Chief Financial Officer may share confidential tax information with the Ombudsman

"(g) For purposes of this section, the term "Class 1 real property owner" shall have the same meaning as provided in § 47-813(c-3)(1), provided, that the term owner as used in § 47-813(c-3)(1) shall be construed broadly and include the persons defined as owners in § 47-802 as well as other persons with an equitable interest in the property, and any other persons the Ombudsman determines to be appropriate representatives of the property owner (or, if applicable, the property owner's estate), or any other persons the Ombudsman determines to be consistent with the purposes of this section "

(4) Section 47-811(c) is amended by striking the phrase "plus interest on the unpaid amount" and inserting the phrase "plus simple interest on the unpaid amount" in its place

(5) Section 47-845 03 is amended as follows

(A) Subsection (c) is amended to read as follows

"(c) Taxes deferred under this section shall bear simple interest at the rate of ½% per month or portion of a month until paid, provided, that if an individual owner is 75 years of age or older, has less than \$12,500 of household interest and dividend income, and has owned a residence in the District for at least 25 years (including no more than 2 consecutive gaps of ownership where each gap shall not exceed 120 days), no interest shall bear for taxes deferred under this section "

(B) Subsection (g) is amended to read as follows

"(g) If a properly completed and approved application is filed, the applicant may choose to have the deferral apply to past years, provided, that the amount deferred shall comply with subsection (d) of this section and the periods of applicability are stated in the application, provided further, that the applicant is responsible for accrued attorneys' fees "

(C) Subsection (p) is repealed

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(6) Section 47-895 31(8) is amended to read as follows

"(8) "Lot" means real property as defined in § 47-802(1) where such real property for billing and collection purposes under this subchapter shall be further described with the letters "PC" preceding the sequence of square, suffix and lot, or parcel and lot, numbers under § 47-802(1) "

(7) Section 47-895 33 is amended by adding a new subsection (b-1) to read as follows

"(b-1) A notice, bill, or other correspondence under this subchapter or § 47-1336 shall be mailed to the owner's specifically designated mailing address as provided in the energy efficiency loan closing documents and as may be updated from time to time by the Chief Financial Officer, which may be different from the general mailing address provided pursuant to § 42-405, or as provided in the transfer and recordation tax return "

(b) Section 47-902 is amended by adding a new paragraph (26) to read as follows

"(26) Transfers of property transferred to a named beneficiary of a revocable transfer on death deed under Subchapter IV of Chapter 6 of Title 19, by reason of the death of the grantor of the revocable transfer on death deed "

(c) Chapter 13A is amended as follows

(1) The table of contents is amended as follows

(A) A new section designation is added to read as follows

"47-1353 01 Post-sale notice "

(B) A new section designation is added to read as follows

"47-1382 01 Equity distribution post-judgment – owner-occupant properties "

(C) A new section designation is added to read as follows

"47-1390 Office of Real Property Tax Sale Review "

(2) Section 47-1330 is amended as follows

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

"(2) "Tax" means unpaid real property tax and vault rent owing as of October 1, and unpaid business improvement district tax owing as of September 1, including penalties, interest, and costs, as calculated by the Mayor The term "tax" includes an assessment or charge due at any time to the District and certified to the Mayor for collection under this chapter in the same manner as a real property tax, along with permitted penalties, interest, and costs, as calculated by the Mayor "

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

"(2A) "Tax sale date" or "date of the tax sale" means for purposes of the tax sale held under § 47-1346 the date when the tax sale during which the real property was sold concluded "

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

"(4A) "Premises address" means the address, if any, for the square, suffix, and lot numbers, or parcel and lot numbers, of real property as reflected in the records in the Office of Tax and Revenue "

(3) Section 47-1332 is amended to read as follows

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"§ 47-1332 Sale of properties by Mayor, exemptions from sale

"(a) Except as provided in subsections (c) and (d) of this section or as provided in other law, the Mayor shall sell all real property on which the tax is in arrears

"(b) The Mayor shall designate a single agency to conduct tax sales

"(c) The Mayor shall not sell any real property if

"(1) A forbearance authorization has been approved in writing by the Mayor for the applicable tax sale,

"(2) For improved Class 1 Property, the tax amount to be sold is less than \$2,500,
or

"(3) The real property is a Class 1 Property that is receiving a homestead deduction, with respect to which there is an outstanding non-void certificate of sale, provided, that no real property shall be excluded from sale solely pursuant to this paragraph if the non-void certificate of sale has been outstanding for 3 years or more

"(d) The Mayor, in the Mayor's discretion, may decline to sell any Class 1 Property or any real property for a delinquency in the payment of a non-real property tax that does not have to be certified

"(e)(1) An application for a forbearance authorization, utilizing the form of application as shall be devised by the Mayor, may be submitted to the Mayor up to 30 days before the first day of the tax sale

"(2) The Mayor shall review and approve or deny the application within 90 days of receipt of the application

"(3)(A) The Mayor shall approve an application if the real property receives a homestead deduction and the tax amount to be sold is less than or equal to \$7,500

"(B) The Mayor, in the Mayor's discretion, may approve an application that does not meet the criteria for demonstrated hardship set forth in subparagraph (A) of this paragraph

"(4) Upon approving an application for forbearance authorization, the Mayor shall remove the real property from the tax sale to which the forbearance corresponds or, if the tax sale has occurred with respect to the real property, cancel the tax sale pursuant to § 47-1366 "

(4) Section 47-1334 is amended to read as follows

"§ 47-1334 Interest rate

"(a) The rate of simple interest on all amounts due, owing, or paid for the taxes sold or bid off to the District under this chapter shall be 1 5% per month or portion thereof until paid, excluding surplus, provided, that interest on the amount sold at tax sale, excluding surplus, shall accrue at the applicable interest rate beginning the first day of the month following the tax sale. No interest shall accrue for surplus, expenses, or the reasonable value of improvements

"(b) The purchaser shall receive simple interest of 1% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following when the real property was sold or the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a), by another purchaser under § 47-1382(c), or by the trustee under § 47-1382 01(d)(2), and as provided in §

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47-1354(b) for the period when such other taxes were paid. The purchaser shall receive no interest for expenses or the reasonable value of improvements."

(5) Section 47-1336 is amended as follows

(A) Subsection (a) is amended by adding a new sentence at the end to read as follows

"The special assessment shall be collectible under this chapter notwithstanding any provision of law to the contrary granting a tax exemption, and the real property formerly described under § 47-895 31(8) shall revert to its description under § 47-802(1) for purposes of collection under this chapter."

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

(i) Strike the word "transaction" and insert the word "sale" in its place

(ii) Strike the phrase "§§ 47-1341 and 47-1342" and insert the phrase "§§ 47-1341, 47-1342, and 47-1353 01" in its place

(C) Subsection (e) is amended as follows

(i) Paragraph (1) is amended by striking the phrase "contrary," and inserting the phrase "contrary, provisions in this section excepted," in its place

(ii) Paragraph (2) is amended as follows

(I) The lead-in language is amended by striking the phrase "record owner" and inserting the phrase "record owner at the mailing address provided in § 47-895 33(b-1)" in its place

(II) Subparagraph (C) is amended by striking the word "and"

(III) Subparagraph (D) is amended to read as follows

"(D) Once the complaint is filed, expenses under § 47-1377 shall be owed, and"

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

"(E) The real property described under § 47-895 31(8) and billed as such (with account number) for purposes of Subchapter IX of Chapter 8 of this title and the correlating description under § 47-802(1) (with square, suffix, and lot numbers, or parcel and lot numbers, as applicable) is under which the complaint shall be filed."

(6) Section 47-1340 is amended as follows

(A) Subsection (a) is amended as follows

(i) Strike the phrase "Each of the taxing" and insert the phrase "Subject to the limitation set forth in § 34-2407 02, each of the taxing" in its place

(ii) Strike the phrase "notice of delinquency required by § 47-1341" and insert the phrase "notices required by § 47-1341 and § 47-1353 01" in its place

(B) Subsection (c) is amended to read as follows

"(c) If a taxing agency does not certify a tax that is due to the District as of the date of the Mayor's notice under subsection (a) of this section, the tax shall not be collected through such tax sale."

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(C) Subsection (d) is amended by striking the phrase "Unpaid real property taxes" and inserting the phrase "Unpaid real property taxes, business improvement district taxes, and vault rents" in its place

(D) Subsection (f) is amended to read as follows

"(f)(1) If a taxing agency certifies taxes (for which real property is offered for sale) to the Mayor under subsection (a) of this section, and the payment of taxes to the Mayor as specified in § 47-1361(a) or by a purchaser under § 47-1382(c) has occurred for the real property, or the amount in the notices under § 47-1341 is paid before the tax sale, the taxing agency may submit an accounting to the designated agency under § 47-1332(b) in the form that the Mayor requires

"(2) Upon receipt of the accounting and verification of the payment of taxes to the Mayor as specified in § 47-1361(a) or if payment to the Mayor is made by a purchaser under § 47-1382(c), or the amount in the notices under § 47-1341 is paid before the tax sale, the amount of taxes collected that are not imposed under Chapter 8 of this title shall be disbursed regardless of lien priority from the General Fund for the purpose designated by, and in accordance with, the law creating the obligation for such taxes, provided, that, in the case of a sale under § 47-1353(b), the disbursement shall be limited to the amount available after application of lien priorities to such taxes before certification "

(7) Section 47-1341 is amended as follows

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

"(a)(1) On or before May 1, the Mayor shall send a notice of tax delinquency by first class mail, postage prepaid, bearing a postmark from the United States Postal Service, to the person who last appears as the owner of the real property on the tax roll, at the last mailing address shown on the tax roll, as updated by the filing of a change of address in accordance with § 42-405. If the premises address is different from the address of record of the owner, the Mayor shall send a duplicate copy of the notice to the premises address, addressed to "Property Owner "

"(2) The notice required pursuant to paragraph (1) of this subsection shall be in substantively the following form

"THIS IS A NOTICE OF DELINQUENCY

"FAILURE TO PAY TAXES WILL HAVE SERIOUS CONSEQUENCES

"Subject Property [Identify by taxation square, suffix, and lot number, or parcel and lot number, and by premises address, the real property to be sold]

Total Amount Due on the Account \$

"TO AVOID TAX SALE YOU MUST PAY \$[Amount Subject to Sale] by May 31, 20__)

"This amount may include fees or fines due to other DC agencies that have been certified to the Office of Tax and Revenue to be included in a tax sale pursuant to D C Code § 47-1340

"According to the Mayor's tax roll, you own or may have an interest in the real property listed above. Notice is given that unless you pay the amount stated above or fall within one of the limited exemptions from the tax sale, the Office of Tax and Revenue may sell this real property at tax sale

"If the property is sold at tax sale, the purchaser may have the right to file a lawsuit to foreclose on the property

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"You must act now to avoid additional costs and significant expenses

"If payment is not made before May 31, 20__, the amount listed on this notice may no longer be accurate. In that case, you must contact the Office of Tax and Revenue at _____ to obtain an updated payoff amount.

"Payment to the "DC Treasurer" may be made online at www.taxpayerservicecenter.com or at any District branch of Wells Fargo Bank or mailed (with payment coupon from tax bill) to the Office of Tax and Revenue, Real Property Tax Administration, PO Box 98095, Washington, DC 20090-8095 (please write your square, suffix and lot numbers on the check). You should keep a copy of your proof of payment in case there is a later dispute about the payment.

"YOU MAY BE ELIGIBLE FOR ASSISTANCE, INCLUDING A HARDSHIP FORBEARANCE OR FREE LEGAL SERVICES. PLEASE SEE THE NEXT PAGE FOR ADDITIONAL INFORMATION."

"Should you have additional questions, please call the Customer Service Center for the Office of Tax and Revenue at (202) 727-4TAX (4829).

**"RESOURCES FOR REAL PROPERTY TAXPAYERS
IN THE DISTRICT OF COLUMBIA"**

"Real Property Tax Ombudsman: Homeowners and other interested parties may be eligible for assistance from the Real Property Tax Ombudsman. If you need assistance with a tax sale or related property tax matters, contact the Real Property Tax Ombudsman at _____

"Office of Tax Sale Review: If there are special circumstances that should keep the real property out of the upcoming sale, contact the Office of Tax Sale Review at _____ for information on how to petition the Mayor to exempt the real property from sale.

"Classification Disputes: If your real property is classified as vacant or blighted and you believe this classification is incorrect, contact the Vacant Building Enforcement Unit of the Department of Consumer and Regulatory Affairs at _____ for information on how to appeal the property classification.

"Hardship Forbearance: You may be eligible to defer, or postpone, payment of the past due amount. For information on how to apply for this deferral, please contact the Office of Tax and Revenue at _____

"Senior Citizen and Low-Income Tax Relief: Senior citizens and low-income households may have additional rights to defer property taxes. If think you may be eligible for this tax relief, please contact the Office of Tax and Revenue at _____ for more information.

"Tax Sale Resource Center: Resource Center attorneys provide legal information to taxpayers and interested parties who do not have their own lawyers on Wednesday mornings from 10:00am to 12:00pm when court is in session. The Resource Center is located in the Moultrie Courthouse at 500 Indiana Ave. NW.

"Additional Legal Services: Free and reduced-cost legal services may be available to low- and moderate-income households. You can get a list of service providers from the Real Property Tax Ombudsman (above).

"Housing Counseling Services: The U.S. Department of Housing and Urban Development ("HUD") sponsors housing counseling agencies throughout the country that can provide advice

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on buying a home, renting, defaults, foreclosures, and credit issues You can get a list of HUD-approved housing counseling agencies from the Real Property Tax Ombudsman (above) "

(B) Subsection (b) is amended by striking the phrase "Failure of the Mayor to mail the notice of delinquency as provided in subsection (a) of this section, or to include" and inserting the phrase "Subject to the Mayor's authority to cancel the sale under § 47-1366(b)(3)(A) and (B), the failure of the Mayor to mail the notices of delinquency as provided in subsections (a) and (b-1) of this section, or to include" in its place

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

"(b-1)(1) At least 2 weeks before real property is offered at a tax sale under this chapter, the Mayor shall send a final notice of delinquency, by first class mail, postage prepaid, bearing a postmark from the United States Postal Service, to the person who last appears as the owner of the real property on the tax roll, at the last address shown on the tax roll, as updated by the filing of a change of address in accordance with § 42-405 If the premises address is different from the address of record of the owner, the Mayor shall send a duplicate copy of the notice to the premises address, addressed to "Property Owner "

"(2) The notice required pursuant to paragraph (1) of this subsection shall be in substantively the following form

"THIS IS A NOTICE OF DELINQUENCY FAILURE TO PAY TAXES IMMEDIATELY MAY HAVE SERIOUS CONSEQUENCES WHICH MAY INCLUDE LOSS OF TITLE TO THE PROPERTY

"Subject Property [Identify by taxation square, suffix, and lot number, or parcel and lot number, and by premises address, the real property to be sold]

"Total Amount Due on the Account \$

"TO AVOID TAX SALE YOU MUST PAY \$[Amount Subject to Sale] by [Last Business Day before tax sale]

"This amount may include fees or fines due to other District agencies that have been certified to the Office of Tax and Revenue to be included in a tax sale pursuant to D C Official Code § 47-1340

"According to the Mayor's tax roll, you own or may have an interest in the real property listed above Notice is given that unless you pay the amount stated above or fall within one of the limited exemptions from the tax sale, the Office of Tax and Revenue may sell this real property at tax sale

"If the property is sold at tax sale, the purchaser may have the right to file a lawsuit to foreclose on the property You must act now to avoid additional costs and significant expenses, as well as potential loss of title to the property

"Payment to the "DC Treasurer" may be made online at www.taxpayerservicecenter.com, at any District branch of Wells Fargo Bank, or mailed (with payment coupon from tax bill) to the Office of Tax and Revenue, Real Property Tax Administration, PO Box 98095, Washington, DC 20090-8095 (please write your square, suffix and lot numbers on the check) You should keep a copy of your proof of payment in case there is a later dispute about the payment

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"If payment is made less than 10 calendar days before [the last business day before tax sale], you must provide a copy of the receipt directly to the Office of Tax and Revenue in order to ensure that your property is removed from the tax sale

- "You may FAX the receipt to (202) 478-5995, EMAIL the receipt to [email address], or HAND-DELIVER a copy of the paid receipt to a Tax Sale Unit representative in the Customer Service Center located at 1101 4th Street, SW, Suite 270W, Washington, DC 20024

- "Do not mail your paid receipt

"YOU MAY BE ELIGIBLE FOR ASSISTANCE, INCLUDING A HARDSHIP FORBEARANCE OR FREE LEGAL SERVICES PLEASE SEE THE NEXT PAGE FOR ADDITIONAL INFORMATION

"Should you have additional questions, please call the Customer Service Center for the Office of Tax and Revenue at (202) 727-4TAX (4829)

**"RESOURCES FOR REAL PROPERTY TAXPAYERS
IN THE DISTRICT OF COLUMBIA**

"Real Property Tax Ombudsman Homeowners and other interested parties may be eligible for assistance from the Real Property Tax Ombudsman If you need assistance with a tax sale or related property tax matters, contact the Real Property Tax Ombudsman at

"Office of Tax Sale Review If there are special circumstances that should keep the real property out of the upcoming sale, contact the Office of Tax Sale Review at for information on how to petition the Mayor to exempt the real property from sale

"Classification Disputes If your real property is classified as vacant or blighted and you believe this classification is incorrect, contact the Vacant Building Enforcement Unit of the Department of Consumer and Regulatory Affairs at for information on how to appeal the property classification

"Hardship Forbearance You may be eligible to defer, or postpone, payment of the past due amount For information on how to apply for this deferral, please contact the Office of Tax and Revenue at

"Senior Citizen and Low-Income Tax Relief Senior citizens and low-income households may have additional rights to defer property taxes If think you may be eligible for this tax relief, please contact the Office of Tax and Revenue at for more information

"Tax Sale Resource Center Resource Center attorneys provide legal information to taxpayers and interested parties who do not have their own lawyers on Wednesday mornings from 10 00am to 12 00pm when court is in session The Resource Center is located in the Moultrie Courthouse at 500 Indiana Ave NW

"Additional Legal Services Free and reduced-cost legal services may be available to low- and moderate-income households You can get a list of service providers from the Real Property Tax Ombudsman (above)

"Housing Counseling Services The U S Department of Housing and Urban Development ("HUD") sponsors housing counseling agencies throughout the country that can provide advice on buying a home, renting, defaults, foreclosures, and credit issues You can get a list of HUD-approved housing counseling agencies from the Real Property Tax Ombudsman (above) "

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

"(d) Action taken under § 47-1336, relating to energy efficient loans, shall be exempt from the notice requirements of this section "

(8) Section 47-1342 is amended as follows

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

"(a) At any time after 30 days from the mailing of the notice of delinquency required by § 47-1341(a), the Mayor shall, simultaneously

"(1) Cause to be advertised, at least once in not less than 2 newspapers of general circulation in the District that are published at least once every 2 weeks, a public notice stating that listed real property will be sold at public auction because of taxes on the date and at the place named in the public notice, and

"(2) Post the list of real property in the public notice on the Office of Tax and Revenue's website "

(B) Subsection (b)(1)(A) is amended by striking the phrase "by taxation square," and inserting the phrase "by premises address, taxation square," in its place

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

"(d) Action taken under § 47-1336, relating to energy efficient loans, shall be exempt from the notice requirements of this section "

(9) Section 47-1343 is amended to read as follows

"§ 47-1343 Real property to be sold in its entirety

"Subject to § 47-1345, each real property for sale shall be sold in its entirety, which shall be the parcel of real property as assessed in the assessment records under § 47-802(1) or as described under § 47-895 31(8) as related to a sale under § 47-1336 "

(10) Section 47-1345 is amended to read as follows

"§ 47-1345 Sale of real property subject to possessory interest

"(a) Whether or not any real property subject to sale under this chapter is subject to an estate for life, or a lease or ground rent for a term (with renewals) that is at least 30 years, the Mayor shall sell the entire fee simple estate, provided, that after the judgment of foreclosure of the right of redemption, no claim for rent unpaid, due, or accruing before the date of the judgment of foreclosure of the right of redemption shall be made by the purchaser (or assignee)

"(b) Notwithstanding subsection (a) of this section or any other provision to the contrary, when a real property subject to sale under this chapter is subject to a ground lease and the ground lessor is the District of Columbia, or an instrumentality of the District, the Washington Metropolitan Area Transit Authority, or an entity whose real property is exempt from real property taxation or the enforced collection thereof under the laws of the United States of America, the Mayor shall sell the real property's improvements only Any additional representation related to what is being sold shall be ineffectual and shall not affect the validity of the sale

"(c) The termination of claims on real property sold under this section shall not foreclose any personal claims against previous holders of the interest sold for any damages including rent unpaid, due, or accruing before the date of the judgment of foreclosure "

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(11) Section 47-1346(a)(5) is amended to read as follows

"(5)(A) A potential purchaser, including a natural person or business entity, who is delinquent in payment of taxes to the District or who has been convicted of a felony involving fraud, deceit, moral turpitude, or anti-competitive behavior may not bid on real property offered at a sale held under this chapter or otherwise acquire an interest in real property sold under this chapter

"(B) A potential purchaser, including a natural person or business entity, shall certify under oath, subject to the penalties of perjury, that the potential purchaser is not more than one year in arrears in any jurisdiction in payment of taxes not being contested in good faith and has not been convicted in any jurisdiction of a felony involving fraud, deceit, moral turpitude, or anti-competitive behavior

"(C) A certificate of sale held by a purchaser that willfully and materially violates the provisions of this paragraph shall be voidable at the discretion of the Mayor, provided, that after the issuance of a final order by the Superior Court of the District of Columbia foreclosing the right of redemption, the certificate is no longer voidable. A certificate that is voided by the Mayor pursuant to this subparagraph shall be subject to the provisions of § 47-1355(b)

"(D) The intent of this paragraph shall not be circumvented by a purchaser through the use of one or more business entities to avoid its intended application

"(E) For the purposes of this paragraph, a potential purchaser shall include a person owning a 10% or more equity interest in, or an officer of, an entity that owns a 10% or more equity interest in real property on which taxes are delinquent "

(12) Section 47-1348 is amended as follows

(A) Subsection (a) is amended as follows

(i) Paragraph (3) is amended by striking the phrase "date of the original public tax sale" and inserting the phrase "date of the tax sale" in its place

(ii) Paragraph (4) is amended by striking the phrase "purchaser," and inserting the phrase "purchaser, which shall be the same date as in paragraph (3) of this subsection, if the purchaser purchased the real property at the tax sale held under § 47-1346," in its place

(iii) Paragraph (10) is amended to read as follows

"(10)(A) A statement that the rate of simple interest, upon redemption, shall be 1% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the date of the tax sale or the date when the certificate of sale was assigned by the Mayor

"(B) This paragraph shall apply upon its fiscal effect being included in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register "

(B) Subsection (b) is repealed

(C) Subsection (c) is amended as follows

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(i) Strike the phrase "telephone number " and insert the phrase "telephone number If notice is not provided within 30 days of the assignment, the certificate shall be voidable at the discretion of the Mayor " in its place

(ii) Strike the phrase "On redemption, the purchaser will be refunded the sums paid on account of the purchase price, together with interest thereon at the rate of 18% per annum from the date the real property was sold to the date of redemption, provided, that the purchaser shall not receive interest on any surplus " and insert the phrase "Upon payment to the Mayor as specified in § 47-1361(a) or, if payment to the Mayor is made by another purchaser under § 47-1382(c), the purchaser shall be refunded the sums paid on account of the purchase price, together with simple interest thereon at the rate of 1% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the date of the tax sale or the date when the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a) or § 47-1382(c), provided, that the purchaser shall not receive interest on any surplus " in its place

(13) Section 47-1349(c) is amended by adding a new sentence at the end to read as follows

"If notice is not provided within 30 days of the assignment, the certificate shall be voidable at the discretion of the Mayor, provided, that after the issuance of a final order by the Superior Court of the District of Columbia foreclosing the right of redemption, the certificate shall no longer be voidable A certificate that is voided by the Mayor pursuant to this subsection shall be subject to the provisions of § 47-1355(b) "

(14) Section 47-1352(a), is amended by striking the phrase "from the date the real property was bid off," and inserting the phrase "thereon accruing from the first day of the month following the date of the tax sale where the real property was bid off," in its place

(15) Section 47-1353 is amended as follows

(A) Subsection (a)(1)(B) is amended by striking the word "May" both times it appears and inserting the word "Mayor" in its place

(B) Subsection (b)(1)(G) is amended by striking the phrase "by square," and inserting the phrase "by premises address, taxation square," in its place

(C) Subsection (c)(2) is amended by striking the phrase "date of the original tax sale" and inserting the phrase "applicable date of the tax sale" in its place

(D) Subsection (d) is amended to read as follows

"(d) Upon payment to the Mayor as specified in § 47-1361(a) or if payment to the Mayor is made by another purchaser as specified in § 47-1382(c), the purchaser shall be refunded the sums paid on account of the purchase price, together with simple interest thereon at the rate of 1% per month or portion thereof on the amount paid for the real property, excluding surplus, beginning on the first day of the month immediately following the day of the tax sale to the purchaser or the date when the certificate of sale was assigned by the Mayor until the payment to the Mayor is made as required under § 47-1361(a) or § 47-1382(c), provided, that the purchaser shall not receive interest on any surplus "

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(16) A new section 47-1353 01 is added to read as follows

"§ 47-1353 01 Post-sale notice

"(a) Within 30 days after the date of the tax sale, the Mayor shall send notice of the sale by first class mail, postage prepaid, bearing a postmark from the United States Postal Service to the last known address of the owner. If the premises address is different from the address of record of the owner, the Mayor shall send a duplicate copy of the notice to the premises address, addressed to "Property Owner "

"(b) The notice required pursuant to subsection (a) of this section shall be in substantively the following form

"ATTENTION YOUR PROPERTY WAS SOLD AT TAX SALE

"Subject Property [Identify by taxation square, suffix, and lot number, or parcel and lot number, and by premises address]

"Tax Sale Date [July __, 20__]

"According to the Mayor's tax roll, you own or may have an interest in the real property listed above. Please follow the below instructions to redeem your property from tax sale and prevent a foreclosure lawsuit

- "To redeem your property from the tax sale, you must pay all taxes owed, as well as any legal fees and expenses that may become due
- "A tax bill is mailed to you during the last week of August. You should pay the bill in full and on time
- "If you are receiving this notice after October 31, 20__, or if you have not already paid your tax bill in full, you should contact the Office of Tax and Revenue ("OTR") at _____ for a current tax bill and up-to-date payoff amount
- "After you have paid your taxes, you should call OTR to confirm that you have redeemed your property. Keep a copy of your proof of payment in case there is a later dispute about the payment
- "If you have not paid all taxes within four months after the Tax Sale Date stated above, an additional \$381.50 may be added to reimburse the purchaser for some costs
- "If you do not redeem the property within six months of the Tax Sale Date stated above, the tax sale purchaser may file a lawsuit against you to obtain title to the property
- "If the purchaser files a foreclosure lawsuit, you will be responsible for legal fees and expenses that may total thousands of dollars. You may also lose title to the property
- "For further information on how to redeem, please read our Real Property Owner's Guide to the Tax Sale Redemption Process, available on our Web site at www.taxpayerservicecenter.com by clicking on "Real Property ". You may also request a copy by visiting or writing to our Customer Service Center at 1101 4th Street, SW, Suite 270W, Washington, DC 20024

"YOU MAY BE ELIGIBLE FOR FREE LEGAL SERVICES OR OTHER ASSISTANCE. SEE THE NEXT PAGE FOR MORE INFORMATION

"Should you have additional questions, please call OTR's Customer Service Center at (202) 727-4TAX (4829)

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"RESOURCES FOR REAL PROPERTY TAXPAYERS
IN THE DISTRICT OF COLUMBIA

"Real Property Tax Ombudsman Homeowners and other interested parties may be eligible for assistance from the Real Property Tax Ombudsman If you need assistance with a tax sale or related property tax matters, contact the Real Property Tax Ombudsman at

"Office of Tax Sale Review If there are special circumstances that should have kept the real property from being included in the tax sale, contact the Office of Tax Sale Review at for information on how to petition the Mayor to cancel the sale

"Classification Disputes If your real property is classified as vacant or blighted and you believe this classification is incorrect, contact the Vacant Building Enforcement Unit of the Department of Consumer and Regulatory Affairs at for information on how to appeal the property classification

"Hardship Forbearance You may be eligible to defer, or postpone, payment of the past due amount For information on how to apply for this deferral, please contact the Office of Tax and Revenue at

"Senior Citizen and Low-Income Tax Relief Senior citizens and low-income households may have additional rights to defer property taxes If think you may be eligible for this tax relief, please contact the Office of Tax and Revenue at for more information

"Tax Sale Resource Center Resource Center attorneys provide legal information to taxpayers and interested parties who do not have their own lawyers on Wednesday mornings from 10 00am to 12 00pm when court is in session The Resource Center is located in the Moultrie Courthouse at 500 Indiana Ave , NW

"Additional Legal Services Free and reduced-cost legal services may be available to low- and moderate-income households You can get a list of service providers from the Real Property Tax Ombudsman (above)

"Housing Counseling Services The U S Department of Housing and Urban Development ("HUD") sponsors housing counseling agencies throughout the country that can provide advice on buying a home, renting, defaults, foreclosures, and credit issues You can get a list of HUD-approved housing counseling agencies from the Real Property Tax Ombudsman (above)

"(c) The tax sale purchaser shall cause a copy of the notice referred to in subsection (b) of this section to be posted on a place on the premises of the real property where it may be conveniently read The copy of the notice shall be posted no sooner than 4 months after the date of the tax sale but at least 45 days before the filing of a complaint under § 47-1370

"(d) Subject to the Mayor's authority to cancel the sale under § 47-1366(b)(3)(A) and (B), the failure of the Mayor to mail the notice as provided in subsections (a) and (b) of this section, or to include any tax amounts in the notice, shall not

"(1) Invalidate or otherwise affect a tax,

"(2) Invalidate or otherwise affect a sale made under this chapter to enforce payment of taxes,

"(3) Prevent or stay any proceedings under this chapter, or

"(4) Affect the title of a purchaser

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"(e) Action taken under § 47-1336, relating to energy efficient loans, shall be exempt from the notice requirements of this section "

(17) Section 47-1354(b) is amended to read as follows

"(b) Upon payment as specified in § 47-1361(a) or by another purchaser under § 47-1382(c), the purchaser shall receive a refund of its payment made under this section, with interest as required to be paid by the redeemer or the other purchaser. The purchaser shall receive interest only on the principal tax amount paid and not on the interest or penalties paid. The purchaser is entitled to the refund only if the purchaser's certificate of sale is not void and the purchaser provides proof satisfactory to the Mayor that the purchaser made the payment "

(18) Section 47-1355(a)(2) is repealed

(19) Section 47-1361 is amended as follows

(A) Subsection (a) is amended as follows

(i) The lead-in text is amended by striking the phrase "the Mayor, for deposit" and inserting the phrase "the Mayor, except as set forth in paragraph (6A) of this subsection, for deposit" in its place

(ii) Paragraphs (2) and (3) are amended to read as follows

"(2) If the real property was bid off to the District, the sale amount with interest thereon beginning on the first day of the month following the date of the tax sale where the real property was bid off,

"(3) If the real property was bid off to the District and subsequently sold or the certificate of sale assigned to a purchaser

"(A) The original sale amount with interest thereon beginning on the first day of the month following the date of the tax sale where the real property was bid off, plus

"(B) Interest accruing thereafter on the sale amount in subparagraph (A) of this paragraph from the first day of the month following the date the real property was subsequently sold or the certificate of sale assigned to the purchaser,"

(iii) Paragraph (4) is amended by striking the phrase "taxes provided, that the certificate of sale of the purchaser is not void," and inserting the phrase "taxes," in its place

(iv) Paragraph (5) is amended to read as follows

"(5) All other real property taxes, business improvement district taxes, and vault rents to bring the real property current, provided, that any such amounts that become due and owing after receipt of the payment that permits a refund to issue to the purchaser under subsection (e) of this section shall not be required to be paid to redeem the real property,"

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

"(5A) Any delinquent special assessment owed pursuant to an energy efficiency loan agreement under Subchapter IX of Chapter 8 of Title 47, provided, that any such assessment that becomes due and owing after receipt of the payment that permits a refund to issue to the purchaser under subsection (e) of this section shall not be required to be paid to redeem the real property,"

(vi) Paragraph (6) is amended to read as follows

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"(6) All expenses for which each purchaser is entitled to reimbursement under § 47-1377(a)(1)(A), and"

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

"(6A) Where an action to foreclose the right of redemption has been properly filed, the person redeeming shall pay directly to the applicable purchaser all expenses to which the purchaser is entitled to reimbursement under § 47-1377(a)(1)(B), and"

(viii) Paragraph (7) is repealed

(B) New subsections (b-1) and (b-2) are added to read as follows

"(b-1) The redeeming party shall not be required to pay any tax that is required to be certified by § 47-1340 unless the tax has been certified by a taxing agency and sold as a lien at a tax sale

"(b-2) Notwithstanding subsection (a) of this section, the remaining amounts that are payable to the Mayor, including tax, interest, penalties, and expenses, for the real property shall be deemed to have been brought current for purposes of redemption if, at any time, the balance falls below \$100, provided, that the remaining balance shall remain due and owing and any remaining expense shall be thereafter deemed a real property tax "

(C) Subsection (c) is amended by striking the second sentence

(D) Subsection (d) is amended to read as follows

"(d)(1) Subject to the liability threshold set forth in subsection (b-1) of this section, after receipt of the payment set forth in subsection (a)(1) through (6) of this section, the Mayor shall notify the purchaser of the payment. The purchaser shall receive from the Mayor the refund to which the purchaser is entitled, subject to the purchaser's compliance with all procedures for issuance of the refund, as may be established by the Mayor

"(2) If a complaint under § 47-1370 has been properly filed, a purchaser may continue to prosecute the complaint until receipt of the expenses owed to the purchaser and payable to the purchaser by the redeeming party as set forth in subsection (a)(6A) of this section, but shall dismiss the complaint upon receipt thereof

"(3) A complaint to foreclose the right of redemption shall not be maintained solely to await the administrative refund under this subsection

"(4) Notification by the Mayor under this subsection may be accomplished by making the information publicly available through an electronic medium, including by posting on a website "

(E) Subsection (e) is amended as follows

(i) Strike the phrase "Upon request and subject to the payment of a fee," and insert the phrase "Upon request, within 60 days of the request," in its place

(ii) Add a new sentence at the end to read as follows

"The Recorder of Deeds shall waive all fees relating to the recordation of a certificate of redemption "

(F) A new subsection (f) is added to read as follows

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"(f) The Mayor may abate interest or penalties or compromise taxes, whether arising before or after the tax sale, in the same manner as set forth in § 47-811 04, provided, that the abatement or compromise shall not affect the refund due to the purchaser "

(20) Section 47-1362 is amended as follows

(A) Subsection (a) is amended by striking the phrase "If the real property is redeemed after an action to foreclose the right of redemption is filed and there is a dispute regarding redemption, the" and inserting the phrase "If there is a dispute regarding redemption after an action to foreclose the right of redemption is filed, the" in its place

(B) Subsection (c) is repealed

(21) Section 47-1363(a) is amended by striking the phrase "date of the sale" and inserting the phrase "date of the tax sale" in its place

(22) Section 47-1366 is amended to read as follows

"§ 47-1366 Cancellation of sale by Mayor

"(a) The Mayor, in the Mayor's discretion, may cancel a sale before the issuance of a final order by the Superior Court of the District of Columbia foreclosing the right of redemption to prevent an injustice to the owner or person with an interest in the real property

"(b) The Mayor shall cancel a sale before the issuance of a final order by the Superior Court of the District of Columbia foreclosing the right of redemption where

"(1) The record owner or other interested party timely pays the amount set forth in the notice of delinquency to avoid the tax sale as required under § 47-1341(a) or otherwise pays the outstanding taxes before the tax sale,

"(2) The real property meets the qualifications to be exempt from sale under § 47-1332(c),

"(3) In a sale involving Class 1 property with 5 or fewer units that a record owner (or a person with an interest in the property as heir or beneficiary of the record owner, if the record owner is deceased) occupies as his or her principal residence, the record owner or other interested person proves

"(A) A failure of the Mayor to mail any of the notices required by §§ 47-1341(a), 47-1341(b), or 47-1353 01, or

"(B) That the mailing address of the person who last appears as the record owner of the real property on the tax roll, as properly updated by the record owner by the filing of a change of address with the Office of Tax and Revenue in accordance with § 42-405, was not correctly or substantively updated by the Office of Tax and Revenue notwithstanding proper filing, or

"(4) A properly filed application for a forbearance authorization was filed at least 30 days before the sale and was approved within 60 days after the sale

"(c) Subject to the limitations set forth in § 47-1377(b), (c), (d), and (e), if the Mayor cancels a sale pursuant to this section, the Mayor shall pay to the purchaser the amount that the purchaser would have received if the real property had been redeemed, but no part of the amount shall be considered a payment of tax on behalf of the real property A certificate of redemption, if necessary, shall be executed and filed by the Mayor with the Recorder of Deeds for no fee "

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(23) Section 47-1370 is amended as follows

(A) Subsection (a) is amended by striking the phrase "date of sale" and inserting the phrase "date of the tax sale" in its place

(B) Subsection (c) is amended by adding a new paragraph (4) to read as follows

"(4) Proof of the posting required under § 47-1353 01 shall be attached to and made part of the complaint. The posting shall be held to the same standard as the proof of posting required under § 47-1372(f) "

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

"(e) The purchaser shall immediately notify the Chief Financial Officer and the Real Property Tax Ombudsman, established by § 47-805, upon the filing of a complaint under this section "

(24) Section 47-1371(b) is amended by adding a new paragraph (2A) to read as follows

"(2A) The plaintiff shall certify to the Superior Court of the District of Columbia, under penalties of perjury, that a search was conducted for the record owner in bankruptcy records "

(25) Section 47-1372(a)(1)(C) is amended by striking the phrase "date of sale" and inserting the phrase "date of the tax sale" in its place

(26) Section 47-1374 is amended as follows

(A) Subsection (c) is amended to read as follows

"(c) This subsection applies only if a last known address for a defendant is obtained as provided under subsections (a) and (b) of this section. The plaintiff shall cause a copy of the order of publication to be mailed by first class, certified mail, postage prepaid, to each defendant's address as determined by the provisions of subsections (a) and (b) of this section "

(B) Subsection (e) is amended to read as follows

"(e)(1) A final judgment may not be entered earlier than the later of

"(A) One year following the initial scheduling conference in the foreclosure action, or

"(B) Four months following the completion of service on the owner and all parties identified as defendants in § 47-1371

"(2) Paragraph (1) of this subsection shall not apply to any final judgment in which all interested parties have disclaimed any interest in the property subject to the judgment or in a case where a real property was sold under § 47-1353(a)(3) or (b) "

(27) Section 47-1377 is amended to read as follows

"§ 47-1377 Purchaser reimbursed by redeeming party for expenses

"(a)(1) Except as provided in subsection (b) of this section, upon redemption, a purchaser is entitled to be reimbursed by the redeeming person for the following expenses incurred in an action, or in preparation for an action, to foreclose the right of redemption

"(A) If an action to foreclose the right of redemption has not been filed

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and the property is redeemed more than 4 months after the applicable tax sale's tax sale date, the purchaser may be reimbursed for the following pre-complaint legal expenses

"(i) The amount of \$50 for any posting required by § 47-1353 01,

"(ii) Costs for recording the certificate of sale, and

"(iii) The cost of a title search, not to exceed \$300

"(B) If an action to foreclose the right of redemption has been filed, the purchaser may also be reimbursed for

"(i) Reasonable attorneys' fees as follows

"(I) In a case in which the property is redeemed before the 5th status hearing, reasonable attorneys' fees not to exceed \$1,500,

"(II) In a case requiring 5 or more status hearings, reasonable attorneys' fees not to exceed \$1,500, plus \$75 for the 5th status hearing and each additional status hearing thereafter, and

"(III) In a case in which a motion for judgment is filed with the court, additional attorneys' fees in the amount of \$300,

"(ii) Notwithstanding sub-subparagraph (i) of this subparagraph, in cases requiring prolonged or complex representation not typically necessary to resolve an action filed under this chapter, including cases in which the purchaser incurs attorneys' fees and expenses under § 47-1382 01(a), other reasonable attorneys' fees incurred and specifically requested by the purchaser and approved by the court, on a case-by-case basis, provided, that additional attorneys' fees shall not be awarded if a tax sale is cancelled by the Mayor under § 47-1366, or where a purchaser is required to show good cause under subsection (c) of this section, and

"(iii) Expenses actually incurred as follows

"(I) Filing fee charged by the Superior Court of the District of Columbia,

"(II) Service of process fee, including fees incurred attempting to serve process,

"(III) If a 2nd title search is conducted more than 6 months after the initial title search, a title search update fee, not to exceed \$75,

"(IV) Publication fee charged by a newspaper of general circulation in the District,

"(V) Posting fees,

"(VI) Postage and certified mail costs,

"(VII) Substantial repair order fee, not to exceed the fee charged by the government agency issuing the certificate of substantial repair, and

"(VIII) Any court approved expense for stabilization or conversion of, or to make safe and compliant with Chapter 31A of Title 42, the property under § 47-1363 or to comply with an action taken against the property by the Mayor in accordance with the applicable building, fire, health, or safety code

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"(2)(A) In calculating the number of hearings in a case for the purposes of paragraph (1)(B)(1) of this subsection, any status hearing held before the redeeming party was served shall be excluded from the calculation

"(B) For purposes of paragraph (1)(B)(1) of this subsection, an initial scheduling conference shall be deemed a status hearing

"(C) Nothing in paragraph (1) of this subsection shall be construed as prohibiting the purchaser from settling attorneys' fees in a lesser amount than the purchaser may be eligible for under this section

"(b) No purchaser of a certificate of sale shall be reimbursed for expenses incurred within 4 months after the date of the tax sale. A purchaser other than the District shall not be reimbursed for any expenses if the certificate becomes void under this chapter

"(c) The purchaser shall not be entitled to be reimbursed for any expenses or attorney's fees not included in this section. Expenses or attorneys' fees incurred by a purchaser who appeals the assessment or the vacant status of the property are not reimbursable

"(d) If the purchaser fails to satisfy the requirements for posting under § 47-1353 01 or fails to provide proof of posting required under § 47-1370(c)(4), the purchaser shall not be entitled to collect the legal expenses set forth in subsection (a) of this section, provided, that upon a showing to the Superior Court of the District of Columbia of good cause for the failure to meet the posting requirements of § 47-1353 01 or § 47-1370(c)(4), the purchaser shall be entitled to collect those expenses, not to exceed the amounts set forth in subsection (a) of this section, that the Superior Court of the District of Columbia considers reasonable

"(e) Notwithstanding subsection (d) of this section, if the tax sale is cancelled by the Mayor under § 47-1366, the purchaser shall not be entitled to reimbursement of the expenses permitted under subsection (a)(1)(B) of this section if the purchaser fails to specifically disclose to the Mayor, at least 45 days before the filing of a complaint to foreclose the right of redemption, information that is obtained or should have been obtained from the pre-complaint investigation, including the title examination and review of bankruptcy records under § 47-1371(b)(2) and § 47-1371(b)(2A), that evidences a violation of § 47-1332(c), a violation of a bankruptcy stay, or errors, as prescribed by the Mayor through regulation "

(28) Section 47-1380(d) is amended by striking the phrase "the sale " and inserting the phrase "the sale and the purchaser shall not receive any amounts otherwise due under this chapter " in its place

(29) Section 47-1382(a) is amended as follows

(A) The lead-in text is amended by striking the phrase "A final" and inserting the phrase "Except as provided in § 47-1382 01, a final" in its place

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

"(1) A taxing agency lien that is recorded in the Office of the Recorder of Deeds,"

(C) Paragraph 4 is amended by striking the word "and"

(D) Paragraph (5) is amended by striking the period and inserting the phrase ", and" in its place

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

"(6) A ground lease described in § 47-1345(b), any recorded covenant, agreement, or other instrument, and any other document incorporated by reference into a recorded covenant, agreement, or other instrument, to which a ground lessor as described in § 47-1345(b) is a party or beneficiary "

(30) A new section 47-1382 01 is added to read as follows

"§ 47-1382 01 Equity distribution post-judgment – owner-occupant properties

"(a) This section shall apply to any Class 1 property with 5 or fewer units in which a record owner (or a person with an interest in the property as heir or beneficiary of the record owner, if deceased), was occupying as his or her principal residence when the complaint to foreclose the right of redemption was filed. The purchaser shall bear the burden of establishing that this section is not applicable to the real property

"(b) Upon issuing a final judgment foreclosing the right of redemption, the Superior Court of the District of Columbia shall appoint a trustee and shall order that the trustee sell the property pursuant to Rule 308 of the Superior Court of the District of Columbia Rules of Civil Procedure, or its equivalent

"(c) The trustee shall sell a fee simple interest in the property, subject to the encumbrances set forth in § 47-1382(a)

"(d) The court shall order the trustee to distribute the proceeds of the sale in priority order as follows

"(1) Reasonable compensation and reasonable expenses due to the trustee or to any other person (including an auctioneer) who provided services relating to the sale of the property, and all other payments the court deems to have been necessary to effect the sale of the real property, including recordation and transfer taxes,

"(2) Payment to the Mayor of

"(A) All amounts payable to the Mayor for deposit into the General Fund of the District of Columbia under § 47-1361 as of the date of the court's order regarding distribution,

"(B) Any promissory note executed pursuant to § 47-1353(a)(3), and

"(C) Any lien certified under § 47-1340,

"(3) Payment to the purchaser of all amounts provided for in § 47-1377, as fixed by the court, and

"(4) Any remaining amounts as follows

"(A) Ten percent or \$20,000, whichever is less, to the purchaser, and

"(B) The remainder to the person or persons (including, when appropriate, a decedent's estate) entitled to the balance, in proper proportion as determined by the trustee, or, when necessary, a court

"(e)(1) The trustee shall notify the purchaser once payment is made to the Mayor pursuant to subsection (d)(2) of this section, at which time the purchaser shall surrender the certificate of sale and receive from the Mayor the amount to which the purchaser would have been entitled had redemption occurred in accordance with § 47-1361

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"(2) For purposes of calculating the refund due to the purchaser, the date of the court's order providing for distribution or the sale proceeds in accordance with subsection (d) of this section shall be deemed the date of redemption

"(f)(1) If the trustee in the trustee's best judgment determines that a sale of the real property will not generate proceeds sufficient to fund the distributions required under subsection (d)(1) and (2) of this section, the trustee shall timely inform the court of that determination

"(2) Upon receipt of the trustee's determination as described in paragraph (1) of this subsection, the court shall

"(A) Rescind the trustee's appointment and the order to sell the real property,

"(B) Issue a final judgment foreclosing the right of redemption in accordance with the provisions of § 47-1382, and

"(C) Require the purchaser to pay such fees and expenses of the trustee as the court determines appropriate "

(31) Section 47-1384 is amended by striking the phrase "Notwithstanding any other law, the provisions of this chapter" and inserting the phrase "Notwithstanding any other law, if a court determines that any provision of this chapter is ambiguous, the provision" in its place

Sec 7103 Conforming amendments

(a) Section 908 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 08), is amended as follows

(1) Paragraph (15) is amended by striking the word "and" at the end

(2) Paragraph (16) is amended by striking the period and inserting the phrase ", and" in its place

(3) A new paragraph (17) is added to read as follows

"(17) The Real Property Tax Ombudsman of the Office of the Real Property Tax Ombudsman "

(b) Section 15(f) of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D C Law 11-134, D C Official Code § 2-1215 15(f)), is amended by striking the phrase "plus interest on the unpaid amount at the rate of 1 1/2%" and inserting the phrase "plus simple interest on the unpaid amount at the rate of 1%" in its place

(c) Section 499d of An Act To establish a code of law for the District of Columbia, effective October 23, 1997 (D C Law 12-34, D C Official Code § 42-405), is amended to read as follows

"Sec 499d Notice of address and name change

"(a) Any owner, as defined under D C Official Code § 47-802(5), of real property entitled to receive notices under Chapter 8 of Title 47 shall notify the Office of Tax and Revenue of a name change or address change within 30 days

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"(b) Any name change shall be evidenced by the recording of a confirmatory deed with the Recorder of Deeds and submission of supporting documents with and as required by the Recorder of Deeds relating to the applicable property

"(c) Any address change shall be filed with the Office of Tax and Revenue on the form and in the manner as may be prescribed

"(d) The Chief Financial Officer may issue rules to implement the provisions of this section "

(d) Section 302 of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat 11, D C Official Code § 42-1102), is amended by adding a new paragraph (34) to read as follows

"(34) Deeds to property transferred to a named beneficiary of a revocable transfer on death deed under the Uniform Real Property Transfer of Death Act of 2012, effective March 19, 2013 (D C Law 19-230, D C Official Code § 19-604 01 *et seq*), by reason of the death of the grantor of the revocable transfer on death deed "

(e) Section 5(4) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, effective April 27, 2001 (D C Law 13-281, D C Official Code § 42-3131 05(4)), is amended by striking the phrase "Office of Tax and Revenue" and inserting the phrase "Office of Tax and Revenue, and a tax sale purchaser under D C Official Code § 47-1353(b) or the purchaser's assignee, as applicable, except where the owner of record is challenging or appealing the vacant status of the real property for the same period" in its place

Sec 7104 Repealer

The Residential Real Property Equity and Transparency Amendment Act of 2014, enacted on July 15, 2014 (D C Act 20-378, 61 DCR 7763), is repealed

SUBTITLE L KELSEY GARDENS REDEVELOPMENT

Sec 7111 Short title

This subtitle may be cited as the "Kelsey Gardens Redevelopment Amendment Act of 2014"

Sec 7112 Section 47-4625(a)(2) of the District of Columbia Official Code is amended to read as follows

"(2) Contain approximately 13,363 square feet of ground-level retail space, and"

Sec 7113 Applicability

This subtitle shall apply as of December 17, 2009

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SUBTITLE M. UNDERPAYMENT OF ESTIMATED TAX

Sec 7121 Short title

This subtitle may be cited as the "Underpayment of Estimated Tax Amendment Act of 2014"

Sec 7122 Chapter 42 of Title 47 of the District of Columbia Official Code is amended as follows

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

“Subchapter I-A Underpayment

“47-4203 Underpayment of estimated tax by individuals

“47-4204 Underpayment of estimated tax by corporations, financial institutions, and unincorporated businesses ”

(b) A new Subchapter I-A is added to read as follows

“Subchapter I-A Underpayment

“§ 47-4203 Underpayment of estimated tax by individuals

“(a) An individual shall pay 4 installments of estimated tax on the dates as provided in § 47-1812 08(i)(4) in the amounts provided under subsection (b) of this section

“(b)(1) The amount of each installment of estimated tax shall be the lesser of

“(A) The amount required under the annualized income method under paragraph (2) of this subsection, or

“(B) Twenty-five percent of the lesser of

“(i) Ninety percent of the tax shown on the return for the taxable year (or, if no return is filed, 90% of the tax for the taxable year),

“(ii)(I) Except as provided in sub-sub-paragraph (II) of this sub-paragraph, 100% of the tax shown on the return of the individual for the preceding taxable year if the individual filed a return for the preceding taxable year consisting of 12 months, or

“(II) For tax years beginning after December 31, 2011, 110% of the tax shown on the return of the individual for the preceding taxable year if the individual filed a return for the preceding taxable year consisting of 12 months, or

“(iii)(I) Except as provided in sub-sub-paragraph (II) of this sub-paragraph, 100% of the tax computed on the basis of the facts shown on the individual’s return for the preceding taxable year if the individual filed a return for the preceding taxable year consisting of 12 months, or

“(II) For tax years beginning after December 31, 2011, 110% of the tax computed on the basis of the facts shown on the individual’s return for the preceding taxable year if the individual filed a return for the preceding taxable year consisting of 12 months

“(2)(A) The required payments under the annualized income method shall be, on a cumulative basis, as follows

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"(i) On the first installment date, 22 5% of the tax for the taxable year based upon the annualized income of the individual for the first 3 months of the taxable year,

"(ii) On the second installment date, 45% of the tax for the taxable year based upon the annualized income of the individual for the first 5 months of the taxable year,

"(iii) On the third installment date, 67 5% of the tax for the taxable year based upon the annualized income of the individual for the first 8 months of the taxable year, and

"(iv) On the fourth installment date, 90% of the tax for the taxable year

"(B) The annualized income method shall not apply to individuals filing a return for part of a taxable year except under regulations as the Mayor may prescribe

"(c)(1) Except as otherwise provided in this section, in the case of an underpayment of estimated tax by an individual, there shall be added to the tax imposed under § 47-1806 03(a) an amount of interest determined by applying the underpayment rate set forth in § 47-4201 to the amount of the underpayment for the period of the underpayment

"(2) For the purposes of this subsection

"(A) The amount of the underpayment shall be the excess of the required installment, over the amount, if any, of the installment paid on or before the due date for the installment, and

"(B) The period of the underpayment shall run from the due date for the installment to the earlier of the 15th day of the 4th month following the close of the taxable year or the date on which the amount of the underpayment is made, provided, that an underpayment that is unpaid during part of a month shall be considered to be paid at the end of the month

"(d) For the purposes of this section

"(1) A payment of estimated tax shall be credited against unpaid required installments in the order in which the installments are required to be paid

"(2) The term "tax" means the tax imposed by § 47-1806 03, less the amount of credit allowed against the tax (other than the credit under § 47-1806 04(b) for withholding of wages)

"(3) The amount of the credit allowed under § 47-1806 04(b) for withholding of wages shall be deemed a payment of estimated tax. An equal part of such amount shall be deemed paid on each due date for the payment of estimated tax for the taxable year unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case the amounts withheld shall be deemed payments of estimated tax on the dates on which such amounts were actually withheld

"(4) The amount of a refund of a prior year's tax applied against the tax during the taxable year shall be deemed a payment of estimated tax

"(e) Interest shall not be imposed under subsection (c) of this section for a taxable year if

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"(1) The tax shown on the return for the taxable year (or, if no return is filed, the tax), reduced by applicable credits and payments of estimated tax that are timely made, is less than \$ 100,

"(2) The individual did not have any liability for tax for the preceding taxable year,

"(3) The Mayor determines that

"(A) The taxpayer retired after having attained 62 years of age or developed a disability in the taxable year for which estimated payments were required to be made or in the taxable year preceding such taxable year, and

"(B) The underpayment was due to reasonable cause and not to willful neglect,

"(4) The Mayor determines that, by reason of casualty, disaster, or other unusual circumstances, the imposition of the addition to tax would be against equity and good conscience, or

"(5) The taxpayer dies during the taxable year

"§ 47-4204 Underpayment of estimated tax by corporations, financial institutions, and unincorporated businesses

"(a) A corporation, financial institution, or unincorporated business shall pay 4 installments of estimated tax as provided in § 47-1812 14 in the amount provided under subsection (b) of this section

"(b)(1) The amount of each installment of estimated tax shall be the lesser of

"(A) The amount required under the annualized income method under paragraph (2) of this subsection, or

"(B) Twenty-five percent of the lesser of

"(i) Ninety percent of the tax shown on the return of the entity for the taxable year (or, if no return is filed, 100% of the tax for the taxable year), or

"(ii)(I) Except as provided in sub-sub-subparagraph (II) of this sub-subparagraph, 100% of the tax shown on the return of the entity for the preceding taxable year if the individual filed a return for the preceding taxable year consisting of 12 months, or

"(II) For tax years beginning after December 31, 2011, 110% of the tax shown on the return of the entity for the preceding taxable year if the individual filed a return for the preceding taxable year consisting of 12 months

"(2) (A) The required payments under the annualized income method shall be, on a cumulative basis, as follows

"(i) On the first installment date, 22 5% of the tax for the taxable year based upon the annualized income of the entity for the first 3 months of the taxable year,

"(ii) On the second installment date, 45% of the tax for the taxable year based upon the annualized income of the entity for the first 5 months of the taxable year,

"(iii) On the third installment date, 67 5% of the tax for the taxable year based upon the annualized income of the entity for the first 8 months of the taxable year, and

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"(iv) On the fourth installment date, 90% of the tax for the taxable year based upon the annualized income of the entity for the first 9 months of taxable year

"(B) The annualized income method shall not apply to entities filing a return for part of a taxable year except under regulations as the Mayor may prescribe

"(c)(1) Except as otherwise provided in this section, in the case of an underpayment of estimated tax by a corporation, financial institution, or unincorporated business, there shall be added to the tax imposed under Chapter 18 of this title an amount of interest determined by applying the underpayment rate set forth in § 47-4201 to the amount of the underpayment for the period of the underpayment

"(2) For the purposes of this subsection

"(A) The amount of the underpayment shall be the excess of the required installment over the amount, if any, of the installment paid on or before the due date for the installment, and

"(B) The period of the underpayment shall run from the due date for the installment to the earlier of the 15th day of the 3rd month following the close of the taxable year or the date on which the amount of the underpayment is made, provided, that an underpayment that is unpaid during part of a month shall be considered to be paid at the end of the month

"(d) For the purposes of this section

"(1) A payment of estimated tax shall be credited against unpaid required installments in the order in which the installments are required to be paid

"(2) The term "tax" means the tax imposed by § 47-1807 02 or § 47-1808 03, less the amount of credit allowed against the tax (other than the credit with respect to payments of tax)

"(3) The amount of a refund of a prior year's tax applied against the tax during the taxable year shall be deemed a payment of estimated tax

"(e) Interest shall not be imposed under subsection (c) of this section for a taxable year if

"(1) The tax shown on the return for the taxable year (or, if no return is filed, the tax) reduced by applicable credits and estimated payments that are made timely, is less than \$1,000, or

"(2) The preceding taxable year was a taxable year of 12 months, and the entity did not have any liability for tax for the preceding taxable year "

(c) Sections 47-4214 and 47-4215 are repealed

Sec 7123 Applicability

This subtitle shall be applicable for tax years beginning after December 31, 2014

SUBTITLE N TAX TRANSPARENCY AND EFFECTIVENESS

Sec 7131 Short title

This subtitle may be cited as the "Tax Transparency and Effectiveness Act of 2014"

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Sec 7132 Definitions

For the purposes of this subtitle, the term

- (1) "Categorical preference" means a tax preference that sets eligibility criteria and is potentially available to all entities that meet the criteria, subject to any funding limitations
- (2) "CFO" means the Chief Financial Officer of the District of Columbia
- (3) "Economic development purpose" means a goal to increase or retain business activity, including attracting new businesses or retaining existing ones, encouraging business expansion or investment, increasing or maintaining hiring, or increasing sales
- (4) "Individual preference" means a tax preference, such as a tax abatement, applied to one entity, project, or associated projects
- (5) "On-cycle tax preference" means a tax preference being reviewed in a current year
- (6) "Tax preference" shall have the same meaning as the phrase "tax expenditures" as defined in D C Official Code § 47-318(6)

Sec 7133 Tax preference review

- (a) The CFO shall review all locally adopted tax expenditures on a 5-year cycle and publish annually a report complying with the requirements of this section
- (b) By October 1, 2015, and by October 1 of every year thereafter, the CFO shall submit for publication in the District of Columbia Register a report for on-cycle tax preferences that complies with the requirements of this section
- (d) An on-cycle individual preference shall be analyzed and reported in the following manner
 - (1) An individual preference shall be analyzed and reported in groupings of similarly purposed preferences, with the report focusing on collective effects or trends that emerge
 - (2) The report shall include the stated purpose of the of tax preferences within the grouping, if clarified in the authorizing legislation
 - (3) The report shall include the amount of lost revenue due to the tax preferences within the grouping
 - (4) The report shall include an assessment of the general effects on the District resulting from the preferences
 - (5) The report on groupings of individual preferences shall include recommendations on how to improve similar preferences in the future
 - (6) For groupings of individual tax preferences with an economic development purpose, the analysis shall consider the economic impact of the preferences, and where sufficient data are available, take into account factors including
 - (A) Whether the economic impact of the tax preferences would have been expected without the preferences,
 - (B) The extent to which the economic impact of the tax preferences was offset by economic losses elsewhere,

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(C) The average economic impact for a level of direct expenditures equal to the cost of the tax preferences,

(D) The indirect economic impact of the tax preferences,

(E) The number of jobs created by the preference,

(F) The wages of the jobs created,

(G) The percentage of jobs filled by District residents, and

(H) Whether any terms of the tax preferences have been or are being satisfied

(e) Except as provided in subsection (f) of this section, on-cycle categorical preferences shall receive a full review that, where sufficient data are available, includes

(1) The purpose of the tax preference, if clarified in the authorizing legislation,

(2) The tax preference's cost in terms of lost revenue,

(3) An assessment of whether the tax preference is meeting its goals,

(4) An assessment of whether the tax preference is achieving other goals,

(5) Recommendations for improving the effectiveness of the tax preference,

(6) Recommendations for whether the tax preference should be modified, discontinued, or remain in its existent state, and

(7) For tax preferences with an economic development purpose, an analysis that measures the economic impact of the preference, including

(A) Whether the economic impact of the tax preference would have been expected without the preference,

(B) The extent to which the economic impact of the tax preference was offset by economic losses elsewhere,

(C) The average economic impact for a level of direct expenditures equal to the cost of the tax preference, and

(D) The indirect economic impact effect of the tax preference

(f) For on-cycle categorical tax preferences that the CFO determines do not merit a full review, the CFO shall instead perform a summary review. In determining which tax preferences are appropriate for a summary review, the CFO shall consider factors including, at a minimum

(1) The revenue lost due to the tax preference and the number of potential or actual claimants,

(2) Whether the revenue lost due to the preference has increased or decreased since the preference was last reviewed,

(3) Whether the preference has been included in legislative or administrative proposals to modify or repeal, and

(4) Whether the preference is required by the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat 774, D C Official Code §1-201.01 *et seq*)

(g) A report on a categorical preference designated for summary review shall include

(1) A narrative summary of the preference, including its purpose,

(2) The source and year of statutory authorization,

(3) The fiscal impact of the preference, and

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(4) A description of the beneficiaries of the tax preference

(h) All District agencies, offices, and instrumentalities shall cooperate with the CFO and shall provide any records, information, data, and data analysis needed to complete the reviews and reports required by this section

SUBTITLE O. LOW-INCOME HOUSING TAX CREDIT

Sec 7141 Short title

This subtitle may be cited as the "Low-Income Housing Tax Credit Act of 2014"

Sec 7142 Title 47 of the District of Columbia Official Code is amended as follows

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

"48 District of Columbia Low-Income Housing Tax Credit "

(b) A new Chapter 48 is added to read as follows

"CHAPTER 48 DISTRICT OF COLUMBIA LOW-INCOME HOUSING TAX CREDIT

Sec

"47-4801 Definitions

"47-4802 Credit established

"47-4803 Eligibility

"47-4804 Recapture

"47-4805 Additional filings

"47-4806 Transfer, sale or assignment

"47-4807 Compliance

"47-4808 Expiration of credits

"47-4809 Efficiency

"47-4810 Fees

"47-4811 Look-back requirement

"47-4812 Rules

"§ 47-4801 Definitions

"For the purposes of this chapter, the term

"(1) "Administrative costs" means the costs of the Department to administer, manage, and monitor the Low-Income Housing Tax Credit Program, including personnel costs

"(2) "Department" means the Department of Housing and Community Development, or its successor agency

"(3) "Developer" means a person or entity that proposes to cause the construction of affordable housing using tax credits provided under the District of Columbia's Low-Income Housing Tax Credit Program

"(4) "Director" means the Director of the Department

"(5) "District of Columbia low-income housing tax credit" means the tax credit established by § 47-4802 pursuant to the Low-Income Housing Tax Credit Program

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"(6) "Low-Income Housing Tax Credit Program" means the program authorized by section 42 of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat 2085, 26 U S C § 42) ("1986 Internal Revenue Code")

"(7) "Pilot period" means the initial year of the credit program established under this chapter

"(8) "Qualified project" means a rental housing development that receives an allocation of federal Low-Income Housing Tax Credits from the Department

"(9) "User fee" means a fee charged by the Department to a developer in connection with the District of Columbia's Low-Income Housing Tax Credit Program, including application, reservation, allocation, and monitoring fees

"§ 47-4802 Credit established

"(a)(1) There is established a District of Columbia low-income housing tax credit. Subject to available funds, the Department may authorize annually under this chapter total tax credits equal to the credit ceiling allocated to the District of Columbia by the federal Internal Revenue Service in accordance with 26 U S C § 42(h)(3)(c)

"(2) For the pilot period, the Department shall make available \$1 million in credits in tax year 2015

"(b) Unless otherwise provided in this section, the Department shall authorize, allocate, administer, and determine eligibility for the District of Columbia low-income housing tax credit and allocate the credit in accordance with the standards and requirements as set forth in section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, provided, that the combined federal and District of Columbia low-income housing tax credit shall be the least amount necessary to ensure financial feasibility of a project

"(c) The Department shall allocate the total available District of Columbia low-income housing tax credit among as many qualified District of Columbia projects as fiscally feasible, with the goal of increasing the stock of affordable housing units

"(d) Only qualified projects are eligible for a District of Columbia low-income housing tax credit award

"§ 47-4803 Eligibility

"(a) A taxpayer may receive a District of Columbia low-income housing tax credit with respect to a qualified project, provided, that the Department issues an eligibility statement for that qualified project

"(b) The total District of Columbia low-income housing tax credit available to a qualified District of Columbia project shall be authorized and allocated by the Department based on the qualified project's need for the credit for economic feasibility

"(c) The District of Columbia low-income housing tax credit shall be taken against the income, insurance premium, or franchise taxes imposed under this title, claimed equally for 10 years, subtracted from the amount of District of Columbia tax otherwise due for each taxable period and shall not be refundable, provided, that the credit may not be taken against any tax that is dedicated in whole or in part to the Healthy DC and Health Care Expansion Fund established

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by § 31-3514 02 Any amount of the low-income housing tax credit that exceeds the tax due for a taxable year may be carried forward to any of the 10 remaining subsequent taxable years

"(d)(1) All or any portion of District of Columbia tax credits issued in accordance with the provisions of this section may be allocated to parties who are eligible under the provisions of subsection (a) of this section

"(2) An owner of a qualified project shall certify to the Chief Financial Officer the amount of credit allocated to the owner The owner of the qualified project shall provide to the Chief Financial Officer appropriate information so that the low-income housing tax credit can be properly allocated

"(e) If the recapture of District of Columbia low-income housing tax credits is required pursuant to § 47-4804(a) or (b), any statement submitted to the Chief Financial Officer as provided in this section shall include the

"(1) Proportion of the District of Columbia credit required to be recaptured,

"(2) Identity of each taxpayer subject to the recapture, and

"(3) Amount of credit previously allocated to such taxpayer

"(f)(1) A tax credit allowed under this section shall not be denied to the taxpayer with respect to any qualified project merely by reason of a right of first refusal held by the tenants, in cooperative form or otherwise, or resident management corporation of such building or by a qualified nonprofit organization, as defined in section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, or government agency to purchase the qualified District of Columbia project after the close of the compliance period for a price which is not less than the minimum purchase price determined under paragraph (2) of this subsection

"(2) The minimum purchase price shall be an amount equal to the sum of the principal amount of outstanding indebtedness secured by the building, other than indebtedness incurred within the 5-year period ending on the date of the sale pursuant to paragraph (1) of this subsection, and all federal and District taxes attributable to the sale

"§ 47-4804 Recapture

"(a) The owner of a qualified project eligible for the District of Columbia low-income housing tax credit shall submit a copy of the eligibility statement issued by the Department with respect to the qualified project at the time of filing the project owner's state tax return In the case of failure to attach the eligibility statement, a credit under this section shall not be allowed with respect to such qualified project for that year until the copy is provided to the Office of Tax and Revenue

"(b) If under section 42 of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, a portion of any federal low-income housing tax credits taken on a low-income qualified project is required to be recaptured, the District of Columbia low-income housing tax credit authorized by this chapter with respect to such qualified District of Columbia project shall also be recaptured The District of Columbia recapture amount shall be equal to the amount of the District of Columbia low-income housing tax credits previously claimed times a fraction, the numerator of which shall be the amount of recaptured federal low-income housing tax credits

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and the denominator of which shall be the amount of federal low-income housing tax credits previously claimed

"§ 47-4805 Additional filings

"The Chief Financial Officer or the Department may require the filing of additional documentation necessary to determine the eligibility or accuracy of a tax credit claimed under the provisions of this chapter through the promulgation of regulations

"§ 47-4806 Transfer, sale, or assignment

"(a) All or any portion of tax credits issued in accordance with the provisions of this section may be transferred, sold, or assigned

"(b) An owner or transferee desiring to make a transfer, sale, or assignment shall submit to the Chief Financial Officer a statement that describes the amount of District of Columbia low-income housing tax credit for which such transfer, sale, or assignment of District of Columbia low-income housing tax credit is eligible. The owner shall provide to the Chief Financial Officer appropriate information so that the low-income housing tax credit can be properly allocated

"(c) If the recapture of District of Columbia low-income housing tax credits is required pursuant to § 47-4804, any statement submitted to the Chief Financial Officer as required in subsection (b) of this section shall include the

“(1) Proportion of the District of Columbia low-income housing tax credit required to be recaptured,

“(2) Identity of each transferee subject to recapture, and

“(3) Amount of credit previously transferred to such transferee

"§ 47-4807 Compliance

"(a) The Department, in consultation with the Chief Financial Officer, shall monitor and oversee compliance with the District of Columbia's Low-Income Housing Tax Credit Program and may promulgate regulations requiring the filing of additional documentation considered necessary to determine continuing eligibility for the District of Columbia low-income housing tax credit

"(b) The Department or the Chief Financial Officer shall report specific occurrences of noncompliance to appropriate state, federal, and local authorities

"§ 47-4808 Expiration of credits

"Except for unused credits carried forward pursuant to § 47-4803(c) and for credits claimed under regulations promulgated by the Department consistent with the special rule set forth in section 42(f)(2) of the 1986 Internal Revenue Code, as amended and in effect for the taxable year, a qualified District of Columbia project shall not be eligible for any District of Columbia low-income housing tax credits for more than 11 taxable years

"§ 47-4809 Efficiency

"The Department may pursue methods of enhancing the efficiency of the District of Columbia low-income housing tax credit program, including,

“(1) Pursuing opinions from the United States Department of Treasury's Internal Revenue Service in the form of

“(A) General Counsel memoranda,

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- “(B) Private letter rulings and other notices,
- “(C) Rulings, or
- “(D) Guidelines, and

“(2) Reviewing other state low-income housing tax programs that have an option for taxpayers to receive such tax credit in the form of a loan generated by transferring the credit to a designated state entity

”§ 47-4810 Fees

”The Department may charge a user fee equal to up to 1% of the District of Columbia low-income housing tax credits awarded to a qualified project to pay for the administrative costs associated with the establishment of a District of Columbia low-income housing tax credit. The user fee shall be deposited into the Low-Income Housing Tax Credit Fund, as established in § 42-2853 02

”47-4811 Look-back requirement

”As soon as practicable after the first tranche of credits is sold during the pilot period, the Department shall provide a report to the Mayor and the Council on the credit program, including

- “(1) A list of projects financed with the low-income housing tax credits,
- “(2) The number of affordable units per transaction and the level of affordability

per unit,

“(3) Copies of the basic development budget or budgets, also known as the “DHCD 202”, and

- “(4) The syndication rate for each credit sold

”§ 47-4812 Rules

- ”(a) The Mayor shall issue rules to implement the provisions of this chapter
- ”(b) The Chief Financial Officer shall issue rules to implement § 47-4805 ”

SUBTITLE P. IPW FUND, DESTINATION DC MARKETING FUND, AND WMATA MOMENTUM FUND ESTABLISHMENT

Sec 7151 Short title

This subtitle may be cited as the "IPW Fund, Destination DC Marketing Fund, and WMATA Momentum Support Fund Establishment Act of 2014"

Sec 7152 IPW Fund

(a) There is established as a special fund the IPW Fund ("Fund"), which shall be administered by Destination DC in accordance with subsection (c) of this section

(b) The following funds shall be deposited into the Fund

(1) Upon approval of the settlement by the District of Columbia Court of Appeals in *District of Columbia v Expedia, Inc*, et al, Nos 14-CV-308, 14-CV-309 and subject to subsection (d) of this section, \$3 5 million from the \$60 9 million settlement the District obtained, and

(2) In private-sector matching funds, \$3 5 million to be raised by Destination DC

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(c) Money in the Fund shall be used to pay for the costs associated with hosting the U S Tourism Association's annual international tourism conference, known as the IPW

(d) The portion of the Fund described in subsection (b)(1) of this section shall be available for expenditure only if Destination DC raises private-sector matching funds on a one-to-one basis. Destination DC shall return to the District any settlement funds for which a private-sector match is not secured.

(e) Destination DC shall submit an annual report by the end of each fiscal year to the Mayor and Council, which shall include the amount of private-sector matching funds raised and the amount expended from the Fund.

(f)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(2) 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.

Sec 7153 Destination DC Marketing Fund

(a) There is established as a special fund the Destination DC Marketing Fund ("Fund"), which shall be established under the auspices of and administered by Destination DC, and which shall be used by Destination DC for the purposes of marketing the District.

(b) The amount of \$1.5 million shall be deposited into the Fund from the \$60.9 million settlement the District obtained with online travel companies to recover unpaid hotel-room taxes, only upon approval of the settlement by the District of Columbia Court of Appeals, *District of Columbia v Expedia, Inc*, et al, Nos 14-CV-308, 14-CV-309.

(c)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(2) 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.

Sec 7154 WMATA Momentum Support Fund

(a) There is established as a special fund the WMATA Momentum Support Fund ("Fund"), which shall be administered by the Chief Financial Officer in accordance with subsection (c) of this section.

(b) Upon approval of the settlement by the District of Columbia Court of Appeals in *District of Columbia v Expedia, Inc*, et al, Nos 14-CV-308, 14-CV-309, \$55.9 million from the \$60.9 million settlement the District obtained shall be deposited in the Fund.

(c) Upon execution of an inter-jurisdiction funding agreement for implementation of the Washington Metropolitan Area Transit Authority Momentum Strategic Plan ("Momentum"), any monies in the Fund shall be made available to finance the District's share of the implementation costs of Momentum.

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(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time

(2) 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

SUBTITLE Q. LAHDO ESTOPPELS

Sec 7161 Short title

This subtitle may be cited as the "LAHDO Estoppels Amendment Act of 2014"

Sec 7162 Section 47-1005 01(c-1) of the District of Columbia Official Code is amended to read as follows

"(c-1)(1) Effective June 9, 2001, an existing or future lease entered into under the provisions of the Land Acquisition for Housing Development Opportunities Program, set forth in Chapter 45 of Title 10 of the District of Columbia Municipal Regulations (10 DCMR § 45) ("LAHDO"), shall be exempt from all taxes, assessments, and public charges related to the leased land, including any possessory interest tax, for periods for which the Department of Housing and Community Development ("DHCD") certifies in writing to the lessee and the Chief Financial Officer that the lessee is in compliance with its LAHDO lease and the lessee is in good standing with DHCD

"(2) As to any property for which a written certification of compliance is issued, DHCD shall notify the lessee and the Chief Financial Officer if the lessee no longer is in compliance with its lease or is not in good standing with DHCD

"(3) The exemption provided in this subsection shall end at the beginning of the first month following the date that the lessee did not comply with its lease or was not in good standing with DHCD, whichever occurs first "

SUBTITLE R. QUALIFIED HIGH TECHNOLOGY CLARIFICATION

Sec 7171 Short title

This subtitle may be cited as the "Qualified High Technology Clarification Amendment Act of 2014"

Sec 7172 Section 47-1817 01(5) of the District of Columbia Official Code is amended as follows

(a) Subparagraph (A) is amended as follows

(1) Sub-subparagraph (i) is amended by striking the phrase "maintaining an office, headquarters, or base of operations" and inserting the phrase "leasing or owning an office" in its place

(2) Sub-subparagraph (ii) is amended by striking the word "employees" and inserting the phrase "qualified employees" in its place

(3) Sub-subparagraph (iii) is amended as follows

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(A) Sub-sub-subparagraph (II) is amended by striking the phrase “digital media Such technologies shall include” and inserting the phrase “digital media, including” in its place

(B) Sub-sub-subparagraph (III) is amended by striking the phrase “medical processes Such materials and technologies shall include” and inserting the phrase “medical processes, including” in its place

(C) Sub-sub-subparagraph (IV) is amended as follows

(i) Strike the word “biotechnology” and insert the phrase “biotechnology,” in its place

(ii) Strike the phrase “or propulsion” and insert the word “propulsion” in its place

(iii) Strike the phrase “equipment Such technologies shall include” and insert the phrase “equipment, including” in its place

(D) Sub-sub-subparagraph (V) is amended by striking the phrase “media content Such technologies shall include” and inserting the phrase “media content, including” in its place

(b) Subparagraph (B)(i) is amended as follows

(1) Sub-sub-subparagraph (I) is amended to read as follows

“(I) An on-line or brick and mortar retail store,”

(2) Sub-sub-subparagraph (II) is amended by striking the phrase “facility,” and inserting the phrase “facility, or” in its place

(3) A new sub-sub-subparagraph (III) is added to read as follows

“(III) A building or construction company ”

SUBTITLE S. EMERGING BUSINESS DISTRICT DEMONSTRATION

Sec 7181 Short title

This subtitle may be cited as the "Emerging Business District Demonstration Act of 2014"

Sec 7182 Emerging Business District Demonstration Projects

(a) The Mayor shall authorize the creation of Emerging Business District Demonstration Projects for business development purposes and provide financial assistance, beginning in Fiscal Year 2016, for up to 5 years while a business tax base is further established. These funds shall be distributed through a grant program by the Office of the Deputy Mayor for Planning and Economic Development

(b)(1) To be eligible for these funds, applicants must demonstrate property owner commitment to the program through matching grants of at least 25% of the proposed program's total budget

(2) Business Improvement Districts with budgets under \$1 million as well as eligible 501(c)(3) and 501(c)(6) organizations may apply and be awarded these funds

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(c) Within 45 days of the effective date of this subtitle, the Mayor shall publish draft regulations regarding the criteria and awarding of grants, provided, that if no regulations are published, organizations will be entitled to apply as of November 1, 2015

(d) Regulations shall include

- (1) The ability to establish and assemble a panel of reviewers for applications,
- (2) A formula to determine what level of seed funding is sufficient to establish operations and allows the pursuit of matching funds from the private sector or otherwise,
- (3) The ability for applicants to be eligible for technical assistance, training, and mentoring opportunities, and
- (4) Eligible uses of funds, which shall include
 - (A) Economic research, or
 - (B) Community or business outreach

Sec 7183 The grant program established by this subtitle shall not prevent an entity or a neighborhood from receiving any other form of District or federal assistance, including loans or other grants

Sec 7184 The Howard Town Center Real Property Tax Abatement Act of 2012, effective April 20, 2013 (D C Law 19-257, 60 DCR 992), is amended by adding a new section 3a to read as follows

"Sec 3a Applicability

"This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register "

SUBTITLE T. SOUTHWEST WATERFRONT PROJECT CLARIFICATION

Sec 7191 Short title

This subtitle may be cited as the "Southwest Waterfront Project Clarification Amendment Act of 2014"

Sec 7192 Section 101(3) of the Southwest Waterfront Bond Financing Act of 2008, effective October 22, 2008 (D C Law 17-252, D C Official Code § 2-1217 131(3)), is amended to read as follows

“(3) “Available Sales Tax Revenues” means the revenues in excess of \$208,549 generated in the Southwest Waterfront PILOT/TIF Area in any fiscal year of the District commencing on the Commencement Date resulting from the imposition of the sales tax under Chapter 20 of Title 47, including penalty and interest charges, exclusive of the portion required to be deposited in the Washington Convention Center Fund established pursuant to the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D C Law 10-188, D C Official Code § 10-1202 08) The term "Available Sales Tax Revenues" includes sales tax revenues from any business existing in the Southwest Waterfront PILOT/TIF Area on

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October 22, 2008, only after the business has re-opened as a result of the development of any portion of the project "

SUBTITLE U. NON-DEPARTMENTAL FUND ADMINISTRATION

Sec, 7201 Short title

This subtitle may be cited as the "Non-Departmental Fund Administration Act of 2014"

Sec 7202 In Fiscal Year 2015, of the funds allocated to the Non-Departmental agency, an amount up to \$1 million shall be transferred to the University of the District of Columbia ("UDC") if, by January 1, 2015, UDC raises the amount of \$1 million from private donations for the purpose of meeting accreditation standards. The amount transferred under this section shall be matched dollar-for-dollar from the amount raised up to \$1 million.

Sec 7203 In Fiscal Year 2015, and beginning no later than the effective date of the Transportation Reorganization Act of 2014, as introduced on April 8, 2014 (Bill 20-759) ("Act"), the City Administrator shall convene and lead a multi-agency working group to plan for and implement the agency restructuring required by the Act. The City Administrator may use up to \$500,000 from the Non-Departmental agency for this process.

SUBTITLE V. UNITED HOUSE OF PRAYER FOR ALL PEOPLE EQUITABLE REAL PROPERTY TAX RELIEF

Sec 7211 Short title

This subtitle may be cited as the "United House of Prayer for All People Equitable Real Property Tax Relief Act of 2014"

Sec 7212 United House of Prayer for All People equitable real property tax relief
The Council orders that

(1) Real property taxes, interest, penalties, fees, or other related charges assessed against the real property formerly designated as Lots 88 and 982, Square 5861, and paid by the United House of Prayer for All People, for tax years 2001 through 2013, shall be forgiven and refunded, and

(2) Real property taxes, interest, penalties, fees, or other related charges assessed against the real property formerly designated as Lot 988, Square 5861, for the first 2 months of tax year 2014, shall be forgiven and any payments by the United House of Prayer for All People shall be refunded.

SUBTITLE W. MERIDIAN INTERNATIONAL CENTER REAL PROPERTY TAX EXEMPTION ACT

Sec 7221 Short title

This subtitle may be cited as the "Meridian International Center Real Property Tax Exemption Act of 2014"

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Sec 7222 Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows

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

“47-1092 Meridian International Center ”

(b) A new section 47-1092 is added to read as follows

“§ 47-1092 Meridian International Center

“(a)(1) Beginning on the effective date of this section, the real property designated as Lots 806, 808, and 809 in Square 2568, known as the Meridian House and the White-Meyer House, and Lots 2369 through 2401, 2413 through 2417, 2423, 2441, and 2442 in Square 2567, together with any improvements and furnishings (“Property”) shall be exempt from all taxation, provided, that the Property is

“(A) Owned by the Meridian International Center, a District of Columbia nonprofit corporation,

“(B) Used for the purposes and activities of the Meridian International Center, and

“(C) Not used for any commercial purposes, except as provided in subsection (b) of this section

“(2) Use of the premises by agencies of the United States of America or by any organization exempt from federal income taxation shall not affect the exemption from taxation provided for in this section

“(b) Section 47-1005 shall apply with respect to the Property, provided, that a portion of the Property may be rented out to another person or entity as long as the rent or other income generated shall be used for the maintenance and preservation of the Property

“(c) Meridian International Center shall comply with the reporting requirement of § 47-1007 and have the appeal rights provided by § 47-1009 ”

Sec 7223 The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed against the Property for the period beginning with tax year 2006 through the effective date of this subtitle be forgiven and that any payments made be refunded

SUBTITLE X. SCOTTISH RITE TEMPLE REAL PROPERTY TAX ACT

Sec 7231 Short title

This subtitle may be cited as the “Scottish Rite Temple Real Property Tax Act of 2014”

Sec 7232 Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows

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

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“47-1094 Supreme Council of Scottish Rite Free Masonry of the Southern Jurisdiction of the United States, Lot 108, Square 192 ”

(b) A new section 47-1094 is added to read as follows

“§ 47-1094 Supreme Council of Scottish Rite Free Masonry of the Southern Jurisdiction of the United States, Lot 108, Square 192

“The real property described as Lot 108 in Square 192 shall be exempt from real property taxation so long as the real property is owned by The Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the Thirty-Third Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America (“Supreme Council”) or its subsidiaries, including the House of the Temple Historic Preservation Foundation, Inc , and is used by the Supreme Council or its subsidiaries to carry on their purposes and activities, and is not used for commercial purposes, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009 as if the exemption had been granted administratively under this chapter ”

SUBTITLE Y. AMERICAN ACADEMY OF ACHIEVEMENT REAL PROPERTY TAX EXEMPTION ACT

Sec 7241 Short title

This subtitle may be cited as the “American Academy of Achievement Real Property Tax Exemption Act of 2014”

Sec 7242 Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows

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

“47-1093 American Academy of Achievement ”

(b) A new section 47-1093 is added to read as follows

“§ 47-1093 American Academy of Achievement

“(a)(1) Beginning on the effective date of this section, the real property designated as Lot 0829 in Square 0182, known as the American Academy of Achievement building, together with any improvements and furnishings (“Property”) shall be exempt from all taxation, provided, that the Property is

“(A) Owned by the American Academy of Achievement, a nonprofit corporation,

“(B) Used for the purposes and activities of the American Academy of Achievement, and

“(C) Not used for any commercial purposes, except as provided in subsection (b) of this section

“(2) Use of the premises by agencies of the United States of America or by any organization exempt from federal income taxation shall not affect the exemption from taxation provided for in this section

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“(b) Section 47-1005 shall apply with respect to the Property, provided, that a portion of the Property may be rented out to another person or entity as long as the rent or other income generated shall be used for the maintenance and preservation of the Property

“(c) The American Academy of Achievement shall comply with the reporting requirement of § 47-1007 and have the appeal rights provided by § 47-1009 ”

Sec 7243 The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed against the Property for the period beginning with tax year 2006 through the effective date of this subtitle be forgiven and that any payments made be refunded

SUBTITLE Z. AFFORDABLE HOUSING REAL PROPERTY TAX RELIEF

Sec 7251 Short title

This subtitle may be cited as the "Affordable Housing Real Property Tax Relief Act of 2014"

Sec 7252 Section 47-1002(20)(A)(ii) of the District of Columbia Official Code is amended by striking the phrase "and for which an exemption was granted," and inserting a semicolon in its place

Sec 7253 Applicability

This subtitle shall apply with respect to renewal contracts entered into before, on, or after the effective date of the Fiscal Year 2015 Budget Support Emergency Act of 2014, effective July 14, 2014 (D C Act 20-377, 61 DCR 7598)

SUBTITLE AA. TANF CONTINGENCY APPROPRIATION

Sec 7261 Short title

This subtitle may be cited as the "TANF Contingency Appropriation Amendment Act of 2014"

Sec 7262 Pursuant to the Fiscal Year 2015 Budget Request Act of 2014, passed on final reading on May 28, 2014 (Enrolled version of Bill 20-749), \$5,771,880 64 of local revenues certified in the June 2014 revenue estimate that exceed the annual revenue estimate incorporated in the approved budget and financial plan for Fiscal Year 2015 shall be allocated to the Department of Human Services to expand POWER eligibility, for Fiscal Year 2015, to include families who have been on TANF longer than 60 months, are enrolled with a TANF Employment Program vendor, and are not the subject of a sanction as of October 1, 2014, pursuant to section 7263

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Sec 7263 (a) Section 572a(a)(6) of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D C Law 4-101, D C Official Code § 4-205 72a(A)(6)), is amended to read as follows

“(6) Is the head of an assistance unit who is meeting the full requirements of his or her Individual Responsibility Plan and can show that he or she is enrolled in an accredited postsecondary education program or a Department of Employment Services approved job training program in which he or she is working towards the attainment of a degree, certificate, or official credential, or for fiscal year 2015, has been on TANF over 60 months, is enrolled with a TANF Employment Program vendor, and is not the subject of a sanction as of October 1, 2014 ”

(b) Subsection (a) of this section shall apply upon an allocation of \$5,771,880.64 made pursuant to section 7262

TITLE VIII. CAPITAL BUDGET**SUBTITLE A DDOT CAPITAL BUDGET ALLOCATION AUTHORITY****Sec 8001 Short title**

This subtitle may be cited as the "Department of Transportation Capital Budget Allocation Authority Amendment Act of 2014"

Sec 8002 Section 3(e) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D C Law 14-137, D C Official Code § 50-921 02(e)), is amended by adding a new paragraph (3) to read as follows

"(3) The Director may submit requests to OBP to re-allocate funds from any Related Project to the applicable capital project created in Fiscal Year 2012 or later funded from the District of Columbia Highway Trust Fund. The Director, following re-allocation of funds by OBP from a Related Project to its applicable capital project, shall have the authority to submit requests to OBP to allocate these funds to another Related Project "

SUBTITLE B. DDOT CAPITAL PROJECT REVIEW AND RECONCILIATION**Sec 8011 Short title**

This subtitle may be cited as the "Department of Transportation Capital Project Review and Reconciliation Amendment Act of 2014"

Sec 8012 Section 11j(a) of Title IV of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D C Law 14-137, D C Official Code § 50-921 53(a)), is amended to read as follows

"(a) Funds resulting from the closure of a capital project pursuant to section 11i(a) shall be allocated to restore funding to the Pedestrian and Bicycle Safety Enhancement Fund, established by section 6021 of the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D C Law 17-219, D C Official Code § 1-325 131), up to an annual level of \$1.5 million and then equally among the Local Streets Ward-based capital projects, provided,

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that funds specific to non-participating costs shall be allocated to the non-participating Highway Trust Fund Support project "

**SUBTITLE C FISCAL YEAR 2015 CAPITAL PROJECT FINANCING
REALLOCATION APPROVAL**

Sec 8021 Short title

This subtitle may be cited as the "Fiscal Year 2015 Capital Project Reallocation Approval Act of 2014"

Sec 8022 (a) Pursuant to and in accordance with Chapter 3 of Title 47 of the District of Columbia Official Code, the Council approves the Mayor's request to reallocate \$84,463,423 in general obligation bond proceeds from District capital projects listed in Table A to the District capital projects, in the amounts specified, listed in Table B

(b) The current allocations were made pursuant to the Fiscal Year 2009 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2009, effective March 3, 2009 (Res 18-0034, 56 DCR 2082), the Fiscal Year 2010 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Emergency Approval Act of 2009, effective December 4, 2009 (D C Act 18-240, 56 DCMR 9265), the Fiscal Year 2011 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Emergency Approval Act of 2010, effective November 17, 2010 (D C Act 18-607, 57 DCR 11054), and the Fiscal Year 2012 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2011, effective December 6, 2011 (Res 19-0315, 58 DCR 10556)

TABLE A.

Owner Agency Title	Project Number	Implementing Agency	Project Title	Bond Issuance Series	Amount
Department of General Services	EA7	DGS	Neighborhood Revitalization	2009E	9,629
Office of the Attorney General	EN2	OAG	Child Support Enforcement System - CSED	2009D	20,885
Metropolitan Police Department	FRI	MPD	Base Building Renovation	2009D	4,848,843
Metropolitan Police Department	ITI	MPD	Information Technology Initiative - MPD	2010A	11,039
Department of General Services	AA9	DGS	Procurement of 225 Virginia Avenue	2011A - IT	13,792
DC Public Library	CWM	DCPL	African American Civil War	2011A - IT	1,118,561

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			Memorial		
Deputy Mayor for Economic Development	AWT	DMPED	Walter Reed Redevelopment	2011A - IT	402,214
Fire and Emergency Medical Services	LC7	FEMS	Engine Company 25 Renovation	2009D	4,066
Fire and Emergency Medical Services	LC7	FEMS	Engine Company 25 Renovation	2010A	787
Fire and Emergency Medical Services	LE3	FEMS	Engine Company 5 Renovation	2010A	6,321
Fire and Emergency Medical Services	LE3	FEMS	Engine Company 5 Renovation	2011A - IT	7,337
District of Columbia Public Schools	GM0	DGS	Woodrow Wilson Natatorium/Pool	2009E	4,039,764
University of the District of Columbia	ET9	UDC	Higher Education Back Office - Banner	2011A - IT	302,363
Department of Parks and Recreation	QK1	DPR	Renovation Of The S & T St NW Park	2010A	425,476
Department of Parks and Recreation	QS6	DPR	Renovation Of The S & T St NW Park	2009D	73,312
Department of Human Services	SH1	DGS	Oak Hill Youth Facility	2010A	501
District Department of Transportation	GFL	DDOT	SE Salt Dome	2010A	21,288
District Department of Transportation	BRI	DDOT	Pedestrian Bridge	2010A	4,987,554
Office of the Chief Technology Officer	N16	OCTO	District Reporting System	2010A	472,381
Office of the Chief Technology Officer	N16	OCTO	District Reporting System	2011A - IT	3,351
DC Public Library	NL6	DCPL	Reconstruction/Renovation Neighborhood Libraries	2012 FG	3,955,680
Fire and Emergency Medical Services	LC4	FEMS	Engine Company 22 Replacement	2012 FG	1,525,115
Fire and Emergency Medical Services	LE5	FEMS	Engine Company 27 Renovation	2012 FG	1,956,335

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Fire and Emergency Medical Services	LE7	FEMS	Engine Company 27 Renovation	2012 FG	1,000,000
District of Columbia Public Schools	PR3	DGS	Ron Brown ES Modernization	2012 FG	4,050,000
Department of Parks and Recreation	QJ8	DPR	Friendship Park	2012 FG	1,629,830
Mass Transit Subsidies	SA4	WMATA	Metrorail Construction	2012 FG	53,577,000
TOTAL					\$84,463,423

TABLE B.

Agency	Project Number	Implementing Agency	Project Title	Bond Issuance Series	Amount
Mass Transit Subsidies	TOP	WMATA	Transit Operations & Dedicated Facilities	N/A	25,787,055
District of Columbia Public Schools	MH1	DGS	Dunbar SHS Modernization	N/A	29,453,153
District of Columbia Public Schools	NX3	DGS	Cardozo HS Modernization	N/A	29,223,215
TOTAL					\$84,463,423

SUBTITLE D H STREET STREETCAR PRIORITY

Sec 8031 Short title

This subtitle may be cited as the "H Street Streetcar Priority Act of 2014"

Sec 8032 (a) The Mayor shall include the full replacement of the H Street Bridge in the Regional Transportation Improvement Program for completion before Fiscal Year 2018

(b) The Mayor and the District Department of Transportation ("DDOT") shall prioritize the full replacement of the H Street Bridge under DDOT capital project SA306C, H Street/Benning/K Street Line The full replacement of the bridge shall be completed before Fiscal Year 2018

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**TITLE IX. SPECIAL PURPOSE AND DEDICATED REVENUE FUND
AMENDMENTS AND TRANSFERS**

SUBTITLE A. LOCAL AND O-TYPE FUND AMENDMENTS

Sec 9001 Short title

This title may be cited as the "Local and Special Purpose Revenue Fund Amendment Act of 2014"

Sec 9002 RFK & DC Armory Maintenance Fund

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 1440 within the Department of General Services shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia

Sec 9003 Facilities Service Request Fund

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 1500 within the Department of General Services shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia

Sec 9004 Distribution Fees

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 1243 within the Office of the Secretary shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia

Sec 9005 Copy Fund

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 0651 within the Public Service Commission shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia

Sec 9006 DCPS PEPCO

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 0604 within the District of Columbia Public Schools shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia

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Sec 9007 DCPS Security

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 0609 within the District of Columbia Public Schools shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia

Sec 9008 DCPS Custodial

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 0607 within the District of Columbia Public Schools shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia

Sec 9009 DPR Enterprise Fund

Notwithstanding any other law, the fund which is designated for accounting purposes by the Office of the Chief Financial Officer as fund 0602 within the Department of Parks and Recreation shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia

Sec 9010 Pedestrian and Bicycle Safety and Enhancement Fund

Section 6021 of the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D C Law 17-219, D C Official Code § 1-325 131), is amended as follows

(a) Subsection (a) is amended by striking the phrase "nonlapsing" and inserting the phrase "lapsing" in its place

(b) Subsection (c)(1) is amended to read as follows

"(c)(1) All funds deposited into the Fund but not expended in a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia "

Sec 9011 DMV Out-of State Vehicle Registration Fee

Section 3a(a) of the District of Columbia Revenue Act of 1937, effective March 28, 2008 (D C Law 17-130, D C Official Code § 50-1501 03a(a)), is amended as follows

(a) Paragraph (1) is amended by striking the phrase "nonlapsing" and inserting the phrase "lapsing" in its place

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

"(3) All funds deposited into the Fund but not expended in a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia "

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Sec 9012 OCTO SERVUS Program

Section 1004(d) of the Fiscal Year 2008 Budget Support Act of 2007, effective September 18, 2007 (D C Law 17-20, D C Official Code § 1-1433(d)), is amended to read as follows

"(d) All funds deposited into the Fund but not expended in a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia "

Sec 9013 Healthcare Forfeiture

Notwithstanding any other law, the fund which is designated for accounting purposes by the Office of the Chief Financial Officer as the Healthcare Forfeiture fund shall be a lapsing fund and any unexpended funds in the fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia

Sec 9014 Child SPT – Title IV Incentive Fees

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as the Child SPT – Title IVC Incentive Fees fund within the Office of the Attorney General shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia

Sec 9015 Adult Training Fund

Section 2261 of the Fiscal Year 2010 Budget Support Act of 2009, effective March 3, 2010 (D C Law 18-111, D C Official Code § 32-1671), is repealed

Sec 9016 Youth Jobs Fund

Section 1009 of the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D C Law 17-219, D C Official Code § 2-1516 01), is repealed

Sec 9017 Neighborhood Investment Fund

(a) The Neighborhood Investment Act of 2004, effective March 30, 2004 (D C Law 15-131, D C Official Code § 6-1071 *et seq*), is repealed

(b) Section 2375(d)(2) of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective September 18, 2007 (D C Law 17-20, D C Official Code § 2-218 75(d)(2)), is amended as follows

(1) Subparagraph (A) is amended by adding the word "or" at the end

(2) Subparagraph (B) is repealed

(c) Section 2(16)(C)(i) of the Certified Capital Companies Act of 2003, effective March 10, 2004 (D C Law 15-87, D C Official Code § 31-5231(16)(C)(i)), is repealed

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(d) Section 2172 of the Fiscal Year 2010 Budget Support Act of 2009, effective March 3, 2010 (D C Law 18-111, D C Official Code § 38-1011 02), is repealed

Sec 9018 Senior Citizens Housing Modernization Grant Fund
The Senior Housing Modernization Grant Fund Act of 2010, effective August 12, 2010 (D C Law 18-218, D C Official Code § 1-325 161 *et seq*), is repealed

Sec 9019 Shaw Community Development Fund
Section 204(l) of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D C Law 10-188, D C Official Code § 10-1202 04(l)), is repealed

Sec 9020 AWC Integration
Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 0626 within the Deputy Mayor for Planning and Economic Development shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia

Sec 9021 Commercial Revitalization Assistance Fund
(a) Section 2376 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective September 24, 2010 (D C Law 18-223, D C Official Code § 2-218 76), is repealed
(b) Section 20(b) of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D C Law 11-134, D C Official Code § 2-1215 20(b)), is repealed

Sec 9022 TDL Career Cluster
Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as the TDL Career Cluster fund within the District of Columbia Public Schools shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia

Sec 9023 Pre-k for All
Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as the Pre-k for All fund within the Office of the State Superintendent of Education shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the

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General Fund of the District of Columbia Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia

Sec 9024 Air Quality Construction Permits

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as the Air Quality Construction Permits fund within the Department of Health shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia

Sec 9025 DDOT Operating (Unified) Fund

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 6900 within the District Department of Transportation shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia

Sec 9026 Parking Meter Fund

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as fund 6906 within the District Department of Transportation shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia

Sec 9027 Prison Diversion

Notwithstanding any other law, the funds which are deposited in the fund designated for accounting purposes by the Office of the Chief Financial Officer as the Prison Diversion fund within the Department of Behavioral Health shall be deposited in the General Fund of the District of Columbia and shall not be accounted for by a separate fund or account within the General Fund of the District of Columbia Any unexpended funds in the fund on the effective date of this subtitle shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia

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Sec 9028 Integrated Service Fund

The Integrated Funding and Services for At-Risk Children, Youth, and Families Act of 2006, effective March 2, 2007 (D C Law 16-192, D C Official Code § 4-1345 01 *et seq*), is repealed

Sec 9029 Applicability

This subtitle shall apply as of September 30, 2014

SUBTITLE B. LOCAL AND O-TYPE FUND TRANSFERS

Sec 9031 Short title

This subtitle may be cited as the "Local and Special Purpose Revenue Fund Transfer Act of 2014"

Sec 9032 Before the end of Fiscal Year 2014, the Chief Financial Officer shall transfer the following amounts from the accounts listed below to the Contingency Cash Reserve Fund, established by section 450A(b) of the District of Columbia Home Rule Act, approved November 22, 2000 (114 Stat 2440, D C Official Code § 1-204 50a(b))

Agency Code	Agency	Fund Name	Amount
AM0	DGS	Fixed Cost Commodity Reserve	\$22,288,649
CF0	DOES	Adult Training Fund	\$10,156,624
CF0	DOES	Youth Jobs Fund	\$6,431,374
EB0	DMPED	Neighborhood Investment Fund	\$60,226
EB0	DMPED	Senior Housing Modernization grant Fund Act of 2010	\$100,000
EB0	DMPED	AWC Integration	-\$6,146
EN0	DSLBD	Commercial Revitalization Assistance Fund	\$1,245,199
HT0	DHCF	Hospital Assessment Tax	\$715,707
KA0	DDOT	DDOT Operating (Unified) Fund	\$65,084
KA0	DDOT	Parking Meter Fund	\$534,282
RM0	DBH	Prison Diversion	\$128,000
XXX	OCFO	Integrated Service Fund	\$4,576,805
GD0	OSSE	Healthy Schools Act	\$4,349,170
XXX	OCFO	Healthcare Forfeiture	\$1,176,069
TOTAL			\$51,821,042

Sec 9033 Notwithstanding any other provision of law, for Fiscal Year 2015, the Chief Financial Officer shall transfer to the unrestricted fund balance of the General Fund of the District of Columbia and recognize as local funds revenue \$3 million of fund balance from the Recorder of Deeds Automation and Infrastructure Improvement Fund

Sec 9034 Applicability

This subtitle shall apply as of September 30, 2014

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TITLE X. REPORTING REQUIREMENTS

Sec 10001 Short title

This title may be cited as the "Council Reporting Requirements Act of 2014"

Sec 10002 For purposes of this title, unless otherwise provided, reports made to the Council shall be made to the Secretary to the Council

PUBLIC EDUCATION

Sec 10003 State Board of Education reporting requirements

By October 1, 2014, the State Board of Education shall submit to the Council

(1) An implementation plan for the establishment of the Office of the Student Advocate, which is to be fully operational by January 1, 2015,

(2) A report on the accomplishments of the Office of the Ombudsman for Public Education during Fiscal Year 2014 and a strategic plan for the Office for Fiscal Year 2015, and

(3) A report on the status of development and approval of high school graduation requirements for District of Columbia students, including the proposed standard diploma, diploma of distinction, a career credential aligned with CTE standards, and an achievement diploma for students with severe cognitive disabilities

Sec 10004 Office of the State Superintendent of Education reporting requirements

By October 1, 2014, the Office of the State Superintendent of Education ("OSSE") shall submit to the Council

(1) A report on the status of the opening the Youth Re-Engagement Center ("Center") The report shall include, at a minimum

(A) A summary of activities undertaken during Fiscal Year 2014 in support of the Center,

(B) A description of Center programs and activities underway or planned for Fiscal Year 2015 that will support re-engagement of youth, and

(C) The name of the staff members working at the Center and their qualifications,

(2) A report on OSSE's efforts to improve access to college entrance exams for District of Columbia students The report shall include, at a minimum

(A) The number of District public school students who took the Scholastic Aptitude Test ("SAT") and the ACT test during school year ("SY") 2013-2014, by school and local education agency ("LEA"), and whether or not those students took advantage of free or reduced-price vouchers,

(B) The average and median score for District public school students on the SAT and ACT in SY2013-2014 by LEA,

(C) The type of preparation courses offered to students free of charge for both the SAT and ACT and the number of students who participated during SY2013-2014, and

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(D) Information regarding planned efforts for Fiscal Year 2015, including the projected number of students who will participate in test preparation courses and who will utilize free or reduced vouchers for college entrance exams, and the projected cost,

(3) A report on the development of an information management system to ensure that the District is able to provide necessary services to homeless students,

(4) A report on the identification of at-risk students for the purposes of developing the Fiscal Year 2016 budget, including the methodology that will be used to project the number of at-risk students at each LEA and school and an update on OSSE's at-risk early warning system, including a timetable for its implementation,

(5) A plan to increase Medicaid reimbursement for services rendered to students with individualized education Programs ("IEP"), including

(A) A list of all services provided to students with IEPs that the District does not currently include under its Medicaid state plan as an eligible service,

(B) For each of the services identified in subparagraph (A) of this paragraph, the actual Fiscal Year 2014 local expenditures, projected Fiscal Year 2015 local expenditures, and estimated local savings available to the District if the services were included in the Medicaid state plan, and

(C) Recommended amendments to the District Medicaid state plan and other policy options to expand federal reimbursement for services provided to students with IEPs,

(6) A report on the status of centralizing non-resident student investigations within OSSE, including the status of transferring nonresident tuition funds from DCPS to OSSE, as part of the implementation of sections 15a, 15b, and 15c of the District of Columbia Nonresident Tuition Act, effective May 9, 2012 (D C Law 19-126, D C Official Code § 38-312 01 *et seq*), and

(7) The status of the development of a memorandum of understanding with the Department of Employment Services to provide adult workforce training

Sec 10005 District of Columbia Public Schools reporting requirements

By October 1, 2014, the District of Columbia Public Schools ("DCPS") shall submit to the Council

(1) A report on efforts to work with youth educators, including the Young Women's Project, to supplement health-education services, along with a delineation of Fiscal Year 2015 funding dedicated to supporting youth educators,

(2) A report on implementation of a restorative justice pilot program, including a list of participating schools and a Fiscal Year 2015 spending plan,

(3) A report on DCPS' summer school program, including

(A) The number of students served in Fiscal Year 2014 and total program expenditures,

(B) Projected number of students to be served in Fiscal Year 2015, and the total program budget,

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(4) A report on efforts undertaken in Fiscal Year 2014 and planned for Fiscal Year 2015 to ensure full implementation of the Focused Student Achievement Act of 2013, effective February 22, 2014 (D C Law 20-84, 61 DCR 178),

(5) All student promotion and attendance data by school and grade for school year 2013-2014,

(6) A report on the current inventory of DCPS library collections and resources available at each DCPS school, and efforts planned for Fiscal Year 2015 to expand access to library materials and resources, including efforts to

(A) Provide at least 20 library items per student in each DCPS school,

(B) Balance the collections at DCPS Libraries between content areas, and

(C) Ensure that the average age of materials in each DCPS Library is less than 10 years old,

(7) A report on fixed costs, including

(A) A comparison of projected and actual Fiscal Year 2014 fixed-costs expenditures by DCPS facility,

(B) Projected Fiscal Year 2015 fixed-costs expenditures by DCPS facility and actual fixed-costs expenditures incurred during school year 2014-2015,

(C) Implementation of the Sustainable DC Initiative, and

(D) Efforts to coordinate with the Department of General Services on a regular basis to review fixed costs projections and actual expenditures,

(8) A plan to ensure full implementation of the Fair Funding and Student-Based Budgeting Act of 2013, effective February 22, 2014 (D C Law 20-87, 61 DCR 3742) ("Fair Funding Act"), for the Fiscal Year 2016 budget,

(9) A report on the effort undertaken and planned for Fiscal Year 2015 related to the re-opening of Van Ness elementary school and the opening of an application middle school east of the Anacostia River,

(10) A report on implementation of the budget recommendations included in the Committee on Education budget report for Fiscal Year 2015, including detailed information by school of the services or programs each of the allocations supported

(A) The \$2,563,500 to be used to supplement those schools most impacted by the budgetary discrepancy between DCPS' allocation of at-risk funds and the requirements set forth in the Fair Funding Act, and

(B) The \$236,500 to augment the at-risk allocation at Anacostia High School, which has the highest percentage of special education students among those schools that did not receive their estimated at-risk allotment pursuant to the Fair Funding Act

Sec 10006 Public Charter School Board reporting requirements

By October 1, 2014, the Public Charter School Board ("PCSB") shall submit to the Council

(1) Recommendations on how the PCSB will incorporate students' educational and programmatic needs as part of its application review for new and expanding public charter

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schools in school year 2014-2015. The recommendations may include how the agency and potential applicants are collaborating with the Deputy Mayor for Education, other appropriate agencies, and incorporating school enrollment, demand, and need as part of the application process, and

(2) A report on the current inventory of library collections and resources available at District public charter schools

Sec 10007 Deputy Mayor for Education reporting requirements

By October 1, 2014, the Deputy Mayor for Education shall submit to the Council

(1) A report on its continued implementation of the South Capitol Street Memorial Amendment Act of 2012, effective June 7, 2012 (D C Law 19-141, D C Official Code § 2-1517 01 *et seq*), including a Fiscal Year 2015 spending plan,

(2) Recommendations on expanding transportation subsidies to students between the ages of 21-24 years old enrolled in DCPS or a public charter school,

(3) An update on the activities and Fiscal Year 2015 goals of the State Early Childhood Development Coordinating Council, and

(4) A report on implementation of the Graduation Pathways Project and how it will identify students who are off-track, assess current programs, and create or expand programs in both sectors that have demonstrated success at reducing truancy and keeping students on track to graduate on time

HEALTH AND HUMAN SERVICES

Sec 10008 Feasibility and assessment study

(a) The Department of Human Services shall commission a feasibility and assessment study to determine the housing and space needs for the residents and service providers within the building located at 425 2nd Street, N W

(b) The study shall be conducted by a policy, planning, or design firm

(c) In keeping with the recommendations of the CCNV Task Force, the study shall

(1) Consider and address the existence of a need for new facilities to replace the existing building,

(2) Identify the service and support needs of current residents,

(3) Develop and design shelter for the newly homeless and housing options for current residents based on identified service needs of the population,

(4) Identify opportunities for funding for shelter for the newly homeless and housing options for current residents,

(5) Propose a timeline for development and provision of shelter for the newly homeless and housing options for current residents,

(6) Provide specific recommendations regarding shelter for the newly homeless and housing options for current residents, and

(7) Estimate capital and operational costs of completing the recommendations

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(d) The study shall be completed no later than 180 days from the date that the contract is awarded

Sec 10009 Department of Health reporting requirements

By October 1, 2014, the Department of Health ("DOH") shall submit to the Council

(1) A quarterly report on all grants administered by the DOH, which shall include, at a minimum, the

- (A) Grant title and number,
- (B) Source of the funding,
- (C) Approved budget authority,
- (D) Expenditures, including encumbrances and pre-encumbrances,
- (E) Purpose of the grant,
- (F) Name of grantees and subgrantees for each grant,
- (G) Date of grant funding expiration, and
- (H) DOH employees responsible for overseeing the grant,

(2) An annual report on all federal grants for health services that DOH is aware of being in jeopardy of being cut at the conclusion of that fiscal year, when that funding has supported 3 or more community organizations that have history of providing services in the District,

(3) A biannual report on how existing District teenage pregnancy prevention programs are evaluated The report should include information regarding the following

- (A) The rate of teen pregnancy in the wards that the program services,
- (B) The number of girls served,
- (C) The number of girls that have successfully completed the program,

and

(D) Any other information DOH deems critical to critiquing the success of the program, and

(4) A bi-monthly report regarding the efficiency of the medical marijuana program in the District, the number of medical marijuana applications received from patients and doctors, the time it took to process each application, the names of the individuals in charge of processing the application, the average overall wait time for processing doctor and patient applications, and any other information critical to analyzing the program's efficiency

Sec 10010 Department of Health Care Finance reporting requirements

(a) By October 1, 2014, the Department of Health Care Finance ("DHCF") shall submit to the Council a report on

(1) DHCF's reevaluation of the Alliance recertification process and recommendation for whether recertification rules need to be modified, and

(2) Description and timeline for implementation of DHCF's coordination of care plan

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(b) Starting on October 1, 2014 and ending on September 31, 2015, DHCF shall submit to the Council a quarterly report on

(1) The progress of Early and Periodic Screening, Diagnostic, and Treatment ("EPSDT") coding changes and provider compliance with EPSDT screens and reporting,

(2) The eligibility and enrollment in the Elderly and Persons with Disabilities ("EPD") waiver including the

(A) Number of people currently enrolled in the EPD waiver,

(B) Number of people currently on the waitlist,

(C) Number of people who lost the benefit because they did not timely recertify,

(D) Community engagement activities that are planned for that quarter,

and

(E) Status of implementation of EPD waiver state plan amendments,

(3) Emergency and acute care utilization in the managed care and fee-for-service populations,

(4) Assessing the performance of the long term care contractor, including data on its reduction of fraud and abuse of the Personal Care Aid ("PCA") benefit,

(5) Reflecting PCA benefit utilization and enrollment, and

(6) The performance of each Managed Care Organization ("MCO"), which shall include, at a minimum, the following information

(A) A listing of the provider network for each MCO identifying each provider by name,

(B) The number of newly eligible beneficiaries auto-assigned to each MCO that quarter, along with the total number of members enrolled in each MCO,

(C) An assessment of each MCO's compliance with each contractual network adequacy requirement and performance objective, including a description of any threatened or assessed corrective action plans or penalties, and

(D) EPSDT data for each MCO, including the following

(i) Number of EPSDT providers in each MCO network,

(ii) Number of screens and percentage of children screened per quarter,

(iii) Number of mental health screens and percentage of children receiving mental health screens per quarter, and

(iv) Plans to address unsatisfactory screening rates in the next quarter

Sec 10011 Not-For-Profit Hospital Corporation reporting requirements

By October 1, 2014, the Not-For-Profit Hospital Corporation ("NFPHC") shall submit to the Council a bi-monthly report on the progress made by Huron Healthcare at the NFPHC, including the

(1) Milestones completed,

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- (2) Scheduled work and the expected completion date of such work,
- (3) Unexpected issues that have arose and plans to address those issues,
- (4) Issues that were scheduled to be completed before the due date of the next report, but were not, and the plan to complete them, and
- (5) Answers to any documented questions sent over by the Council to the NFPHC

Sec 10012 Health Benefit Exchange Authority reporting requirements

(a) By October 1, 2014, the Health Benefit Exchange Authority ("Authority") shall submit to the Council a report on the effectiveness of the In-Person Assistor program, including

- (1) The number of individuals enrolled by each grantee organization, and
- (2) Recommendations for continuing the program, including potential costs and sources of funding, in Fiscal Year 2015

(b) By December 31, 2014, the Authority shall submit to the Council a report on the reduction of the uninsured population in the District through enrollment in plans offered through the Authority, including

- (1) The estimated number of uninsured individuals in the District as of October 1, 2014,
- (2) The number of uninsured individuals who purchased plans between October 1, 2013 and April 30, 2014,
- (3) A comprehensive plan to conduct outreach and enroll the uninsured population in the District in Fiscal Year 2015 and Fiscal Year 2016, and
- (4) A comprehensive plan to monitor fluctuations in uninsured populations in the District in Fiscal Year 2015 and Fiscal Year 2016

TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT

Sec 10013 Department of Parks and Recreation reporting requirements

By October 1, 2014, the Department of Parks and Recreation ("DPR") shall submit to the Council a detailed report on

- (1) The agency's workforce strategic plan to address the number of critical vacancies within DPR, including a timeline for implementation, recruitment actions, benchmark goals, and strategies for retention,
- (2) The development of a comprehensive complaint in-take database system, which shall include, at a minimum
 - (A) A detailed description of the compliant in-take database system,
 - (B) A timeline for development and the estimated launch date,
 - (C) A recommendation for a data governance policy, and
 - (D) A detailed explanation on how the complaint in-take database system will interact with existing systems, and

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(3) The development of a comprehensive system for performance metrics that tracks quantitative performance measures, including, at a minimum a timeline for development and the estimated launch date

FINANCE AND REVENUE

Sec 10014 Office of the Chief Financial Officer reporting requirements

By October 1, 2014, the Office of the Chief Financial Officer ("OFCO") shall submit to the Council a report on recommendations for improving transparency of the OCFO agency budget, including a plan for implementing improvements by the submission of the Fiscal Year 2016 budget to the Council

TITLE XI. APPLICABILITY, FISCAL IMPACT STATEMENT, AND EFFECTIVE DATE

Sec 11001 Applicability


Except as otherwise provided, this act shall apply as of October 1, 2014

Sec 11002 Fiscal impact statement

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat 813, D C Official Code § 1-206 02(c)(3))

Sec 11003 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 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat 813, D C Official Code § 1-206 02(c)(1)), and publication in the District of Columbia Register



Chairman
Council of the District of Columbia

UNSIGNED
Mayor
District of Columbia
September 19, 2014

ENROLLED ORIGINAL

AN ACT

D C ACT 20-425

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 19, 2014

To amend, on a temporary basis, the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 to require that, before granting a waiver under section 2346 of the act, the Director of the Department of Small and Local Business Development shall make a good-faith effort to determine that no qualified certified business enterprise or small business enterprise is able to meet the requirements of section 2346, complete a full search of the certified business enterprise and small business enterprise database to determine the existence of a qualified business enterprise, send an electronic written notice to each certified business enterprise and small business enterprise of the waiver request, publish a notice of the waiver request in the District of Columbia Register and on the agency website, provide for a 20-day period before the proposed waiver is granted, and certify in writing that all good-faith efforts to determine the existence of a qualified certified business enterprise or small business enterprise have been met

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Small and Certified Business Enterprise Development and Assistance Waiver Certification Temporary Amendment Act of 2014"

Sec 2 Section 2351 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D C Law 16-33, D C Official Code § 2-218 51), is amended by adding new subsections (c) and (d) to read as follows

"(c) Before the Director may grant a waiver request, the Director shall make a good-faith effort to determine that no registered certified business enterprise or small business enterprise is qualified to satisfy the contracting or subcontracting requirements of to section 2346 The good-faith effort shall include

"(1) Conducting a complete search of the small business enterprise or certified business enterprise database to determine the existence of a qualified business enterprise,

"(2) Providing an electronic written notice to each certified business enterprise and small business enterprise of all waiver requests of certified business enterprise or small business enterprise participation requirements,

"(3) Publishing a notice of the request for waiver in the District of Columbia Register and on the agency website, and,

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“(4) Establishing a time period of 20 days for making a final determination on a request for a waiver of small business enterprise or certified business enterprise contracting and subcontracting participation requirements

“(d) Before the Director can approve a request for a waiver of the subcontracting requirements of section 2346, the Director shall certify in writing that the good-faith efforts required under subsection (c) of this section have been met and that there are no certified business enterprises or small business enterprises qualified to perform the contract ”


Sec 3 Fiscal impact statement

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat 813, D C Official Code § 1-206 02(c)(3))

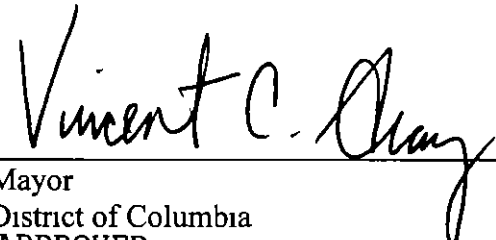
Sec 4 Effective date

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat 813, D C Official Code § 1-206 02(c)(1)), and publication in the District of Columbia Register

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
September 19, 2014

ENROLLED ORIGINAL

AN ACT

D C ACT 20-426

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 19, 2014

To amend An Act To provide for the payment and collection of wages in the District of Columbia, the Minimum Wage Act Revision Act of 1992, the Accrued Sick and Safe Leave Act of 2008, section 47-2862 of the District of Columbia Official Code, and Chapter 9 of Title 7 of the District of Columbia Municipal Regulations to enhance applicable remedies, fines, and administrative penalties when an employer fails to pay earned wages, to provide for suspension of business licenses of employers that are delinquent in paying wage judgments or agreements, to clarify administrative procedures and legal standards for adjudicating wage disputes, to require the employer to provide written notice to each employee of the terms of their employment and to maintain appropriate employment records

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Wage Theft Prevention Amendment Act of 2014"

Sec 2 An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat 976, D C Official Code § 32-1301 *et seq*), is amended as follows

(a) Section 1 (D C Official Code § 32-1301) is amended as follows

(1) Paragraph (1) is amended by striking the phrase "firm, association, corporation, the legal representative of a deceased individual, or the receiver, trustee, or successor of an individual, firm, partnership" and inserting the phrase "firm, general contractor, subcontractor, association, corporation, the legal representative of a deceased individual, or the receiver, trustee, or successor of an individual, firm, partnership, general contractor, subcontractor," in its place

(2) Paragraph (2) is amended by striking the phrase "except any person employed in a bona fide executive, administrative, or professional capacity (as such terms are defined and delimited by regulations promulgated by the Council of the District of Columbia)"

(3) New paragraphs (2A), (2B), and (2C) are added to read as follows

"(2A) "Living Wage Act" means the Living Wage Act of 2006, effective June 8, 2006 (D C Law 16-118, D C Official Code § 2-220 01 *et seq*)

"(2B) "Minimum Wage Revision Act" means the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D C Law 9-248, D C Official Code § 32-1001 *et seq*)

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“(2C) “Sick and Safe Leave Act” means the Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D C Law 17-152, D C Official Code § 32-131 01 *et seq*)

(b) Section 3 (D C Official Code § 32-1303) is amended as follows

(1) Paragraph (4) is amended by striking the phrase “, provided, however, that for the purpose of such liquidated damages such failure shall not be deemed to continue after the date of the filing of a petition in bankruptcy with respect to the employer if he thereafter shall have been adjudicated bankrupt upon such petition”

(2) New paragraphs (5) and (6) are added to read as follows

“(5) When the employer is a subcontractor alleged to have failed to pay an employee any wages earned, the subcontractor and the general contractor shall be jointly and severally liable to the subcontractor’s employees for violations of this act, the Living Wage Act, and the Sick and Safe Leave Act The subcontractor shall indemnify the general contractor for any wages, damages, interest, penalties, or attorneys’ fees owed by the general contractor as a result of the subcontractor’s violations of this act, the Living Wage Act, and the Sick and Safe Leave Act, unless those violations were due to the general contractor’s lack of prompt payment in accordance with the terms of the contract between the general contractor and subcontractor

“(6) When a temporary staffing firm employs an employee who performs work on behalf of or to the benefit of another employer pursuant to a temporary staffing arrangement or contract for services, both the temporary staffing firm and the employer shall be jointly and severally liable for violations of this act, the Living Wage Act, and the Sick and Safe Leave Act to the employee and to the District The District, the employee, or the employee’s representative shall notify the temporary staffing firm and employer of the alleged violations at least 30 days before filing a claim for these violations Unless otherwise agreed to by the parties, the temporary staffing firm shall indemnify the employer as a result of the temporary staffing firm’s violations of this act, the Living Wage Act, and the Sick and Safe Leave Act ”

(c) Section 4 (D C Official Code § 32-1304) is amended by striking the sentence “Payment in accordance with this section shall constitute payment for the purposes of complying with sections 2 and 4, only if there exists a bona fide dispute concerning the amount of wages due ” and inserting the sentence “The employee or Mayor shall be able to pursue any such balance of unpaid wages and related damages, interest, costs, and penalties ” in its place

(d) Section 6 (D C Official Code § 32-1306) is amended as follows

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

“(a)(1) The Mayor shall enforce and administer the provisions of this act, the Living Wage Act, the Sick and Safe Leave Act, and the Minimum Wage Revision Act, including conducting investigations of any violations and holding hearings and instituting actions for penalties Any and all prosecutions of violations of this act, the Living Wage Act, the Minimum Wage Revision Act, or the Sick and Safe Leave Act undertaken in court shall be conducted in the name of the District of Columbia by the Office of the Attorney General

“(2) This subsection shall not be construed to affect investigations of the Minimum Wage Revision Act ”

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

“(a-1) The Mayor shall encourage reporting pursuant to this section by keeping confidential, to the maximum extent permitted by applicable laws, the name and other identifying information of the employee or other person reporting a violation during the course of any investigation, provided, that with the authorization of such person, the Mayor may disclose the employee or person’s name and identifying information as necessary to conduct a hearing and enforce this act or other employee protection laws, including the Living Wage Act, the Minimum Wage Revision Act, or the Sick and Safe Leave Act ”

(e) Section 7 (D C Official Code § 32-1307) is amended as follows

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

“(a)(1) Any employer who negligently fails to comply with the provisions of this act or the Living Wage Act shall be guilty of a misdemeanor and, upon conviction, shall be fined

“(A) For the first offense, an amount per affected employee of not less than the amount of wages owed, but not less than \$1,000, or

“(B) For any subsequent offense, an amount per affected employee of not less than double the amount of wages owed, but not less than \$2,500

“(2) Any employer who willfully fails to comply with the provisions of this act or the Living Wage Act shall be guilty of a misdemeanor and, upon conviction, shall

“(A) For the first offense, be fined \$2,500 plus an amount per affected employee of not less than double the amount of wages owed, or imprisoned for up to 30 days, or both, or

“(B) For any subsequent offense, \$5,000 plus an amount per affected employee of not less than treble the amount of wages owed, or imprisoned for up to 90 days, or both

“(3) The fines set forth in paragraphs (2) and (3) of this section shall not be limited by 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) ”

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

“(b)(1) In addition to and apart from any other penalties or remedies provided for in this act or the Living Wage Act, the Mayor shall assess and collect administrative penalties as follows

“(A) For the first offense, \$50 for each employee or person whose rights under this act or the Living Wage Act are violated for each day that the violation occurred or continued, or

“(B) For any subsequent offense, \$100 for each employee or person whose rights under this act or the Living Wage Act are violated for each day that the violation occurred or continued

“(2) In addition to the administrative penalties set forth in paragraph (1) of this subsection, the Mayor shall collect administrative penalties in the amounts set forth below for the following violations

“(A) Five hundred dollars for failure to provide notice of investigation to employees as required by section 8a(c)(2), and

“(B) Five hundred dollars for failure to post notice of violations to the public, as required by section 8a(h)(2)

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“(3) This subsection shall not be construed to affect the Sick and Safe Leave Act or the Minimum Wage Revision Act ”

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

“(c) No administrative penalty may be collected unless the Mayor has provided any person alleged to have violated any of the provisions of this section notification of the violation, notification of the amount of the administrative penalty to be imposed, and an opportunity to request a formal hearing held pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat 1203, D C Official Code § 2-501 *et seq*) (“Administrative Procedure Act”) and section 8a If a formal hearing is requested pursuant to section 8a(e), the Mayor shall issue a final order following the hearing, containing a finding that a violation has or has not occurred If a hearing is not requested, the person to whom notification of violation was provided shall transmit to the Mayor the amount of the penalty within 15 days following notification ”

(f) A new section 7a is added to read as follows

“Sec 7a Wage Theft Prevention Fund

“(a) There is established as a special fund the Wage Theft Prevention Fund (“Fund”), which shall be administered by the Department of Employment Services in accordance with subsection (c) of this section

“(b) The Fund shall consist of the revenue from the following sources recovered under section 7

“(1) Civil fines, and

“(2) Administrative penalties

“(c) The Fund shall be used to enforce the provisions of this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, and the Living Wage Act

“(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time

“(2) 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 ”

(g) Section 8 (D C Official Code § 32-1308) is amended to read as follows

“Sec 8 Civil actions

“(a)(1) Any employee or person aggrieved by a violation of this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act, or any entity a member of which is aggrieved by a violation of this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act may bring a civil action in a court of competent jurisdiction against the employer or other person violating this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act and, upon prevailing, shall be awarded reasonable attorneys' fees and costs and shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation, including, without limitation, the payment of any back wages unlawfully withheld, reinstatement in employment, and injunctive relief Actions may be maintained by one or more employees who may designate an agent or representative to

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maintain such action for and on behalf of themselves or on behalf of all employees similarly situated

“(2) For the purposes of this subsection, 2 or more employees are similarly situated if they

“(A) Are or were employed by the same employer or employers, whether concurrently or otherwise, at some point during the applicable statute of limitations period,

“(B) Allege one or more violations that raise similar questions as to liability, and

“(C) Seek similar forms of relief

“(3) Employees shall not be considered dissimilar under this subsection solely because their

“(A) Claims seek damages that differ in amount, or

“(B) Job titles or other means of classifying employees differ in ways that are unrelated to their claims

“(b)(1) The court, in any action brought under this section shall, in addition to any judgment awarded to the prevailing plaintiff or plaintiffs, allow costs of the action, including costs or fees of any nature, and reasonable attorney's fees, to be paid by the defendant. In any judgment in favor of any employee under this section, and in any proceeding to enforce such a judgment, the court shall award to each attorney for the employee an additional judgment for costs, including attorney's fees computed pursuant to the matrix approved in *Salazar v District of Columbia*, 123 F Supp 2d 8 (D D C 2000), and updated to account for the current market hourly rates for attorney's services. The court shall use the rates in effect at the time the determination is made.

“(2) If the fees remain unpaid to the attorney at the time of any subsequent review, supplementation, or reconsideration of the fee award, the court shall update the award to reflect the hours actually expended and the market rates in effect at that time. No reduction shall be made from this rate, or from the hours actually expended, except upon clear and convincing evidence that the reduction will serve the remedial purposes of this law. Any court reviewing such a reduction shall review it *de novo*.

“(3) Costs shall also include expert witness fees, depositions fees, witness fees, juror fees, filing fees, certification fees, the costs of collecting and presenting evidence, and any other costs incurred in connection with obtaining, preserving, or enforcing the judgment or administrative order.

“(4) The Mayor shall not be required to pay the filing fee or other costs or fees of any nature or to file bond or other security of any nature in connection with any action or proceeding under this section.

“(c)(1) Any action commenced in a court of competent jurisdiction on or after the effective date of the Wage Theft Prevention Amendment Act of 2014, passed on 2nd reading on July 14, 2014 (Enrolled version of Bill 20-671), to enforce any cause of action for unpaid wages or liquidated damages under this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act, or any regulation issued pursuant to this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act, must be commenced within

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3 years after the cause of action accrued, or of the last occurrence if the violation is continuous, or the cause of action shall be forever barred

“(2) This period is tolled

“(A) From the date the employee files an administrative complaint with the Mayor until the Mayor notifies the employee in writing that the administrative complaint has been resolved or until the administrative complaint is withdrawn by the employee, whichever is sooner, or

“(B) During any period that the employer fails to provide the complainant with actual or constructive notice of the employee’s rights ”

(h) A new section 8a is added to read as follows

“Sec 8a Administrative actions on employee complaints

“(a) When an employee requests administrative enforcement of this act, the Minimum Wage Revision Act, the Living Wage Act, and the Sick and Safe Leave Act, the Mayor shall investigate and make an initial determination regarding alleged violations. A signed complaint for non-payment of earned wages shall be filed with the Mayor, no later than 3 years after the last date upon which the violation of this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act is alleged to have occurred or the date on which the employer provided the complainant with actual or constructive notice of the employee’s rights, whichever is later

“(b) If the alleged non-payment of earned wages violation is ongoing at the time of the filing of the complaint, the complaint may also seek recovery of amounts that accrue after the filing of the complaint. With regard to amounts that were due at the time the complaint was filed, an aggrieved employee may recover only those amounts that became lawfully due and payable within the 3-year period before the date the complaint was filed. This period is tolled during any period that the employer fails to provide the complainant with actual or constructive notice of the employee’s rights or on other equitable grounds

“(1) The complaint shall set forth the facts upon which it is based with sufficient specificity to determine both that an allegation of non-payment of earned wages has been made and that the other criteria stated in this section have been met

“(2) In addition to the other requirements of the complaint set forth in this section, the complaint shall be sworn and shall include or attach the following information

“(A) The complainant’s name, address, and telephone number (or alternate address or telephone number if the complainant desires),

“(B) Sufficient information to enable the Mayor to identify the employer through District records, such as the employer’s name, business address, license plate number, or telephone number, and

“(C) An explanation of the alleged violations, which may include the approximate or actual dates the violations occurred, the estimated total dollar amount of unpaid wages, and an explanation of how the total estimated amount of unpaid wages was calculated

“(3) The Mayor shall request additional information from the complainant to

“(A) Amend a charge deemed insufficient,

“(B) Cure technical defects or omissions,

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“(C) Clarify or amplify allegations, or

“(D) Ensure that any violations related to or arising out of the subject matter set forth or attempted to be set forth in the original charge are adequately alleged in the complaint

“(c)(1) The Mayor shall deliver the complaint and a written notice to each respondent upon completion. The written notice shall set forth the damages, penalties and other costs for which the respondent may be liable, the rights and obligations of the parties, and the process for contesting the complaint

“(2) The Mayor shall also include an additional notice to employees stating that an investigation is being conducted and providing information to employees on how they may participate in the investigation. Upon receipt, the respondent shall post this additional notice for a period of at least 30 days

“(3) Within 20 days of the date the complaint and written notice are mailed, the respondent shall

“(A) Admit that the allegations in the complaint are true and pay to complainant any unpaid wages or compensation and liquidated damages owed and pay to the Mayor any fine or penalty assessed, or

“(B) Deny the allegations in the complaint and request that the agency make an initial determination regarding the allegations in the complaint

“(4) If a respondent admits the allegations, the Mayor shall issue an administrative order requiring the respondent to pay any unpaid wages, compensation, liquidated damages, and fine or penalty owed and requiring the respondent to cure any violations. The Mayor may also proceed with any audit or subpoena to determine if the rights of employees other than the complainant have also been violated

“(5) If a respondent denies the allegations, the respondent must notify the Mayor of that decision and may provide any written supporting evidence within 20 days of the date the complaint is mailed

“(6) If a respondent fails to respond to the allegations within 20 days of the date the complaint is delivered, the allegations in the complaint shall be deemed admitted and the Mayor shall issue an initial determination requiring the respondent to pay any unpaid wages, compensation, liquidated damages, and fine or penalty owed and requiring the respondent to cure any violations

“(7) The Mayor shall issue an initial determination within 60 days of the date the complaint is delivered. The initial determination shall set forth a brief summary of the evidence considered, the findings of fact, the conclusions of law, and an order detailing the amount owed by the respondent or other relief deemed appropriate, if any. The initial determination shall be provided to both parties and set forth the losing party’s right to appeal under this section or to seek other relief available under this act

“(8) In addition to determining whether the complainant has demonstrated that the employer has violated one or more provisions of this act, or the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act, by applying the presumption required by section 5(b), the Mayor shall make an initial determination of whether the complainant is entitled

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to additional unpaid earned wages due to other District laws such as the Living Wage Act, the Sick and Safe Leave Act, or the Minimum Wage Revision Act

“(9) If the Mayor fails to issue an initial determination within 60 days of the filing of a complaint, the complainant shall have a right to request a formal hearing before an administrative law judge

“(d)(1) The Mayor shall work with the parties in an attempt to conciliate. Any conciliation agreement shall be between the respondent and the complainant and shall be reduced to an administrative order requiring the respondent to pay any unpaid wages, compensation, liquidated damages, and fine or penalty owed and requiring the respondent to cure any violations

“(2) When an administrative order issued as a result of a conciliation agreement is subsequently breached, the Mayor or the complainant may enforce the administrative order pursuant to this section

“(e)(1) Within 30 days of the issuance of the initial determination or administrative order, not issued as a result of conciliation, either party may file for a formal hearing before an administrative law judge. If the initial determination was not issued within the 60-day period specified in subsection (c)(7) of this section, a complainant may file for a formal hearing before an administrative law judge. An administrative law judge shall conduct a hearing to determine whether a violation of this act or the Minimum Wage Revision Act, the Living Wage Act, or the Sick and Safe Leave Act has occurred. The hearing shall be scheduled within 30 days of a request, except that the administrative law judge shall issue an order based on the findings from the hearing. The administrative law judge may grant each party one discretionary continuance due to hardship or scheduling of up to 15 days. The administrative law judge may grant any other request for continuance only for good cause

“(2) The administrative law judge shall have the authority to administer oaths, issue subpoenas, compel the production of evidence, receive evidence, and consolidate 2 or more complaints into a single hearing where such complaints involve sufficiently similar allegations of fact to justify consolidation

“(3) All parties shall appear at the hearing, with or without counsel, and may submit evidence, cross-examine witnesses, obtain issuance of subpoenas, and otherwise be heard. Testimony taken at the hearing shall be under oath, and a transcript shall be made available at cost to any individual unless the case is sealed. Testimony may also be given and received by telephone

“(4) The burden of proof by a preponderance of the evidence shall rest upon the complainant, but shall shift to the respondent when the following conditions are met

“(A) A respondent failed to keep records of an employee's hours worked, or records of compensation provided to an employee are imprecise, inadequate, missing, fraudulently prepared or presented, or are substantially incomplete, and

“(B) A complainant presents evidence to show, as a matter of just and reasonable inference, the amount of work done or the extent of work done or what compensation is due for the work done

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“(5) Where the conditions in paragraph 4(A) and (B) of this subsection are met, the respondent must present compelling evidence of the precise amount of work performed and exact compensation promised or present compelling evidence to negate the reasonableness of the inferences drawn from the complainant's evidence. If the respondent fails to meet this burden, the administrative law judge shall award damages based on the complainant's evidence and may award approximate damages where necessary.

“(6) If a respondent does not appear after receiving notice of a hearing pursuant to this section, the administrative law judge shall proceed to hear proof of the complaint and render judgment accordingly. If, after receiving notice of a hearing pursuant to this section, the complainant does not appear, the administrative law judge shall dismiss the complaint without prejudice.

“(f)(1) At the conclusion of the hearing, the administrative law judge shall issue a decision setting forth a brief summary of the evidence considered, findings of fact and conclusions of law, and an order detailing the relief determined appropriate to the parties and their representatives within 30 days of the hearing.

“(2) Appropriate relief may include any and all unpaid wages, reasonable attorneys' fees and costs, pursuant to subsection (b) of this section, and any liquidated damages.

“(3) The decision and order shall be considered a final administrative ruling, enforceable in a court of competent jurisdiction, and reviewable as provided by applicable law.

“(g)(1) Respondents shall comply with the provisions of any order or conciliation agreement affording relief and shall furnish proof of compliance to the Mayor as specified in the order. If the respondent refuses or fails to comply with the administrative order or conciliation agreement, the Mayor or the complainant may record a lien and may sue in the Superior Court of the District of Columbia for a remedy, enforcement, or assessment or collection of a civil penalty.

“(2) The Superior Court of the District of Columbia shall have no jurisdiction to adjudicate the merits of the underlying claim, but is limited to enforcement of the administrative order or conciliation agreement.

“(3) The Mayor may, at the request of an employee, take an assignment in trust for the assigning employee of such wages and join in a proceeding or action such claims against the same employer as the Mayor considers appropriate, and the Mayor shall have power to settle and adjust any such claim or claims on such terms the Mayor may consider just, provided, that no settlement for an amount less than the amount awarded by the administrative law judge shall be agreed to without the complainant's consent. The Mayor shall maintain regular contact with the complainant concerning the procedural status of any legal actions brought under the assignment and the complainant shall have the right to inquire about and receive information regarding the status of the enforcement action.

“(h) If a respondent fails to timely comply with an administrative order or conciliation agreement that has not been stayed, the Mayor shall

“(1) Assess an additional late fee equal to 10% of the total amount owed for each month any portion of the award and any already accrued late penalty remains unpaid,

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“(2) Require the respondent to post public notice of their failure to comply in a form determined by the Mayor, and

“(3) Consider any unpaid amount to be owed the District as past due restitution on behalf of an employee and suspend any licenses issued to do business in the District as set forth in subsection (1) of this section. Penalty amounts, including civil and criminal penalties and late fees, and any wages, damages, interest, costs, or fees awarded to an employee or representative shall be a lien upon the real estate and personal property of the person who owes them. The lien shall take effect by operation of law on the day immediately following the due date for payment, and, unless dissolved by payment, shall as of that date be considered a tax due and owing to the District, which may be enforced through any and all procedures available for tax collection.

“(i) The Mayor shall

“(1) Deny an application for any license to do business issued by the District if, during the 3-year period before the date of the application, the applicant admitted guilt or liability or has been found guilty or liable in any judicial or administrative proceeding of committing or attempting to commit a willful violation of this act, the Minimum Wage Revision Act, the Living Wage Act, or the Sick and Safe Leave Act, or any other District, federal, or state law regulating the payment of wages. This subparagraph shall not apply to any person whose final administrative adjudication or judicial judgment or conviction was entered before the effective date of the Wage Theft Prevention Amendment Act of 2014, passed on 2nd reading on July 14, 2014 (Enrolled version of Bill 20-671), and

“(2) Suspend any license to do business issued by the District if the licensee has failed to comply with an administrative order or conciliation agreement issued under this section. Once alerted to an alleged lack of compliance, the Mayor shall notify the business that its license will be suspended in 30 days until the business provides proof that it is in full compliance with the administrative order or conciliation agreement, including any requirements for accelerated payment, interest, or additional damages in the event of a breach. Before the license suspension, the business will have an opportunity to request a hearing to be held pursuant to the Administrative Procedure Act.

“(j) The administrative remedies established in this act shall be in addition to any other criminal, civil, or other remedies established by law that may be pursued to address violations of this act and shall not prejudice or adversely affect any other action, civil or criminal, that may be brought to abate a violation or to seek compensation for damages suffered.

“(k) Any person may be represented by counsel in any proceeding under this act. Any party, including corporate entities, as an alternative to counsel, may be assisted by a non-lawyer authorized by that party in accordance with 1 DCMR § 2835, except where such representation is prohibited by law or disallowed by the administrative law judge for good cause.

“(l)(1) Any party may request that a subpoena be issued by the administrative law judge. Witnesses summoned by subpoena shall be entitled to the same witness and mileage fees as are witnesses in proceedings in the Superior Court of the District of Columbia. Fees payable to a witness summoned by subpoena issued at the request of a party shall be paid by that party.

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“(2) Within 10 days after service of a subpoena upon any person, the person may petition the administrative law judge to quash or modify the subpoena. The administrative law judge shall grant the petition if he or she finds that the subpoena

“(A) Requires appearance or attendance at an unreasonable time or place,

“(B) Requires production of evidence that does not relate to the matter, or

“(C) Does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason

“(3) In the case of refusal to obey a subpoena, the administrative law judge or any party may seek enforcement of a subpoena issued under the authority of this act by filing a petition for enforcement in a court of competent jurisdiction. In the enforcement proceeding, the court may award to the party prevailing in the enforcement proceeding all or part of the costs and attorney’s fees incurred in obtaining the enforcement order

“(4) Any person who fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, without good cause, may be fined by a court of competent jurisdiction not more than the amount set forth in 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) or imprisoned not more than 60 days, or both

“(5) Any person who makes or causes to be made any false entry or false statement of fact in any report, account, record, or other document submitted to the administrative law judge pursuant to its subpoena or other order, or who willfully mutilates, alters, or by any other means falsifies any documentary evidence, may be fined by a court of competent jurisdiction not more than the amount set forth in 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), or imprisoned not more than 60 days, or both

“(m)(1) The administrative law judge, in any action brought under this section shall, in addition to any administrative order awarded to the prevailing plaintiff, allow costs of the action, including costs or fees of any nature, and reasonable attorney’s fees, to be paid by the defendant. In any administrative order in favor of any employee under this section, and in any proceeding to enforce an administrative order, the court shall award to each attorney for the employee an additional judgment for costs, including attorney’s fees computed pursuant to the matrix approved in *Salazar v District of Columbia*, 123 F Supp 2d 8 (D D C 2000), and updated to account for the current market hourly rates for attorney’s services. The administrative law judge shall use the rates in effect at the time the determination is made

“(2) If the fees remain unpaid to the attorney at the time of any subsequent review, supplementation, or reconsideration of the fee award, the administrative law judge shall update the award to reflect the hours actually expended and the market rates in effect at that time. No reduction shall be made from this rate, or from the hours actually expended, except upon clear and convincing evidence that the reduction will serve the remedial purposes of this law

“(3) Costs shall also include expert witness fees, depositions fees, witness fees, juror fees, filing fees, certification fees, the costs of collecting and presenting evidence, and any other costs incurred in connection with obtaining, preserving, or enforcing the administrative order

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“(4) The Mayor shall not be required to pay the filing fee or other costs or fees of any nature or to file bond or other security of any nature in connection with any action or proceeding under this section ”

(1) A new section 10a is added to read as follows

“Sec 10a Retaliation

“(a) It shall be unlawful for any employer to discharge, threaten, penalize, or in any other manner discriminate or retaliate against any employee or person because that employee or person has

“(1) Made or is believed to have made a complaint to his or her employer, the Mayor, the Attorney General for the District of Columbia, any federal or District employee, or to any other person that the employer has engaged in conduct that the employee, reasonably and in good faith, believes violates any provision of this act or the Living Wage Act, or any regulation promulgated pursuant to this act or the Living Wage Act,

“(2) Initiated or is about to initiate a proceeding under or related to this act,

“(3) Provided information to the Mayor, the Attorney General for the District of Columbia, or any other person regarding a violation, investigation, or proceeding under this act,

“(4) Testified or is about to testify in an investigation or proceeding under this act,
or

“(5) Otherwise exercised rights protected under this act

“(b) An employee complaint or other communication need not make explicit reference to any section or provision of this act or the Living Wage Act to trigger the protections of this section. The employer, or any person acting on behalf of the employer, taking adverse action against an employee within 90 days of an employee or other person’s engagement in the activities set forth in subsection (a) of this section shall raise a presumption that such action is retaliation, which may be rebutted by clear and convincing evidence that such action was taken for other permissible reasons

“(c) An employee may bring a civil action in a court of competent jurisdiction against any employer or other person alleged to have violated the provisions of this section. The court shall have jurisdiction to restrain violations of this section regardless of an employee’s dates of employment and to order all appropriate relief, including

“(1) Assessing a civil penalty against the employer or other person of not less \$1,000 nor more than \$10,000,

“(2) Enjoining the conduct,

“(3) Awarding liquidated damages of an amount equal to the civil penalty to the employee,

“(4) Awarding front pay, lost compensation, costs, and reasonable attorneys’ fees to the employee,

“(5) Reinstatement of an employee to his or her former position or an equivalent position with restoration of seniority, and

“(6) Other forms of equitable relief

“(d) An employee may file an administrative complaint against any employer or other person alleged to have violated the provisions of this section and receive a hearing by an

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administrative law judge by following the same procedure as for any other violation of this act. If an administrative law judge finds that an employer or other person has engaged in retaliation, the administrative law judge shall, by an order which shall describe with particularity the nature of the violation, assess a civil penalty against the employer or other person of not less than \$1,000 nor more than \$10,000. The administrative law judge shall also order all appropriate relief including

“(1) Enjoining the conduct,

“(2) Awarding liquidated damages of an amount equal to the civil penalty to the employee,

“(3) Awarding front pay, lost compensation, costs, and reasonable attorneys’ fees to the employee,

“(4) Reinstatement of an employee to his or her former position or an equivalent position with restoration of seniority, and

“(5) Other forms of equitable relief

“(e) No administrative penalty may be collected unless the Mayor has provided the person alleged to have violated any of the provisions of this section with notification of the violation, notification of the amount of the penalty to be imposed, and notification of the opportunity to request a formal hearing held pursuant to the Administrative Procedure Act and section 8a. If a formal hearing is requested, it shall be held within 30 days of the date of the request and the Mayor shall issue a final order within 30 days after the hearing. The order shall contain a finding that a violation has or has not occurred and the amount of damages, costs, interest, or penalties owed. If the person receiving the violation does not request a hearing, the person shall transmit to the Mayor the amount of the penalty within 15 days of receipt of notification of the violation.

“(f) The court or administrative law judge in any action brought under this section shall, in addition to any judgment or administrative order awarded to the prevailing plaintiff or plaintiffs, allow costs of the action, including costs or fees of any nature, and reasonable attorney’s fees as calculated under section 8(b) or section 8a(m), as applicable, to be paid by the defendant.”

Sec 3 The Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D C Law 9-248, D C Official Code § 32-1001 *et seq*), is amended as follows

(a) Section 3(3) (D C Official Code § 32-1002(3)) is amended by striking the phrase “partnership, association” and inserting the phrase “partnership, general contractor, subcontractor, association” in its place

(b) Section 6 (D C Official Code § 32-1005) is amended as follows

(1) Designate the existing language as subsection (a)

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

“(b) “The Mayor shall encourage reporting pursuant to this act by keeping confidential, to the maximum extent permitted by applicable laws, the name and other identifying information of the employee or other person reporting a violation during the course of any investigation, provided, that with the authorization of such person, the Mayor may disclose his or her name and

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identifying information as necessary to conduct a hearing and enforce this act or other employee protection laws ”

(c) Section 9 (D C Official Code § 32-1008) is amended as follows

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

(A) The lead-in language is amended by striking the phrase “3 years” and inserting the phrase “3 years or whatever the prevailing federal standard is, whichever is greater,” in its place

(B) Subparagraph (D) is amended by striking the phrase “hours worked” and inserting the phrase “precise time worked” in its place

(2) New subsections (c), (d), and (e) are added to read as follows

“(c) Every employer, except as specified in section 9a, shall furnish to each employee at the time of hiring a written notice, both in English and in the employee’s primary language, containing the following information

“(1) The name of the employer and any “doing business as” names used by the employer,

“(2) The physical address of the employer’s main office or principal place of business, and a mailing address, if different,

“(3) The telephone number of the employer,

“(4) The employee’s rate of pay and the basis of that rate, including by the hour, shift, day, week, salary, piece, commission, any allowances claimed as part of the minimum wage, including tip, meal, or lodging allowances, or overtime rate of pay, exemptions from overtime pay, living wage, exemptions from the living wage, and the applicable prevailing wages,

“(5) The employee’s regular payday designated by the employer in accordance with section 2 of An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat 976, D C Official Code § 32-1302), and

“(6) Any such other information as the Mayor considers material and necessary

“(d)(1) Within 90 days of the effective date of the Wage Theft Prevention Amendment Act of 2014, passed on 2nd reading on July 14, 2014 (Enrolled version of Bill 20-671), or whenever any of the information required in subsection (c) of this section changes, every employer, except as specified in section 9a, shall furnish each employee with an updated written notice containing the information required under subsection (c) of this section. As proof of compliance, every employer shall retain copies of the written notice furnished to employees that are signed and dated by the employer and by the employee acknowledging receipt of the notice

“(2) If an employer fails to comply with this subsection or subsection (c) of this section, the failure shall constitute evidence weighing against the credibility of the employer’s testimony regarding the rate of pay promised

“(3) The period prescribed in section 8(c) of An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat 978, D C Official Code § 32-1308(c)), shall not begin until the employee is provided all itemized statements and written notice required by subsections (b) and (c) of this section

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“(e) The Mayor shall make available for employers a sample template of the notice within 60 days of the effective date of the Wage Theft Prevention Amendment Act of 2014, passed on 2nd reading on July 14, 2014 (Enrolled version of Bill 20-671) ”

(d) A new section 9a is added to read as follows

“Sec 9a Notice requirements for temporary staffing firms

“(a)(1) A temporary staffing firm shall furnish to each employee at the time of the initial interview or hire a notice that is signed and dated by the temporary staffing firm and the employee containing the information required by section 9(c)

“(2) For the purposes of the notice

“(A) If a specific rate of pay has not been determined at the time of the initial interview or hire, a temporary staffing firm shall provide the employee with a range of potential wages the employee will likely earn based upon the qualifications of the employee and the suitability of the assignment,

“(B) The range of potential hourly wages may not be excessively broad and must be based on a good-faith estimate of the typical wage earned by similarly qualified employees working at assignments similar to those for which the employee is eligible and likely to be assigned, and

“(C) If a fixed, designated payday has not been established at the time of the initial interview or hire, a temporary staffing firm shall inform the employee that the payday may vary depending upon the usual practice at the assignment

“(b) When a temporary staffing firm assigns an employee to perform work at, or provide services for other another organization, the temporary staffing firm must notify the employee in writing of

“(1) The specific designated payday for the particular assignment,

“(2) The actual rate of pay for the assignment and the benefits, if any, to be provided,

“(3) The overtime rate of pay the employee will receive, or, if applicable, inform the employee that the position is exempt from additional overtime compensation and the basis for the overtime exemption,

“(4) The location and name of the client employer and the temporary staffing firm,

“(5) The anticipated length of the assignment,

“(6) Whether training or safety equipment is required and who is obligated to provide and pay for the equipment,

“(7) The legal entity responsible for workers’ compensation, should the employee be injured on the job, and

“(8) Information about how to contact the designated enforcement agency for concerns about safety, wage and hour, or discrimination

“(c) Notice provided under this section must be provided in English and in the employee’s primary language if other than English

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“(d) For the purposes of this section

“(1) The term “temporary staffing firm” means a business that recruits and hires its own employees and assigns those employees to perform work at or services for another organization, to support or supplement the other organization’s workforce, or to provide assistance in special work situations such as employee absences, skill shortages, seasonal workloads, or to perform special assignments or projects

“(2) Electronic mail, text messaging, facsimile, and regular mail shall each constitute written notice ”

(e) Section 10 (D C Official Code § 32-1009) is amended as follows

(1) Subsection (a) is amended by adding a sentence at the end to read as follows “If an employer fails to comply with this requirement, the period prescribed in section 8(c) of An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat 978, D C Official Code § 32-1308(c)), shall not begin until the employer posts or provides the required notice ”

(2) Subsection (b) is amended by striking the phrase “without charge” and inserting the phrase “without charge, in accordance with the Language Access Act of 2004, effective June 19, 2004 (D C Law 15-167, D C Official Code § 2-1931 *et seq*)” in its place

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

“(c) Employers shall be furnished with copies or summaries of this act within 60 days of the effective date of the Wage Theft Prevention Amendment Act of 2014, passed on 2nd reading on July 14, 2014 (Enrolled version of Bill 20-671) An employer shall not be liable for failure to post notice if the Mayor has failed to provide to the employer the notice required by this section ”

(f) Section 11 (D C Official Code § 32-1010) is amended as follows

(1) Designate the existing language as subsection (a)

(2) The newly designated subsection (a)(3) is amended to read as follows

“(3) Discharge, threaten, penalize, or in any other manner discriminate or retaliate against any employee or person because that employee or person has

“(A) Made or is believed to have made a complaint to his or her employer, the Mayor, the Attorney General for the District of Columbia, any federal or District employee, or to any other person that the employer has engaged in conduct that the employee, reasonably and in good faith, believes violates any provision of this act, or any regulation promulgated pursuant to this act,

“(B) Caused to be instituted or is about to institute a proceeding under or related to this act,

“(C) Provided information to the Mayor, or the Attorney General for the District of Columbia, or any federal or District of Columbia employee,

“(D) Testified or is about to testify in an investigation or any proceeding filed under this act, or

“(E) Exercised rights protected under this act ”

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

“(b) An employee complaint or other communication need not make explicit reference to any section or provision of this act to trigger the protections of this section. The employer, or any person acting on behalf of the employer, taking adverse action against an employee within 90 days of an employee or other person’s engagement in the activities set forth in subsection (a) of this section shall raise a presumption that the action is retaliation. The presumption may be rebutted by clear and convincing evidence that the action was taken for other permissible reasons.”

(g) Section 12 (D C Official Code § 32-1011) is amended as follows

(1) Subsection (a) is amended by striking the word “willfully” and inserting the phrase “willfully or negligently” in its place

(2) Subsection (b) is amended by striking the word “committed” and inserting the phrase “committed willfully or” in its place

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

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

“(d) (1) In addition to and apart from the penalties or remedies provided for in this section or section 13, the Mayor shall assess and collect administrative penalties as follows

“(A) For the first violation of section 4, \$50 for each employee or person whose rights under this act are violated for each day that the violation occurred or continued,

“(B) For any subsequent violation of section 4, \$100 for each employee or person whose rights under this act are violated for each day that the violation occurred or continued,

“(C) \$500 for each failure to maintain payroll records or to retain payroll records for 3 years or whatever the prevailing federal standard is, whichever is greater for each violation as required by section 9(a)(1),

“(D) \$500 for each failure to allow the Mayor to inspect payroll records or perform any other investigation pursuant to section 9(a)(2) or section 11(a)(4),

“(E) \$500 for each failure to provide each employee an itemized wage statement or the written notice as required by section 9(b) and (c), and

“(F) \$100 for each day that the employer fails to post notice as required under section 10(a)

“(2) The Mayor may assess more than one administrative penalty against an employer for the same adversely affected employee if the employer has violated more than one statutory provision of this act, the Living Wage Act of 2006, effective June 8, 2006 (D C Law 16-118, D C Official Code § 2-220.01 *et seq*), the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D C Law 9-248, D C Official Code § 32-1001 *et seq*), or the Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D C Law 17-152, D C Official Code § 32-131.01 *et seq*)”

(5) Subsection (e) is repealed

ENROLLED ORIGINAL

(6) A new subsection (g) is added to read as follows

“(g) The administrative fines and penalties collected under this section shall be deposited into the Wage Theft Prevention Fund, established by section 7a of An Act To provide for the payment and collection of wages in the District of Columbia, passed on 2nd reading on July 14, 2014 (Enrolled version of Bill 20-671)(“Wage Payment Act”) ”

(h) A new section 12a is added to read as follows

“Sec 12a Remedies

“If an employer or other person is found to have violated section 11(a)(3), the court or administrative law judge shall, by an order which shall describe with particularity the nature of the violation, award to the employee liquidated damages of not less than \$1,000 and not more than \$10,000 ”

(i) Section 13 (D C Official Code § 32-1012) is amended to read as follows

“Sec 13 Civil actions

“(a) A civil action may be commenced according to section 8 of the Wage Payment Act

“(b)(1) Except as provided in paragraph (2) of this subsection, any employer who pays any employee less than the wage to which that employee is entitled under this act shall be liable to that employee in the amount of the unpaid wages, statutory penalties, and an additional amount as liquidated damages equal to treble the amount of unpaid wages

“(2) The court may award an amount of liquidated damages less than treble the amount of unpaid wages, but not less than the amount of unpaid wages In any action commenced to recover unpaid wages or liquidated damages, the employer shall demonstrate to the satisfaction of the court that

“(A) The act or omission that gave rise to the action was in good faith,

“(B) That the employer had reasonable grounds for the belief that the act or omission was not in violation of this act, and

“(C) That the employer promptly paid the full amount of wages claimed to be owed to the employee

“(c) When the employer is a subcontractor alleged to have failed to pay an employee any wages earned, the subcontractor and the general contractor shall be jointly and severally liable to the subcontractor’s employees for violations of this act The subcontractor shall indemnify the general contractor for any wages, damages, interest, penalties, or attorneys' fees owed by the general contractor as a result of the subcontractor's violations of this act, unless those violations were due to the general contractor's lack of prompt payment in accordance with the terms of the contract between the general contractor and subcontractor

“(d) Any agreement between an employer and employee in which the employee agrees to work for less than the wages to which the employee is entitled under this act or any regulation issued under this act shall be no defense to any action to recover unpaid wages or liquidated damages

“(e) The Mayor is authorized to supervise the payment of unpaid wages and liquidated damages owed to any employee under this act or any regulation issued under this act, and the agreement of any employee to accept this payment, shall upon full payment, constitute a waiver

ENROLLED ORIGINAL

by the employee of any right the employee may have under subsection (a) of this section to any unpaid wages, and an additional amount as liquidated damages

“(f) When a temporary staffing firm employs an employee who performs work on behalf of or to the benefit of another employer pursuant to a temporary staffing arrangement or contract for services, both the temporary staffing firm and the employer shall be jointly and severally liable for violations of this act to the employee and to the District. The District, the employee, or the employer’s representative shall notify the temporary staffing firm and employer of the violations at least 30 days before filing a claim for these violations. Unless otherwise agreed to by the parties, the temporary staffing firm shall indemnify the employer for any wages, damages, interest, penalties, or attorneys’ fees owed by the employer as a result of the temporary staffing firm’s violations of this act.”

(j) A new section 13a is added to read as follows

“Sec 13a Administrative actions

“When an administrative complaint is filed against any employer or other person alleged to have violated this act, a hearing by an administrative law judge shall be scheduled following the same procedure and available for a violation of the Wage Payment Act.”

(k) Section 14 (D C Official Code § 32-1013) is repealed

Sec 4 The Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D C Law 17-152, D C Official Code § 32-131 01 *et seq*), is amended as follows

(a) Section 7(b) (D C Official Code § 32-131 06(b)) is amended by striking the phrase “that expressly waives the requirements in clear and unambiguous terms”

(b) Section 9(b)(2) (D C Official Code § 32-131 08(b)(2)) is amended as follows

(1) Subparagraph (C) is amended by striking the phrase “civil complaint” and inserting the phrase “civil or administrative complaint” in its place

(2) Subparagraph (F) is amended by striking the phrase “unlawful under this act” and inserting the phrase “a violation of this act” in its place

(c) Section 11a (D C Official Code § 32-131 10a) is amended to read as follows

“All civil or administrative complaints brought under this act shall be filed within 3 years of the event or final instance of a series of events on which the complaint is based, except the 3-year period shall be tolled for the duration of any period during which the employer does not post the notice required under section 10, or, for civil complaints, when an administrative complaint is filed.”

(d) Section 13 (D C Official Code § 32-131 12) is amended as follows

(1) Subsection (a) is amended as follows

(A) Designate the existing language as paragraph (1)

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

“(2) When an administrative complaint is filed against any employer or other person alleged to have violated this act, a hearing by an administrative law judge shall be scheduled following the same procedure available in section 8a of An Act To provide for the payment and collection of wages in the District of Columbia, passed on 2nd reading on July 14, 2014 (Enrolled version of Bill 20-671), for a violation of that act.”

ENROLLED ORIGINAL

(2) Subsection (c) is amended by striking the phrase “civil penalty” and inserting the phrase “civil penalty for each affected employee” in its place

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

“(3) Compensatory damages, punitive damages, and additional damages as provided in subsection (b) of this section, and”

(4) Subsection (e)(3) is amended to read as follows

“(3) Compensatory damages, punitive damages, and additional damages as provided in subsection 13(b), and”

(5) A new subsection (i) is added to read as follows

“(i) The administrative fines and penalties collected under this section shall be deposited into the Wage Theft Prevention Fund, established by section 7a of An Act To provide for the payment and collection of wages in the District of Columbia, passed on 2nd reading on July 14, 2014 (Enrolled version of Bill 20-671) ”

Sec 5 Section 47-2862(a) of the District of Columbia Official Code is amended as follows

(a) Paragraph (7) is amended by striking the word “or” at the end

(b) Paragraph (8) is amended by striking the period and inserting the phrase “, or” in its place

(c) A new paragraph (9) is added to read as follows

“(9) Owes the District any past due fines, penalties, or past due restitution on behalf of an employee due to a violation of Chapter 13 of Title 32, Chapter 1A of Title 32, Chapter 10 of Title 32, or Subchapter X-A of Chapter 2 of Title 2 ”

Sec 6 Repealer

Section 902 4(e) of Title 7 of the District of Columbia Municipal Regulations (7 DCMR § 902 4(e)) is repealed

Sec 7 Applicability

(a) This act shall apply as of October 1, 2014

(b) This act shall apply to violations occurring after October 1, 2014

Sec 8 Fiscal impact statement

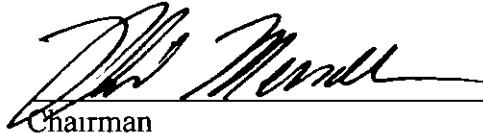
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat 813, D C Official Code § 1-206 02(c)(3))

Sec 9 Effective date

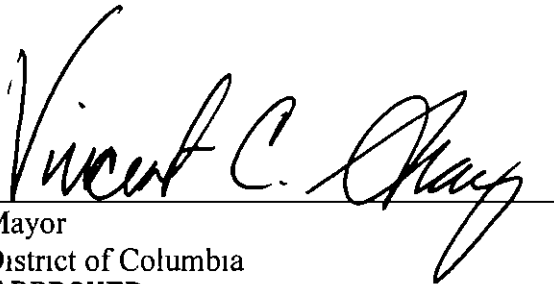
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat 813, D C Official Code § 1-206 02(c)(1)), and publication in the District of Columbia Register



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
September 19, 2014

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

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

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

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

- | | |
|---------|---|
| B20-932 | Equitable Treatment of Tenants in Subsidized Housing Act of 2014

Intro. 9-23-14 by Councilmember Bowser and referred to the Committee on Judiciary and Public Safety with comments from the Committee on Education |
| <hr/> | |
| B20-933 | Human Rights Educational Institutions Fairness Amendment Act of 2014

Intro. 9-23-14 by Councilmembers McDuffie and Grosso and referred to the Committee on Judiciary and Public Safety with comments from the Committee on Education |
| <hr/> | |
| B20-934 | Manufacturer Tasting Permit Second Amendment Act of 2014

Intro. 9-23-14 by Councilmember McDuffie and referred to the Committee on Business , Consumer, and Regulatory Affairs |
| <hr/> | |
| B20-935 | First-time Homebuyer Tax Credit Amendment Act of 2014

Intro. 9-23-14 by Councilmembers Grosso and Evans and referred to the Committee on Finance and Revenue |
| <hr/> | |
| B20-936 | Language Access Amendment Act of 2014

Intro. 9-23-14 by Councilmember Grosso and referred to the Committee on Judiciary and Public Safety with comments from the Committee on Education |
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B20-937	Pennsylvania Avenue Development Act of 2014 Intro. 9-23-14 by Councilmember Evans and referred to the Committee on Economic Development
B20-938	Certified Business Enterprise Re-Certification Amendment Act of 2014 Intro. 9-23-14 by Councilmember Orange and referred to the Committee on Business , Consumer, and Regulatory Affairs
B20-939	Small and Certified Business Enterprise Quarterly Expenditure Amendment Act of 2014 Intro. 9-23-14 by Councilmember Orange and referred to the Committee on Business , Consumer, and Regulatory Affairs
B20-940	Affordable Dwelling Unit Hardship Waiver to Rent Act of 2014 Intro. 9-23-14 by Councilmembers Bonds and Barry and referred to the Committee on Economic Development
B20-941	Mack Thompson Way Designation Act of 2014 Intro. 9-23-14 by Councilmember Graham and referred to the Committee of the Whole
B20-942	Temporary Assistance for Needy Families Long-Term Recipient Benefit Reduction Amendment Act of 2014 Intro. 9-23-14 by Councilmembers Barry and Graham and referred to the Committee on Human Services
B20-943	Supermarket Tax Incentive Amendment Act of 2014 Intro. 9-23-14 by Councilmember Alexander and referred to the Committee on Finance and Revenue

B20-945 Promoting Economic Growth and Job Creation Through Technology Act of 2014

Intro. 9-23-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

B20-948 State Rail Plan Act of 2014

Intro. 9-25-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

B20-951 Inspector General Qualifications Amendment Act of 2014

Intro. 9-25-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

RESOLUTIONS

PR20-1047 Board of Industrial Trades Shell Carter Davis, III Reappointment Resolution of 2014

Intro. 9-22-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on **Business**, Consumer, and Regulatory Affairs

PR20-1048 Board of Industrial Trades Richard D. Jackson Reappointment Resolution of 2014

Intro. 9-22-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on **Business**, Consumer, and Regulatory Affairs

PR20-1050 Inspector General Daniel W. Lucas Confirmation Resolution of 2014

Intro. 9-25-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

PR20-1051 Long Term Bicycle Parking Rulemaking Approval Resolution of 2014

Intro. 9-25-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

PR20-1053 Commission on the Arts and Humanities Susan Clampitt
Confirmation Resolution of 2014

Intro. 9-26-14 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Finance and Revenue

PR20-1054 Commission on the Arts and Humanities Gretchen B. Wharton
Confirmation Resolution of 2014

Intro. 9-26-14 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Finance and Revenue

PR20-1055 District of Columbia Water and Sewer Authority Board of Directors M. Jeffrey
Miller Confirmation Resolution of 2014

Intro. 9-26-14 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Transportation and the Environment

PR20-1056 District of Columbia Water and Sewer Authority Board of Directors Brian J.
Hanlon Confirmation Resolution of 2014

Intro. 9-26-14 by Chairman Mendelson at the request of the Mayor and
referred to the Committee on Transportation and the Environment

**Council of the District of Columbia
Committee on **Business**, Consumer, and Regulatory Affairs
Notice of Public Hearing**

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Suite G-6 Washington, DC 20004

REVISED

**COUNCILMEMBER VINCENT B. ORANGE, SR., CHAIR
COMMITTEE ON **BUSINESS**, CONSUMER, AND REGULATORY
AFFAIRS
ANNOUNCES A PUBLIC HEARING**

ON

B20-892, THE “SMALL AND CERTIFIED **BUSINESS ENTERPRISE
DEVELOPMENT AND ASSISTANCE WAIVER CERTIFICATION
AMENDMENT ACT OF 2014”**

B20-938, THE “CERTIFIED **BUSINESS RE-CERTIFICATION
AMENDMENT ACT OF 2014”**

B20-939, THE “SMALL AND CERTIFIED **BUSINESS ENTERPRISE
QUARTERLY EXPENDITURE AMENDMENT ACT OF 2014”**

**WEDNESDAY, OCTOBER 22, 2014, 10:00 A.M.
JOHN A. WILSON BUILDING, ROOM 500
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20004**

Councilmember Vincent B. Orange, Sr. announces the rescheduling of a public hearing by the Committee on **Business**, Consumer, and Regulatory Affairs on B20-892, the “Small and Certified **Business** Enterprise Development and Assistance Waiver Certification Amendment Act of 2014”. The public hearing is rescheduled from Wednesday, October 15, 2014 to Wednesday, October 22, 2014. The hearing will be held at 10:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, Washington, DC 20004. *This notice is revised to announce the rescheduling of the hearing for Wednesday, October 22, 2014 at 10:00 a.m. in Room 500. In addition, the notice is being revised in order to add two new items to the hearing agenda: B20-938, the “Certified **Business** Re-Certification Amendment Act of 2014” and B20-939, the “Small and Certified **Business** Enterprise Quarterly Expenditure Amendment Act of 2014”.*

B20-892, the “Small and Certified **Business** Enterprise Development and Assistance Waiver Certification Amendment Act of 2014” amends the Small, Local, and Disadvantaged **Business** Enterprise Development and Assistance Act of 2005 (“Act”) to require the Director of the Department of Small and Local **Business** Development (“DSLBD”), prior to granting a waiver under Section 2346 of the Act, to conduct a good faith effort to determine that there are no qualified small or certified **business** enterprises to perform the contract solicitation. Further, the Director would be required to wait 20 days before granting a proposed waiver and must issue a written waiver certification that all good faith requirements have been met.

B20-938, the “Certified **Business** Re-Certification Amendment Act of 2014” would amend the Act to allow for self-certification, longer re-certification times for a **business** that has been previously certified and to reduce the amount of paperwork necessary for re-certification.

B20-939, the “Small and Certified **Business** Enterprise Quarterly Expenditure Amendment Act of 2014” would amend the Act to require all District agencies spend at least 25% of its expendable budget on a quarterly basis with Small **Business** Enterprises (SBE), prohibit agencies from spending more than 50% of its non-SBE expendable budget with non-SBE’s, and provides a penalty for agency directors for non-compliance.

Individuals and representatives of organizations who wish to testify at the public hearing are asked to contact Faye Caldwell of the Committee on **Business**, Consumer, and Regulatory Affairs at (202) 727-6683 or by email at fcaldwell@dccouncil.us and provide their name(s), address, telephone number, email address and organizational affiliation, if any, by close of **business** Wednesday, October 15, 2014. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of **business** Monday, November 3, 2014. Copies of written statements should be submitted to the Committee on **Business**, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite G-6 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

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

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC ROUNDTABLE**

on

On the Matter of the “DC Rocks, So We Need One Act of 2014”

on

**Friday, October 17, 2014
12:00 p.m., Hearing Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public oversight roundtable of the Committee of the Whole on the matter of the “DC Rocks, So We Need One Act of 2014.” The public roundtable will be held Friday, October 17, 2014, at 12:00 p.m. in Hearing Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The purpose of this roundtable is to receive testimony from students at Eaton Elementary School who have proposed to designate the Potomac Bluestone as the official rock of the District of Columbia. The fifth-grade class worked with the Committee on Education to create legislation, Bill 20-829, which recommends that the Potomac Bluestone be the official rock of the District of Columbia. Such official designations are under the jurisdiction of the Committee of the Whole. The Potomac Bluestone is a metamorphic rock that is common in and around the District of Columbia.

While this roundtable will include oral testimony only from student witnesses, written statements from the public will be made a part of the official record. Copies of written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Friday, October 31, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Request

Pursuant to DC Official Code Sec 47-361 et seq. of the Reprogramming Policy Act of 1990, the Council of the District of Columbia gives notice that the Mayor has transmitted the following reprogramming request(s).

A reprogramming will become effective on the 15th day after official receipt unless a Member of the Council files a notice of disapproval of the request which extends the Council's review period to 30 days. If such notice is given, a reprogramming will become effective on the 31st day after its official receipt unless a resolution of approval or disapproval is adopted by the Council prior to that time.

Comments should be addressed to the Secretary to the Council, John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Room 5 Washington, D.C. 20004. Copies of reprogramming requests are available in Legislative Services, Room 10.
Telephone: 724-8050

Reprog. 20-246: Request to reprogram 750,000 of Fiscal Year 2014 Special Purpose Revenue funds budget authority within the District Department of transportation (DDOT) was filed in the Office of the Secretary on September 26, 2014. This reprogramming will ensure that there is sufficient budget authority in the Parking Meter Pay by Phone Fund to match the revenues collected.

RECEIVED: 14 day review begins September 29, 2014

Reprog. 20-247: Request to reprogram \$4,500,000 of Capital Funds budget authority and allotment from various agencies to Metropolitan Police Department (MPD) was filed in the Office of the Secretary on September 30, 2014. This reprogramming is needed to support the costs of a new MPD facility that will house the Sixth District Headquarters and Youth Investigations Division.

RECEIVED: 14 day review begins October 1, 2014

OFFICE OF ADVISORY NEIGHBORHOOD COMMISSIONS

NOTICE OF PUBLIC HEARING

ADVISORY NEIGHBORHOOD COMMISSION 4D

Tuesday, October 7, 2014
6:00 p.m.
Gethsemane Baptist Church
5119 4th Street, N.W.
Fellowship Hall
Washington, D.C. 20011

Purpose

The purpose of the public hearing is to facilitate District of Columbia government action to secure public recreation space for children and youth within the jurisdiction of ANC 4D.

ANC 4D invites public witnesses from executive and independent entities and residents to testify.

For further information, please contact
Advisory Neighborhood Commissioner Renee Bowser (4D02)
at
(202) 997-3193 or 4D02@anc.dc.gov.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 3, 2014
Petition Date: November 17, 2014
Roll Call Hearing Date: December 1, 2014
License No.: ABRA-084379
Licensee: Big Bear Café, LLC
Trade Name: Big Bear Cafe
License Class: Retailer's Class "C" Restaurant
Address: 1700 First St., NW.
Contact: Andrew Kline: 202-686-7600

WARD 5 ANC 5E SMD5E06

Notice is hereby given that this applicant has applied for a substantial change to its 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 at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Requesting expansion of sidewalk café seating from #38 to #99.

APPROVED SIDEWALK CAFÉ HOURS OF OPERATION:

Sunday through Wednesday: 7am-10:30pm, Thursday through Saturday: 7am-11:30pm

APPROVED SIDEWALK CAFÉ HOURS OF SALES/SERVICE CONSUMPTION OF ALCOHOL:

Sunday: 10am-10:30pm, Monday through Wednesday: 9am-10:30pm
Thursday through Saturday: 9am-11:30pm

APPROVED HOURS OF OPERATION:

Sunday through Thursday: 6am-12am, Friday & Saturday: 6am-12:30am

APPROVED HOURS OF SALES/SERVICE/CONSUMPTION OF ALCOHOL:

Sunday: 10am-12am. Monday through Thursday: 8am-12am, Friday & Saturday: 8am-12:30am

APPROVED ENTERTAINMENT ENDORSEMENT HOURS

Sunday through Thursday: 8am-12am, Friday & Saturday: 8am-12:30am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-075444

Applicant: J & CI, Inc.

License Class/Type: B Retail - Groce

Trade Name: A & S Grocery

SMD: 7C07

Premise Address: 4748 SHERIFF RD NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 9 pm	7 am - 9 pm
MON:	7 am - 9 pm	7 am - 9 pm
TUE:	7 am - 9 pm	7 am - 9 pm
WED:	7 am - 9 pm	7 am - 9 pm
THU:	7 am - 9 pm	7 am - 9 pm
FRI:	7 am - 9 pm	7 am - 9 pm
SAT:	7 am - 9 pm	7 am - 9 pm

License Number: ABRA-074817

Applicant: Paravinos, LLC

License Class/Type: B Retail - Groce

Trade Name: De Vinos

SMD: 1C07

Premise Address: 2001 18TH ST NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 12 am	9 am - 12 am
MON:	9 am - 12 am	9 am - 12 am
TUE:	9 am - 12 am	9 am - 12 am
WED:	9 am - 12 am	9 am - 12 am
THU:	9 am - 12 am	9 am - 12 am
FRI:	9 am - 12 am	9 am - 12 am
SAT:	9 am - 12 am	9 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-074845

Applicant: Johy Corporation

License Class/Type: B Retail - Groce

Trade Name: The Corner Market

SMD: 6C01

Premise Address: 400 EAST CAPITOL ST NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 11 pm	9 am -10 pm
MON:	7 am - 11 pm	9 am - 10 pm
TUE:	7 am - 11 pm	9 am - 10 pm
WED:	7 am - 11 pm	9 am - 10 pm
THU:	7 am - 11 pm	9 am - 10 pm
FRI:	7 am - 11 pm	9 am - 10 pm
SAT:	7 am - 11 pm	9 am - 10 pm

License Number: ABRA-076139

Applicant: Whole Foods Market Group, Inc.

License Class/Type: B Retail - Groce

Trade Name: Whole Foods Market

SMD: 3E01

Premise Address: 4530 40TH ST NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 9:30 pm	10 am -9:30 pm
MON:	8 am - 10:30 pm	9 am - 10:30 pm
TUE:	8 am - 10:30 pm	9 am - 10:30 pm
WED:	8 am - 10:30 pm	9 am - 10:30 pm
THU:	8 am - 10:30 pm	9 am - 10:30 pm
FRI:	8 am - 10:30 pm	9 am - 10:30 pm
SAT:	8 am - 10:30 pm	9 am - 10:30 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-076415

Applicant: Sun & Min, Inc.

License Class/Type: B Retail - Groce

Trade Name: T's Market

SMD: 1C04

Premise Address: 1795 LANIER PL NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	10 am - 12 am	10 am -12 am
MON:	10 am - 12 am	10 am - 12 am
TUE:	10 am - 12 am	10 am - 12 am
WED:	10 am - 12 am	10 am - 12 am
THU:	10 am - 12 am	10 am - 12 am
FRI:	10 am - 12 am	10 am - 12 am
SAT:	10 am - 12 am	10 am - 12 am

License Number: ABRA-075692

Applicant: Harris Teeter Inc.

License Class/Type: B Retail - Groce

Trade Name: Harris Teeter

SMD: 6B06

Premise Address: 1350 PENNSYLVANIA AVE SE

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 12 am	7 am -12 am
MON:	7 am - 12 am	7 am - 12 am
TUE:	7 am - 12 am	7 am - 12 am
WED:	7 am - 12 am	7 am - 12 am
THU:	7 am - 12 am	7 am - 12 am
FRI:	7 am - 12 am	7am - 12 am
SAT:	7 am - 12 am	7 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
 PETITION DATE: 11/17/2014
 HEARING DATE: 12/1/2014

License Number: ABRA-060506

Applicant: Wabi Corporation Inc.

License Class/Type: B Retail - Groce

Trade Name: Windows Cafe & Market

SMD: 5E07

Premise Address: 101 RHODE ISLAND AVE NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 10 pm	10 am -10 pm
MON:	9 am - 10 pm	9 am - 10 pm
TUE:	9 am - 10 pm	9 am - 10 pm
WED:	9 am - 10 pm	9 am - 10 pm
THU:	9 am - 10 pm	9 am - 10 pm
FRI:	9 am - 10 pm	9 am - 10 pm
SAT:	9 am - 10 pm	9 am - 10 pm

License Number: ABRA-071020

Applicant: Tae (Paul) Park

License Class/Type: B Retail - Groce

Trade Name: Gallery Market & Cafe

SMD: 2C02

Premise Address: 450 MASSACHUSETTS AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	10 am - 9 pm	10 am -9 pm
MON:	7 am - 9 pm	9 am - 9 pm
TUE:	7 am - 9 pm	9 am - 9 pm
WED:	7 am - 9 pm	9 am - 9 pm
THU:	7 am - 9 pm	9 am - 9 pm
FRI:	7 am - 9 pm	9 am - 9 pm
SAT:	8 am - 9 pm	9 am - 9 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-071278

Applicant: Trader Joe's East, Inc.

License Class/Type: B Retail - Groce

Trade Name: Trader Joe's # 653

SMD: 2A02

Premise Address: 2425 L ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 10 pm	10 am -10 pm
MON:	8 am - 10 pm	9 am - 10 pm
TUE:	8 am - 10 pm	9 am - 10 pm
WED:	8 am - 10 pm	9 am - 10 pm
THU:	8 am - 10 pm	9 am - 10 pm
FRI:	8 am - 10 pm	9 am - 10 pm
SAT:	8 am - 10 pm	9 am - 10 pm

License Number: ABRA-079896

Applicant: 6th & Q LLC

License Class/Type: B Retail - Groce

Trade Name: 6th & Q Market

SMD: 6E02

Premise Address: 523 Q ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	10 am - 10 pm	10 am -10 pm
MON:	10 am - 10 pm	10 am - 10 pm
TUE:	10 am - 10 pm	10 am - 10 pm
WED:	10 am - 10 pm	10 am - 10 pm
THU:	10 am - 10 pm	10 am - 10 pm
FRI:	10 am - 10 pm	10 am - 10 pm
SAT:	10 am - 10 pm	10 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-079164

Applicant: A&F, LLC

License Class/Type: B Retail - Groce

Trade Name: L Street Market

SMD: 6C06

Premise Address: 1100 4TH ST NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	10 am - 9 pm	10 am - 9 pm
MON:	9 am - 9 pm	9 am - 9 pm
TUE:	9 am - 9 pm	9 am - 9 pm
WED:	9 am - 9 pm	9 am - 9 pm
THU:	9 am - 9 pm	9 am - 9 pm
FRI:	9 am - 9 pm	9 am - 9 pm
SAT:	9 am - 9 pm	9 am - 9 pm

License Number: ABRA-079226

Applicant: Mirco Market and Beer and Wine LLC

License Class/Type: B Retail - Groce

Trade Name: Micro Market Beer and Wines

SMD: 5E08

Premise Address: 2007 1ST ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 10 pm	9 am - 10 pm
MON:	9 am - 10 pm	9 am - 10 pm
TUE:	9 am - 10 pm	9 am - 10 pm
WED:	9 am - 10 pm	9 am - 10 pm
THU:	9 am - 10 pm	9 am - 10 pm
FRI:	9 am - 10 pm	9 am - 10 pm
SAT:	9 am - 10 pm	9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-073993
License Class/Type: B Retail - Groce
SMD: 1C06

Applicant: Harris Teeter, Inc
Trade Name: Harris Teeter
Premise Address: 1631 Kalorama RD NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 12 am	9 am -10 pm
MON:	7 am - 12 am	9 am - 10 pm
TUE:	7 am - 12 am	9 am - 10 pm
WED:	7 am - 12 am	9 am - 10 pm
THU:	7 am - 12 am	9 am - 10 pm
FRI:	7 am - 12 am	9 am - 10 pm
SAT:	7 am - 12 am	9 am - 10 pm

License Number: ABRA-072260
License Class/Type: B Retail - Groce
SMD: 1B11

Applicant: Mok Ju Na
Trade Name: Daily Fish Of Chesapeake
Premise Address: 2250 SHERMAN AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	CLOSED - CLOSED	CLOSED -CLOSED
MON:	6 am - 6 pm	7 am - 6 pm
TUE:	6 am - 6 pm	7 am - 6 pm
WED:	6 am - 6 pm	7 am - 6 pm
THU:	6 am - 6 pm	7 am - 6 pm
FRI:	6 am - 6 pm	7 am - 6 pm
SAT:	6 am - 6 pm	7 am - 6 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-005985

Applicant: Man Inc

License Class/Type: B Retail - Groce

Trade Name: Mudrick's Supermarket

SMD: 5D07

Premise Address: 1064 BLADENSBURG RD NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 8 pm	9 am - 8 pm
MON:	9 am - 8 pm	9 am - 8 pm
TUE:	9 am - 8 pm	9 am - 8 pm
WED:	9 am - 8 pm	9 am - 8 pm
THU:	9 am - 8 pm	9 am - 8 pm
FRI:	9 am - 8 pm	9 am - 8 pm
SAT:	9 am - 8 pm	9 am - 8 pm

License Number: ABRA-080896

Applicant: Elisa Alabama Inc.

License Class/Type: B Retail - Class

Trade Name: Alabama Convenience

SMD: 8E03

Premise Address: 2209 Alabama AVE SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 9 pm	7 am - 9 pm
MON:	7 am - 9 pm	7 am - 9 pm
TUE:	7 am - 9 pm	7 am - 9 pm
WED:	7 am - 9 pm	7 am - 9 pm
THU:	7 am - 9 pm	7 am - 9 pm
FRI:	7 am - 9 pm	7 am - 9 pm
SAT:	7 am - 9 pm	7 am - 9 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-082807
License Class/Type: B Retail - Groce
SMD: 4D01

Applicant: Gold Ocean Inc
Trade Name: Kennedy Street Market
Premise Address: 701 KENNEDY ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 10 pm	9 am -10 pm
MON:	9 am - 10 pm	9 am - 10 pm
TUE:	9 am - 10 pm	9 am - 10 pm
WED:	9 am - 10 pm	9 am - 10 pm
THU:	9 am - 10 pm	9 am - 10 pm
FRI:	9 am - 10 pm	9 am - 10 pm
SAT:	9 am - 10 pm	9 am - 10 pm

License Number: ABRA-083937
License Class/Type: B Retail - Class
SMD: 5E03

Applicant: DJ Sun Market, Inc
Trade Name: Sun Market
Premise Address: 415 RHODE ISLAND AVE NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 10 pm	9 am -10 pm
MON:	9 am - 10 pm	9 am - 10 pm
TUE:	9 am - 10 pm	9 am - 10 pm
WED:	9 am - 10 pm	9 am - 10 pm
THU:	9 am - 10 pm	9 am - 10 pm
FRI:	9 am - 10 pm	9 am - 10 pm
SAT:	9 am - 10 pm	9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-084582

Applicant:

License Class/Type: B Retail - Groce

Trade Name: 1618 Variety Market

SMD: 6E01

Premise Address: 1618 8th ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 9 pm	10 am - 9 pm
MON:	8 am - 12 am	9 am - 9 pm
TUE:	8 am - 12 am	9 am - 9 pm
WED:	8 am - 12 am	9 am - 9 pm
THU:	8 am - 12 am	9 am - 9 pm
FRI:	8 am - 12 am	9 am - 9 pm
SAT:	8 am - 12 am	9 am - 9 pm

License Number: ABRA-086746

Applicant: Open Door Market, Inc.

License Class/Type: B Retail - Class

Trade Name: Open Door Market

SMD: 2D02

Premise Address: 2160 CALIFORNIA ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 10 pm	9 am - 10 pm
MON:	9 am - 10 pm	9 am - 10 pm
TUE:	9 am - 10 pm	9 am - 10 pm
WED:	9 am - 10 pm	9 am - 10 pm
THU:	9 am - 10 pm	9 am - 10 pm
FRI:	9 am - 10 pm	9 am - 10 pm
SAT:	9 am - 10 pm	9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-086916
License Class/Type: B Retail - Groce
SMD: 2A06

Applicant: Whole Foods Market Group Inc
Trade Name: Whole Foods Market
Premise Address: 2201 I ST NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	7am - 12am	7am -12am
MON:	7am - 12am	7am - 12am
TUE:	7am - 12am	7am - 12am
WED:	7am - 12am	7am - 12am
THU:	7am - 12am	7am - 12am
FRI:	7am - 12am	7am - 12am
SAT:	7am - 12am	7am - 12am

License Number: ABRA-087328
License Class/Type: B Retail - Groce
SMD: 7D06

Applicant: K & Y Beer, Wine and Groceries LLC
Trade Name: Benning Heights Market
Premise Address: 547 42ND ST NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	closed -	closed -
MON:	8am - 9pm	9am - 9pm
TUE:	8am - 9pm	9am - 9pm
WED:	8am - 9pm	9am - 9pm
THU:	8am - 9pm	9am - 9pm
FRI:	8am - 9pm	8am - 9pm
SAT:	8am - 9pm	8am - 9pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-087466
License Class/Type: B Retail - Groce
SMD: 4C06

Applicant: Shepherd Market, LLC
Trade Name: Shepherd Market
Premise Address: 1247 Shepherd ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 10 pm	9 am -10 pm
MON:	8 am - 10 pm	9 am - 10 pm
TUE:	8 am - 10 pm	9 am - 10 pm
WED:	8 am - 10 pm	9 am - 10 pm
THU:	8 am - 10 pm	9 am - 10 pm
FRI:	8 am - 10 pm	9 am - 10 pm
SAT:	8 am - 10 pm	9 am - 10 pm

License Number: ABRA-088752
License Class/Type: B Retail - Class
SMD: 1B07

Applicant: Hyeboong, Inc.
Trade Name: Hi Market
Premise Address: 2655 15th ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9am - 9pm	10am -9pm
MON:	9am - 9pm	9am - 9pm
TUE:	9am - 9pm	9am - 9pm
WED:	9am - 9pm	9am - 9pm
THU:	9am - 9pm	9am - 9pm
FRI:	9am - 9pm	9am - 9pm
SAT:	9am - 9pm	9am - 9pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-088815

Applicant: Zembab Incorporated

License Class/Type: B Retail - Class

Trade Name: Capitol Food Mart

SMD: 5E06

Premise Address: 1634 North Capitol ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	6am - 12am	9 am -10pm
MON:	6am - 12am	7am - 12am
TUE:	6am - 12am	7am - 12am
WED:	6am - 12am	7am - 12am
THU:	6am - 12am	7am - 12am
FRI:	6am - 12am	7am - 12am
SAT:	6am - 12am	7am - 12am

License Number: ABRA-093817

Applicant: SUN RISING INC

License Class/Type: B Retail - Groce

Trade Name: 7 Food Store

SMD: 5D05

Premise Address: 1830 BENNING RD NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 9 pm	9 am -9 pm
MON:	8 am - 10 pm	9 am - 10 pm
TUE:	8 am - 10 pm	9 am - 10 pm
WED:	8 am - 10 pm	9 am - 10 pm
THU:	8 am - 10 pm	9 am - 10 pm
FRI:	9 am - 11 pm	9 am - 10 pm
SAT:	9 am - 10 pm	9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-000249

Applicant: Cruel Jr., John Arthur

License Class/Type: B Retail - Groce

Trade Name: Arthurs Grocery

SMD: 1A07

Premise Address: 3301 - 3303 11TH ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 10 pm	7 am -10 pm
MON:	7 am - 12 am	7 am - 12 am
TUE:	7 am - 12 am	7 am - 12 am
WED:	7 am - 12 am	7 am - 12 am
THU:	7 am - 12 am	7 am - 12 am
FRI:	7 am - 12 am	7 am - 12 am
SAT:	7 am - 12 am	7 am - 12 am

License Number: ABRA-002109

Applicant: Sook C Kim

License Class/Type: B Retail - Groce

Trade Name: Kusa Market

SMD: 1A10

Premise Address: 3108 GEORGIA AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 10 pm	9 am -10 pm
MON:	9 am - 10 pm	9 am - 10 pm
TUE:	9 am - 10 pm	9 am - 10 pm
WED:	9 am - 10 pm	9 am - 10 pm
THU:	9 am - 10 pm	9 am - 10 pm
FRI:	9 am - 10 pm	9 am - 10 pm
SAT:	9 am - 10 pm	9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-085579

Applicant: K & J Park, Inc.

License Class/Type: B Retail - Groce

Trade Name: Sonya's Market

SMD: 1B09

Premise Address: 2833 11TH ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 10 pm	9 am -10 pm
MON:	8 am - 10 pm	9 am - 10 pm
TUE:	8 am - 10 pm	9 am - 10 pm
WED:	8 am - 10 pm	9 am - 10 pm
THU:	8 am - 10 pm	9 am - 10 pm
FRI:	8 am - 10 pm	9 am - 10 pm
SAT:	8 am - 10 pm	9 am - 10 pm

License Number: ABRA-080584

Applicant: Yoon Casa Lebrato, Inc.

License Class/Type: B Retail - Groce

Trade Name: Casa Lebrato

SMD: 1C06

Premise Address: 1733 COLUMBIA RD NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 12 am	7 am -12 am
MON:	7 am - 12 am	7 am - 12 am
TUE:	7 am - 12 am	7am - 12 am
WED:	7 am - 12 am	7 am - 12 am
THU:	7 am - 12 am	7 am - 12 am
FRI:	7 am - 12 am	7 am - 12 am
SAT:	7 am - 12 am	7 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-024753
License Class/Type: B Retail - Groce
SMD: 1D04

Applicant: David & Cindy Incorporated
Trade Name: Samber Food Store
Premise Address: 3243 MOUNT PLEASANT ST NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 10 pm	9 am -10 pm
MON:	8 am - 10 pm	9 am - 10 pm
TUE:	8 am - 10 pm	9 am - 10 pm
WED:	8 am - 10 pm	9 am - 10 pm
THU:	8 am - 10 pm	9 am - 10 pm
FRI:	8 am - 10 pm	9 am - 10 pm
SAT:	8 am - 10 pm	9 am - 10 pm

License Number: ABRA-090082
License Class/Type: B Retail - Groce
SMD: 2B01

Applicant: GLEN'S GARDEN MARKET, LLC
Trade Name: GLEN'S GARDEN MARKET
Premise Address: 2001 S ST NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 10 pm	8 am -10 pm
MON:	8 am - 10 pm	8 am - 10 pm
TUE:	8 am - 10 pm	8 am - 10 pm
WED:	8 am - 10 pm	8 am - 10 pm
THU:	8 am - 10 pm	8 am - 10 pm
FRI:	8 am - 10 pm	8 am - 10 pm
SAT:	8 am - 10 pm	8 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-093455

Applicant: Trader Joe's East, Inc.

License Class/Type: B Retail - Groce

Trade Name: Trader Joe's #662

SMD: 2B09

Premise Address: 1914 14TH ST NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 10 pm	8 am -10 pm
MON:	8 am - 10 pm	8 am - 10 pm
TUE:	8 am - 10 pm	8 am - 10 pm
WED:	8 am - 10 pm	8 am - 10 pm
THU:	8 am - 10 pm	8 am - 10 pm
FRI:	8 am - 10 pm	8 am - 10 pm
SAT:	8 am - 10 pm	8 am - 10 pm

License Number: ABRA-025740

Applicant: Jae Sung Song & Song Cha Song

License Class/Type: B Retail - Groce

Trade Name: 8th Street Deli & Market

SMD: 2C03

Premise Address: 717 D ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8:30 am - 5:00 pm	10 am -5 pm
MON:	6 am - 7 pm	9 am - 7 pm
TUE:	6 am - 7 pm	9 am - 7 pm
WED:	6 am - 7 pm	9 am - 7 pm
THU:	6 am - 7 pm	9 am - 7 pm
FRI:	6 am - 7 pm	9 am - 7 pm
SAT:	8:30 am - 5:00 pm	9 am - 5 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-089800

Applicant: NF 21, Inc.

License Class/Type: B Retail - Class

Trade Name: Scheele's Market

SMD: 2E06

Premise Address: 1331 29TH ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 8 pm	9 am - 8 pm
MON:	8 am - 8:30 pm	8 am - 8:30 pm
TUE:	8 am - 8:30 pm	9 am - 8:30 pm
WED:	8 am - 8:30 pm	9 am - 8:30 pm
THU:	8 am - 8:30 pm	9 am - 8:30 pm
FRI:	8 am - 8:30 pm	9 am - 8:30 pm
SAT:	8 am - 8:30 pm	9 am - 8:30 pm

License Number: ABRA-086230

Applicant: HSA Investments, LLC

License Class/Type: B Retail - Class

Trade Name: Sara's Market

SMD: 2E06

Premise Address: 3008 Q ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 9 pm	9 am - 8:30 pm
MON:	8 am - 9 pm	9 am - 8:30 pm
TUE:	8 am - 9 pm	9 am - 8:30 pm
WED:	8 am - 9 pm	9 am - 8:30 pm
THU:	8 am - 9 pm	9 am - 8:30 pm
FRI:	8 am - 9 pm	9 am - 8:30 pm
SAT:	8 am - 9 pm	9 am - 8:30 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-005950
License Class/Type: B Retail - Groce
SMD: 2E08

Applicant: Prester John's Corporation
Trade Name: Wisemillers Grocery & Deli
Premise Address: 1236 36TH ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 11:30 pm	9 am -11:30 pm
MON:	7 am - 11:30 pm	9 am - 11:30 pm
TUE:	7 am - 11:30 pm	9 am - 11:30 pm
WED:	7 am - 11:30 pm	9 am - 11:30 pm
THU:	7 am - 11:30 pm	9 am - 11:30 pm
FRI:	7 am - 11:30 pm	9 am - 11:30 pm
SAT:	8 am - 11:30 pm	9 am - 11:30 pm

License Number: ABRA-060167
License Class/Type: B Retail - Groce
SMD: 2F02

Applicant: Whole Foods Market Group Inc
Trade Name: Fresh Fields Whole Foods Market
Premise Address: 1440 P ST NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 12 am	9 am -12 am
MON:	7 am - 12 am	9 am - 12 am
TUE:	7 am - 12 am	9 am - 12 am
WED:	7 am - 12 am	9 am - 12 am
THU:	7 am - 12 am	9 am - 12 am
FRI:	7 am - 12 am	9 am - 12 am
SAT:	8 am - 12 am	9 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-022045
License Class/Type: B Retail - Groce
SMD: 3B02

Applicant: Whole Foods Market Group Inc
Trade Name: Fresh Fields Whole Foods Market
Premise Address: 2323 WISCONSIN AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 12 am	7 am -12 am
MON:	7 am - 12 am	7 am - 12 am
TUE:	7 am - 12 am	7 am - 12 am
WED:	7 am - 12 am	7 am - 12 am
THU:	7 am - 12 am	7 am - 12 am
FRI:	7 am - 12 am	7 am - 12 am
SAT:	7 am - 12 am	7 am - 12 am

License Number: ABRA-072611
License Class/Type: B Retail - Groce
SMD: 3E04

Applicant: Cost Plus Inc.
Trade Name: World Market
Premise Address: 5335 WISCONSIN AVE NW

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 10 pm	9 am -10 pm
MON:	9 am - 10 pm	9 am - 10 pm
TUE:	9 am - 10 pm	9 am - 10 pm
WED:	9 am - 10 pm	9 am - 10 pm
THU:	9 am - 10 pm	9 am - 10 pm
FRI:	9 am - 10 pm	9 am - 10 pm
SAT:	9 am - 10 pm	9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-060723

Applicant: MYRB Corporation

License Class/Type: B Retail - Groce

Trade Name: Geranium Market

SMD: 4A03

Premise Address: 7350 GEORGIA AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 10 pm	9 am -10 pm
MON:	9 am - 10 pm	9 am - 10 pm
TUE:	9 am - 10 pm	9 am - 10 pm
WED:	9 am - 10 pm	9 am - 10 pm
THU:	9 am - 10 pm	9 am - 10 pm
FRI:	9 am - 10 pm	9 am - 10 pm
SAT:	9 am - 10 pm	9 am - 10 pm

License Number: ABRA-082376

Applicant: Hope Market, Inc

License Class/Type: B Retail - Class

Trade Name: Lena Market

SMD: 4A04

Premise Address: 1206 UNDERWOOD ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 12 am	9 am -12 am
MON:	9 am - 12 am	9 am - 12 am
TUE:	9 am - 12 am	9 am - 12 am
WED:	9 am - 12 am	9 am - 12 am
THU:	9 am - 12 am	9 am - 12 am
FRI:	9 am - 12 am	9 am - 12 am
SAT:	9 am - 12 am	9 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-025637

Applicant: Jes Corporation

License Class/Type: B Retail - Groce

Trade Name: Gold Corner Market

SMD: 4C01

Premise Address: 5501 COLORADO AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 8 pm	7 am - 8 pm
MON:	7 am - 8 pm	7 am - 8 pm
TUE:	7 am - 8 pm	7 am - 8 pm
WED:	7 am - 8 pm	7 am - 8 pm
THU:	7 am - 8 pm	7 am - 8 pm
FRI:	7 am - 8 pm	7 am - 8 pm
SAT:	7 am - 8 pm	7 am - 8 pm

License Number: ABRA-021260

Applicant: Solneb, Incorporated

License Class/Type: B Retail - Groce

Trade Name: 14th Mini-market

SMD: 4C04

Premise Address: 3904 14TH ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 12 am	7 am - 12 am
MON:	7 am - 12 am	7 am - 12 am
TUE:	7 am - 12 am	7 am - 12 am
WED:	7 am - 12 am	7 am - 12 am
THU:	7 am - 12 am	7 am - 12 am
FRI:	7 am - 12 am	7 am - 12 am
SAT:	7 am - 12 am	7 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-082766

Applicant: J & K MARK'S MARKET, INC.

License Class/Type: B Retail - Groce

Trade Name: Mark's Market

SMD: 4C05

Premise Address: 3933 14TH ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 10 pm	9:30 am -10 pm
MON:	9 am - 10 pm	9:30 am - 10 pm
TUE:	9 am - 10 pm	9:30 am - 10 pm
WED:	9 am - 10 pm	9:30 am - 10 pm
THU:	9 am - 10 pm	9:30 am - 10 pm
FRI:	9 am - 10 pm	9:30 am - 10 pm
SAT:	9 am - 10 pm	9:30 am - 10 pm

License Number: ABRA-060453

Applicant: Teshome Chekole

License Class/Type: B Retail - Groce

Trade Name: Town & Country Market

SMD: 4C07

Premise Address: 823 UPSHUR ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 12 am	9 am -12 am
MON:	9 am - 12 am	9 am - 12 am
TUE:	9 am - 12 am	9 am - 12 am
WED:	9 am - 12 am	9 am - 12 am
THU:	9 am - 12 am	9 am - 12 am
FRI:	9 am - 12 am	9 am - 12 am
SAT:	9 am - 12 am	9 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-008809

Applicant: Clinton Price

License Class/Type: B Retail - Groce

Trade Name: Price's Grocery

SMD: 5A07

Premise Address: 5018 ROCK CREEK CHURCH RD NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	24 HOURS - 24HOURS	9 am -12midnight
MON:	24HOURS - 24HOURS	9 am - 12midnight
TUE:	24HOURS - 24HOURS	9 am - 12midnight
WED:	24HOURS - 24HOURS	9 am - 12midnight
THU:	24HOURS - 24HOURS	9 am - 12midnight
FRI:	24HOURS - 24HOURS	9 am - 12midnight
SAT:	24HOURS - 24HOURS	9 am - 12midnight

License Number: ABRA-082173

Applicant: Kyeong & Company, Inc.

License Class/Type: B Retail - Class

Trade Name: New Neighborhood Market

SMD: 5C06

Premise Address: 1611 RHODE ISLAND AVE NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 10 pm	7 am -10 pm
MON:	7 am - 10 pm	7 am - 10 pm
TUE:	7 am - 10 pm	7 am - 10 pm
WED:	7 am - 10 pm	7 am - 10 pm
THU:	7 am - 10 pm	7 am - 10 pm
FRI:	7 am - 10 pm	7 am - 10 pm
SAT:	7 am - 10 pm	7 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-096294
License Class/Type: B Retail - Groce
SMD: 5D06

Applicant: Staples Beer & Wine Grocery LLC
Trade Name: Staples Beer & Wine Grocery LLC
Premise Address: 1364 FLORIDA AVE NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 10 pm	9 am -10 pm
MON:	9 am - 10 pm	9 am - 10 pm
TUE:	9 am - 10 pm	9 am - 10 pm
WED:	9 am - 10 pm	9 am - 10 pm
THU:	9 am - 10 pm	9 am - 10 pm
FRI:	9 am - 10 pm	9 am - 10 pm
SAT:	9 am - 10 pm	9 am - 10 pm

License Number: ABRA-094430
License Class/Type: B Retail - Groce
SMD: 5E07

Applicant: ABUSH , LLC
Trade Name: DC Mini Supermarket
Premise Address: 1828 1ST ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 10 pm	9 am -10 pm
MON:	9 am - 10 pm	9 am - 10 pm
TUE:	9 am - 10 pm	9 am - 10 pm
WED:	9 am - 10 pm	9 am - 10 pm
THU:	9 am - 10 pm	9 am - 10 pm
FRI:	9 am - 10 pm	9 am - 10 pm
SAT:	9 am - 10 pm	9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-082995
License Class/Type: B Retail - Groce
SMD: 5E09

Applicant: Koo Sunbeam Market, Inc.
Trade Name: Sunbeam Market
Premise Address: 2324 NORTH CAPITOL ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 9 pm	10 am - 9 pm
MON:	9 am - 9 pm	9 am - 9 pm
TUE:	9 am - 9 pm	9 am - 9 pm
WED:	9 am - 9 pm	9 am - 9 pm
THU:	9 am - 9 pm	9 am - 9 pm
FRI:	9 am - 9 pm	9 am - 9 am
SAT:	9 am - 9 pm	9 am - 9 pm

License Number: ABRA-095280
License Class/Type: B Retail - Groce
SMD: 6A02

Applicant: ME & Mines, LLC
Trade Name: Me & My Super Market
Premise Address: 1111 H ST NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8:30 am - 9 pm	9 am - 9 pm
MON:	8:30 am - 9 pm	9 am - 9 pm
TUE:	8:30 am - 9 pm	9 am - 9 pm
WED:	8:30 am - 9 pm	9 am - 9 pm
THU:	8:30 am - 9 pm	9 am - 9 pm
FRI:	8:30 am - 9 pm	9 am - 9 pm
SAT:	8:30 am - 9 pm	9 am - 9 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-094127

Applicant: Bella Market LLC

License Class/Type: B Retail - Groce

Trade Name: Economy Market

SMD: 6A08

Premise Address: 1804 D ST NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 8 pm	9 am -8 pm
MON:	9 am - 10 pm	9 am - 10 pm
TUE:	9 am - 10 pm	9 am - 10 pm
WED:	9 am - 10 pm	9 am - 10 pm
THU:	9 am - 10 pm	9 am - 10 pm
FRI:	9 am - 10 pm	9 am - 10 pm
SAT:	9 am - 10 pm	9 am - 10 pm

License Number: ABRA-086607

Applicant: The Bodega Incorporated

License Class/Type: B Retail - Class

Trade Name: The Cupboard

SMD: 6A08

Premise Address: 1504 EAST CAPITOL ST NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9:30 am - 10 pm	10 am -10 pm
MON:	9:30 am - 10 pm	9:30 am - 10 pm
TUE:	9:30 am - 10 pm	9: 30 am - 10 pm
WED:	9:30 am - 10 pm	9:30 am - 10 pm
THU:	9:30 am - 10 pm	9:30 am - 10 pm
FRI:	9:30 am - 10 pm	9:30 am - 10 pm
SAT:	9:30 am - 10 pm	9:30 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-090639

Applicant: Midagra L.L.C.

License Class/Type: B Retail - Groce

Trade Name: DCanter

SMD: 6B03

Premise Address: 545 8th ST SE

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 10 pm	9 am -10 pm
MON:	9 am - 10 pm	9 am - 10 pm
TUE:	9 am - 10 pm	9 am - 10 pm
WED:	9 am - 10 pm	9 am - 10 pm
THU:	9 am - 10 pm	9 am - 10 pm
FRI:	9 am - 10 pm	9 am - 10 pm
SAT:	9 am - 10 pm	9 am - 10 pm

License Number: ABRA-080716

Applicant: P & C Market, LLC

License Class/Type: B Retail - Class

Trade Name: P & C Market

SMD: 6B05

Premise Address: 1023 EAST CAPITOL ST SE

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 10 pm	9 am -10 pm
MON:	7 am - 10 pm	9 am - 10 pm
TUE:	7 am - 10 pm	9 am - 10 pm
WED:	7 am - 10 pm	9 am - 10 pm
THU:	7 am - 10 pm	9 am - 10 pm
FRI:	7 am - 10 pm	9 am - 10 pm
SAT:	7 am - 10 pm	9 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-085002

Applicant: Harris Teeter, Inc.

License Class/Type: B Retail - Groce

Trade Name: Harris Teeter

SMD: 6C06

Premise Address: 1201 1st ST NE

Endorsements: Tasting

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 12 am	7 am -12 am
MON:	7 am - 12 am	7 am - 12 am
TUE:	7 am - 12 am	7 am - 12 am
WED:	7 am - 12 am	7 am - 12 am
THU:	7 am - 12 am	7 am - 12 am
FRI:	7 am - 12 am	7 am - 12 am
SAT:	7 am - 12 am	7 am - 12 am

License Number: ABRA-095251

Applicant: 10th STREET MARKET DC, INC.

License Class/Type: B Retail - Groce

Trade Name: 10th Street Market

SMD: 6E01

Premise Address: 1000 S ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 9 pm	9 am -9 pm
MON:	9 am - 9 pm	9 am - 9 pm
TUE:	9 am - 9 pm	9 am - 9 pm
WED:	9 am - 9 pm	9 am - 9 pm
THU:	9 am - 9 pm	9 am - 9 pm
FRI:	9 am - 9 pm	9 am - 9 pm
SAT:	9 am - 9 pm	9 am - 9 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-019046
License Class/Type: B Retail - Groce
SMD: 7B01

Applicant: B & S Business Enterprises, Inc.
Trade Name: Randall Grocery
Premise Address: 2924 MINNESOTA AVE SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	7 am - 11pm	7 am -11 pm
MON:	7 am - 11pm	7 am - 11 pm
TUE:	7 am - 11pm	7 am - 11 pm
WED:	7 am - 11pm	7 am - 11 pm
THU:	7 am - 11pm	7 am - 11 pm
FRI:	7 am - 11pm	7 am - 11 pm
SAT:	7 am - 11pm	7 am - 11 pm

License Number: ABRA-019249
License Class/Type: B Retail - Groce
SMD: 7B03

Applicant: Ethiopic Enterprise, Inc.
Trade Name: Martha's Market
Premise Address: 2400 MINNESOTA AVE SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 12 am	9 am -12 am
MON:	8 am - 12 am	9 am - 12 am
TUE:	8 am - 12 am	9 am - 12 am
WED:	8 am - 12 am	9 am - 12 am
THU:	8 am - 12 am	9 am - 12 am
FRI:	8 am - 12 am	9 am - 12 am
SAT:	8 am - 12 am	9 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-082296

Applicant: CK Nanne, Inc.

License Class/Type: B Retail - Groce

Trade Name: Menick's Market

SMD: 7C01

Premise Address: 4401 NANNIE HELEN BURROUGHS AVE
NE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	9 am - 9 pm	9 am - 9 pm
MON:	9 am - 10 pm	9 am - 10 pm
TUE:	9 am - 10 pm	9 am - 10 pm
WED:	9 am - 10 pm	9 am - 10 pm
THU:	9 am - 10 pm	9 am - 10 pm
FRI:	9 am - 10 pm	9 am - 10 pm
SAT:	9 am - 10 pm	9 am - 10 pm

License Number: ABRA-081343

Applicant: PTK INCORPORATED

License Class/Type: B Retail - Groce

Trade Name: Night 'N" Day 24 Hour Convenience Store

SMD: 7E01

Premise Address: 5026 BENNING RD SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	24 hours -	9 am - 12 am
MON:	24 hours -	9 am - 12 am
TUE:	24 hours -	9 am - 12 am
WED:	24 hours -	9 am - 12 am
THU:	24 hours -	9 am - 12 am
FRI:	24 hours -	9 am - 12 am
SAT:	24 hours -	9 am - 112 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-093991
License Class/Type: B Retail - Groce
SMD: 8A01

Applicant: Jimmy & Jimmy, Inc.
Trade Name: J & D Market
Premise Address: 2201 MINNESOTA AVE SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - midnight	9 am -10 pm
MON:	8 am - midnight	9 am - 10 pm
TUE:	8 am - midnight	9 am - 10 pm
WED:	8 am - midnight	9 am - 10 pm
THU:	8 am - midnight	9 am - 10 pm
FRI:	8 am - midnight	9 am - 10 pm
SAT:	8 am - midnight	9 am - 10 pm

License Number: ABRA-086470
License Class/Type: B Retail - Class
SMD: 8A06

Applicant: F & A, Inc.
Trade Name: Anacostia Market
Premise Address: 1303 GOOD HOPE RD SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	24 Hours -	7 am -12 am
MON:	24 Hours -	7 am - 12 am
TUE:	24 Hours -	7 am - 12 am
WED:	24 Hours -	7 am - 12 am
THU:	24 Hours -	7am - 12 am
FRI:	24 Hours -	7 am - 12 am
SAT:	24 Hours -	7am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

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RENEWAL NOTICES

POSTING DATE: 10/3/2014
PETITION DATE: 11/17/2014
HEARING DATE: 12/1/2014

License Number: ABRA-087641
License Class/Type: B Retail - Groce
SMD: 8A06

Applicant: GS Corporation
Trade Name: Nam's Market
Premise Address: 1327 W ST SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 8 pm	8 am - 8 pm
MON:	8 am - 8 pm	8 am - 8 pm
TUE:	8 am - 8 pm	8 am - 8 pm
WED:	8 am - 8 pm	8 am - 8 pm
THU:	8 am - 8 pm	8 am - 8 pm
FRI:	8 am - 8 pm	8 am - 8 pm
SAT:	8 am - 8 pm	8 am - 8 pm

License Number: ABRA-094783
License Class/Type: B Retail - Groce
SMD: 8C02

Applicant: Wade Road, Inc.
Trade Name: Charles Corner
Premise Address: 2600 WADE RD SE

Endorsements:

Days	Hours of Operation	Hours of Sales/Service
SUN:	8 am - 10 pm	8 am - 10 pm
MON:	7 am - 10 pm	7 am - 10 pm
TUE:	7 am - 10 pm	7 am - 10 pm
WED:	7 am - 10 pm	7 am - 10 pm
THU:	7 am - 10 pm	7 am - 10 pm
FRI:	7 am - 10 pm	7 am - 10 pm
SAT:	8 am - 10 pm	8 am - 10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 3, 2014
Petition Date: November 17, 2014
Hearing Date: December 1, 2014

License No.: ABRA-0087727
Licensee: Gin Rummy Group, Inc.
Trade Name: Gin Rummy
License Class: Retailer's Class "CR"
Address: 3522 12th St. NE
Contact: Delores Pol 301-518-6333

WARD 5

ANC 5B

SMD 5B02

Notice is hereby given that this licensee has applied for a substantial change to its 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 hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date.

Licensee requests the following substantial change to its nature of operation:

Request a class change from Retailer Class "C" Restaurant to Retailer Class "C" Tavern.

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

Sunday through Saturday 10 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 3, 2014
Petition Date: November 17, 2014
Roll Call Hearing Date: December 1, 2014
Protest Hearing Date: February 11, 2015

License No.: ABRA-096311
Licensee: Steak Ice 1310 H, LLC
Trade Name: Pizza Parts & Service
License Class: Retailer's Class "D" Restaurant
Address: 1320 H Street NE
Contact: Andrew Kline, 202-686-7600

WARD 6

ANC 6A

SMD 6A06

Notice is hereby given that this applicant 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 at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for February 11, 2015 at 1:30pm.

NATURE OF OPERATION

New Restaurant specializing in pizza. No entertainment, no nude performances and no dancing. Seating capacity is approximately 22. Total load is approximately 48.

HOURS OF OPERATION

Sunday through Thursday 7am-2am, Friday and Saturday 8am-3am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 3, 2014
Petition Date: November 17, 2014
Hearing Date: December 1, 2014
Protest Date: February 11, 2015

License No.: ABRA-096761
Licensee: Sixth and H Street Bar and Grill, LLC
Trade Name: Sixth and H Street Bar and Grill
License Class: Retailer's Class "C" Tavern
Address: 523 H Street, NE Washington, DC 20002
Contact: Leslie Defour, Owner 301-806-1108

WARD 6 ANC 6C SMD 6C05

Notice is hereby given that this applicant has applied for a 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 hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 1:30 pm on February 11, 2015.

NATURE OF OPERATION

Sports bar and grill, serving hamburgers, French fries, pizza and sub-sandwiches with a seating capacity of 41 inside. Total occupancy load of 50. Sidewalk cafe with 22. No entertainment, performances or dancing.

HOURS OF OPERATION

Sunday 7 am - 12 pm, Monday through Thursday 7 am - 2 am and Friday & Saturday 7 am - 3 am

HOURS OF ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION

Sunday 12 pm - 12 am, Monday through Thursday 12 pm - 2 am and Friday & Saturday 12- 3 am

HOURS OF SIDEWALK CAFE

Sunday 7 am - 12 am, Monday through Thursday 7 am - 12 am and Friday & Saturday 12 pm - 3 am

HOURS OF SIDEWALK CAFE ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION

Sunday 12 pm - 12 am, Monday through Thursday 12 pm - 2 am and Friday & Saturday 12 pm- 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

10/3/2014

Notice is hereby given that:

License Number: ABRA-060653

License Class/Type: B Wholesaler

Applicant: Washington Food & Suppl

Trade Name: Washington Cash & Carry

ANC: 3C

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

1270 4TH ST NE, Washington, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

11/17/2014

HEARING WILL BE HELD ON

12/1/2014

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Tasting

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	CLOSED -	CLOSED -	-
Monday:	6 am - 5 pm	6 am - 5 pm	-
Tuesday:	6 am - 5 pm	6 am - 5 pm	-
Wednesday:	6 am - 5 pm	6 am - 5 pm	-
Thursday:	6 am - 5 pm	6 am - 5 pm	-
Friday:	6 am - 5 pm	6 am - 5 pm	-
Saturday:	6 am - 5 pm	6 am - 5 pm	-

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF CHARTER AMENDMENT**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated Tuesday, September 30, 2014, of Next Step Public Charter School’s request to amend their charter by increasing their enrollment ceiling. PCSB will hold a public hearing on the matter on Monday, November 17, 2014 during its regularly scheduled Board Meeting. PCSB will hold a vote on the matter during its regularly scheduled Board Meeting on December 15, 2014. For further information, please contact Ms. Laterica Quinn, Equity and Fidelity Specialist, at 202-328-2660. Please contact 202-328-2660 or email public.comment@dcpsb.org to submit public comment.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF COMMUNITY HEARING

PUBLIC INPUT SOUGHT ON THE POTOMAC ELECTRIC POWER COMPANY'S NOTICE TO CONSTRUCT A 230kV/138 kV/13 kV SUBSTATION AND FOUR 230 kV/138 kV UNDERGROUND TRANSMISSION CIRCUITS ON BUZZARD POINT**FORMAL CASE NO. 1123, IN THE MATTER OF THE POTOMAC ELECTRIC COMPANY'S NOTICE TO CONSTRUCT A 230kV/138 kV/13 kV SUBSTATION AND FOUR 230 kV/138 kV UNDERGROUND TRANSMISSION CIRCUITS ON BUZZARD POINT**

This Notice informs the public that the Public Service Commission of the District of Columbia ("Commission") seeks input on the Potomac Electric Power Company's ("Pepco") Formal Notice of its intent "to construct a 230 kilovolt ("kV")/138 kV/13 kV substation and four (4) 230 kV/138 kV underground transmission circuits on Buzzard Point in the Southwest section of the District of Columbia.

The Commission will convene a community hearing at the following location on the specified date to receive comments from the public:

November 6, 2014 – 6:00 p.m.
Westminster Presbyterian Church
400 I Street, S.W.
Washington, D.C.

Those who wish to testify at the community hearing should contact the Commission Secretary by 5:30 p.m. on November 3, 2014, by calling (202) 626-5150. Representatives of organizations shall be permitted a maximum of five (5) minutes for oral presentations. Individuals shall be permitted a maximum of three (3) minutes for oral presentations. If an organization or an individual is unable to offer comments at the community hearings, written statements may be submitted **by November 14, 2014** to the Public Service Commission of the District of Columbia, 1333 H Street, NW, Suite 200, West Tower, Washington DC 20005.

Any person who is deaf or hearing-impaired, and cannot readily understand or communicate in spoken English, and persons with disabilities who need special accommodations in order to participate in the hearing, must contact the Commission Secretary by close of seven (7) **business** days prior to the date of the hearing. Persons who wish to testify in Spanish, Chinese, Amharic, or Korean must also contact the Commission Secretary by close of **business** three (3) **business** days before the day of the hearing. **The number to call to request special accommodations and interpretation services is (202) 626-5150.**

Pepco's Formal Notice may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Second Floor, West Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday or may be viewed on the Commission's website by visiting www.dcpssc.org. and, under the "eDocket System" tab, selecting "Search Current Dockets" and typing "FC1123" in the field labeled "Select Case Number." A copy of the Formal Notice is available upon request to any person requesting copies at a per-page reproduction fee.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, DECEMBER 16, 2014
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

TIME: 9:30 A.M.

WARD THREE

18879 **Application of Farhad and Shahrzad Jalinous**, pursuant to 11 DCMR §
ANC-3C 3104.1, for a special exception under section 223, to allow additions to an
existing one-family dwelling to widen an existing garage which is part of
the principal structure not meeting the rear yard requirements under
section 404, in the R-1-B District at premises 2804 34th Place, N.W.
(Square 1941, Lot 46).

WARD ONE

18880 **Application of Sahr Bockai**, pursuant to 11 DCMR § 3103.2, for
ANC-1A variances from the use provisions under subsection 330.5, roof structure
setback provisions under subsection 400.7, lot occupancy requirements
under subsection 403.2, rear yard requirements under subsection 404.1,
and pervious surface requirements under subsection 412.13 to allow the
construction of a new five-story, eight-unit multifamily structure in the C-
3-A District at premises 1368 and 1370 Kenyon Street, N.W. (Square
2848, Lots 34 and 40).

WARD THREE

18881 **Application of Nando's of Woodley Park, LLC**, pursuant to 11 DCMR
ANC-3C §§ 3104.1, 3103.2, and 1304.1, for special exceptions from the 25% street
frontage limitation under subsection 1302.5(a), and the fast food
establishment prohibition under subsection 1307.5, and a variance from
the enclosure wall requirements of section 721.3(j) to establish a fast food
establishment/restaurant in the WP/C-2-B District, at premises 2631
Connecticut Ave., N.W. (Square 2204, Lot 161).

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WARD SIX

18882 **Application of Dana and Walt Lukken**, pursuant to 11 DCMR § 3104.1,
ANC-6C for a special exception under section 223, to allow a rear addition to an
existing one-family row dwelling not meeting the lot occupancy (section
403), and court (section 406) requirements, in the R-4 District at premises
650 Massachusetts Avenue, N.E. (Square 865, Lot 90).

WARD SIX

18883 **Application of Gaudi Development Corporation**, pursuant to 11 DCMR
ANC-6A § 3103.2 for variances from the open court minimum width requirements
under subsection 406.1, and the off-street parking requirements under
subsection 2101.1, to permit the construction of a new flat at premises
1251 F Street, N.E. (Square 1007, Lot 825).

WARD FIVE

**THIS APPLICATION WAS POSTPONED FROM THE DECEMBER 2, 2014,
PUBLIC HEARING SESSION:**

18865 **Application of Kevin Latner**, pursuant to 11 DCMR § 3103.2, for
ANC-5E variances from lot occupancy, nonconforming structure, accessory
building height and story limitations, alley setback and rear yard coverage
requirements under sections 403, 2001.3, 2300, 2301, 2500 and 2500.4, to
allow the construction of a new two car garage serving a flat in the R-4
District at premises 21 Quincy Place, N.W. (Square 3101, Lot 104).

PLEASE NOTE:

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to Subsection 3117.4, of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

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Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: www.dcoz.dc.gov. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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

**LLOYD J. JORDAN, CHAIRMAN, S. KATHRYN ALLEN, VICE CHAIRPERSON,
MARNIQUE Y. HEATH, JEFFREY L. HINKLE AND A MEMBER OF THE ZONING
COMMISSION, CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A. BARDIN,
DIRECTOR, OFFICE OF ZONING**

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

TIME AND PLACE: Thursday, January 22, 2015, @ 6:30 p.m.
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 13-08 (Square 5914, LLC and the Washington Metropolitan Area Transit Authority – Consolidated Planned United Development & Related Map Amendment @ Square 5914)

THIS CASE IS OF INTEREST TO ANCs 8E and 8C

On May 2, 2013, the Office of Zoning received an application from Square 5914, LLC (the “Applicant”). The Applicant is requesting approval of a planned unit development (“PUD”) and related Zoning Map Amendment application. The Office of Planning provided its report on June 28, 2013, and the case was set down for hearing on July 8, 2013. The Applicant provided its prehearing statement on September 12, 2014.

The Subject Property is currently improved with an entrance to the Congress Heights Metro Station and four residential buildings. The Kiss and Ride Parking Lot for the Congress Heights Metro station and the Alabama Avenue entrance to the St. Elizabeth's Hospital East Campus property are located across Alabama Avenue from the Subject Property. The Subject Property consists of approximately 88,486 square feet of land area. The Subject Property is currently included in the R-5-A Zone District and is included in the mixed-use medium density residential/medium density commercial land use categories on the District of Columbia's Comprehensive Plan Future Land Use Map. The Applicant proposes to rezone the Subject Property to the C-3-B Zone District.

The Applicant proposes the development of a mixed-use, transit-oriented project consisting of two buildings with frontage along Alabama Avenue, S.E. and 13th Street, S.E. The PUD project will maintain the entrance to the Congress Heights Metro Station and will include an enhanced plaza area around the entrance to the Metro Station. The PUD project will include approximately 205-215 apartment units and ground floor retail in the building located at the intersection of Alabama Avenue and 13th Street. The residential building will have a measured building height of approximately 90 feet. The residential portion of the project will include an amount of affordable housing that will satisfy the District's Inclusionary Zoning requirements. The PUD project will also include an office building, with ground floor retail, located along Alabama Avenue. The office building will include approximately 236,000 square feet and will have a measured building height of approximately 90 feet. Approximately 26,000 square feet of ground floor retail will be provided in the project, with approximately 1,600 square feet of that retail space reserved for local tenants at reduced rent rates.

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PAGE 2

The proposed project will include a total of approximately 443,470 square feet of gross floor area, resulting in a floor area ratio (“FAR”) of approximately 5.01. The project will include approximately 218 parking spaces which will be accessed from a new private alley at the rear of the Subject Property via Alabama Avenue and 13th Street.

The C-3-B Zone District permits a maximum density of 5.0 FAR (4.0 commercial) as a matter-of-right and 5.5 FAR (4.5 commercial) in a PUD project. The maximum height allowed as a matter-of-right in the C-3-B Zone District is 70 feet. A PUD project in the C-3-B Zone District permits a maximum height of 90 feet.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. 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 applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

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 11 DCMR § 3022.3.

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 Zoning 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 the Office of Zoning at dcoz@dc.gov or at (202) 727-6311.

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

If an affected Advisory Neighborhood Commission (ANC), pursuant to 11 DCMR 3012.5, intends to participate at the hearing, the ANC shall also submit the information cited in

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§ 3012.5 (a) through (i). The written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.

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

The 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 § 3020.3, 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.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 201(a) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-902.01(a) (2012 Repl.)) and Mayor's Order 98-49, dated April 15, 1998, hereby gives notice of the adoption of the following amendments to Chapter 12 (Controlled Substances Act Rules) of Subtitle B (Public Health & Medicine) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The final rules amend the list of drugs on Schedules I through V.

A Notice of Emergency and Proposed Rulemaking was published June 27, 2014, at 61 DCR 6518. No comments were received in response to the Notice of Emergency and Proposed rulemaking, and no changes have been to the rules. The Director took final action to adopt the rules on September 24, 2014, and they will become effective upon publication of this Notice of Final Rulemaking in the *D.C. Register*.

Chapter 12, CONTROLLED SUBSTANCES ACT RULES, of Subtitle B, PUBLIC HEALTH & MEDICINE, of Title 22, HEALTH, of the DCMR is amended to read as follows:

CHAPTER 12 CONTROLLED SUBSTANCES ACT RULES**1200 PURPOSE**

1200.1 This chapter shall comprise all the enumerated schedules of controlled substances under the District of Columbia Uniform Controlled Substances Act of 1981 (Act), effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-902.01), and all final rulemakings made by the Mayor or designee that add, delete, or reschedule a controlled substance under the authority of Section 201 of the Act (D.C. Official Code § 48-902.01).

1201 SCHEDULE I ENUMERATED

1201.1 The controlled substances listed in this section are included in Schedule I of the Act unless removed therefrom pursuant to Section 201 of the Act:

- (a) Opiates: Unless specifically excepted or unless listed in another schedule, any of the following opiates including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:
- (1) 1-Methyl-4-phenyl-4-propionoxypiperidine (MPPP);
 - (2) 1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine (PEPAP);
 - (3) 3-Methylfentanyl;

- (4) 3-Methylthiofentanyl;
- (5) Acetyl-Alpha-Methylfentanyl;
- (6) Acetylmethadol;
- (7) Allylprodine;
- (8) Alphacetylmethadol except Levo-alphacetylmethadol
- (9) Alphameprodine;
- (10) Alphamethadol;
- (11) Alpha-Methylfentanyl;
- (12) Alpha-Methylthiofentanyl;
- (13) Benzethidine;
- (14) Betacetylmethadol;
- (15) Beta-hydroxyfentanyl;
- (16) Beta-hydroxy-3-Methylfentanyl;
- (17) Betameprodine;
- (18) Betamethadol;
- (19) Betaprodine;
- (20) Clonitazene;
- (21) Dextromoramide;
- (22) Diampromide;
- (23) Diethylthiambutene;
- (24) Difenoxin;
- (25) Dimenoxadol;
- (26) Dimepheptanol;
- (27) Dimethylthiambutene;
- (28) Dioxaphetyl butyrate;

- (29) Dipipanone;
- (30) Ethylmethylthiambutene;
- (31) Etonitazene;
- (32) Etoxidine;
- (33) Furethidine;
- (34) Hydroxypethidine;
- (35) Ketobemidone;
- (36) Levomoramide;
- (37) Levophenacymorphan;
- (38) Morpheridine;
- (39) Noracymethadol;
- (40) Norlevorphanol;
- (41) Normethadone;
- (42) Norpipanone;
- (43) Para-fluorofentanyl;
- (44) Phenadoxone;
- (45) Phenampromide;
- (46) Phenomorphan;
- (47) Phenoperidine;
- (48) Pir tramide;
- (49) Proheptazine;
- (50) Properidine;
- (51) Propiram;
- (52) Racemoramide;
- (53) Thiofentanyl;

- (54) Thiophene;
 - (55) Tilidine; and
 - (56) Trimeperidine;
- (b) Opium Derivates: Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:
- (1) Acetorphine;
 - (2) Acetyldihydrocodeine;
 - (3) Benzylmorphine;
 - (4) Codeine methylbromide;
 - (5) Codeine-N-Oxide;
 - (6) Cyprenorphine;
 - (7) Desomorphine;
 - (8) Diacetylmorphine (heroin);
 - (9) Dihydromorphine;
 - (10) Drotebanol;
 - (11) Etorphine (except hydrochloride salt);
 - (12) Hydromorphanol;
 - (13) Methyldesorphine;
 - (14) Methyldihydromorphine;
 - (15) Morphine methylbromide;
 - (16) Morphine methylsulfonate;
 - (17) Morphine-N-Oxide;
 - (18) Myorphine;
 - (19) Nicocodeine;

- (20) Nicomorphine;
 - (21) Normorphine;
 - (22) Pholcodine; and
 - (23) Thebacon;
- (c) Hallucinogenic Substances: Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances, its salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation (for the purposes of this paragraph only, the term "isomer" includes the optical, position, and geometric isomers):
- (1) 1-[1-(2-Thienyl)cyclohexyl]piperidine;
 - (2) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
 - (3) 1-(1-Phenylcyclohexyl)-pyrrolidine, Pyrrolidine analog of phencyclidine, PCPy, PHP;
 - (4) (2C-C) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine;
 - (5) (2C-D) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine;
 - (6) (2C-E) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine;
 - (7) (2C-H) 2-(2,5-Dimethoxyphenyl)ethanamine;
 - (8) (2C-I) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine;
 - (9) (2C-N) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine;
 - (10) (2C-P) 2-(2,5-Dimethoxy-4(n)-propylphenyl)ethanamine;
 - (11) (2C-T-2) 2-[4-(ethylthio)-2,5-dimethoxyphenyl]ethanamine;
 - (12) (2C-T-4) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine;
 - (13) (2C-T-7) 2,5-Dimethoxy-4-(n)-propylthiophenethylamine);
 - (14) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe);

- (15) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe); and
- (16) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe);
- (17) 2,5-Dimethoxyamphetamine;
- (18) 2,5-Dimethoxy-4-ethylamphetamine;
- (19) 3,4-Methylenedioxyamphetamine;
- (20) 3,4-Methylenedioxyamphetamine;
- (21) 3,4-Methylenedioxy-N-ethylamphetamine;
- (22) 3,4,5-Trimethoxyamphetamine;
- (23) 4-Bromo-2,5-dimethoxy-amphetamine;
- (24) 4-Bromo-2,5-dimethoxyphenethylamine;
- (25) 4-Methoxyamphetamine;
- (26) 4-Methylaminorex;
- (27) 4-Methyl-2,5-dimethoxyamphetamine;
- (28) 5-flouro-UR-144 and XLR11[1-(5-Fluoro-pentyl)1Hindol-3-yl](2,2,3,3- tetramethylcyclopropyl)methanone;
- (29) 5-Methoxy-3,4-methylenedioxyamphetamine;
- (30) 5-Methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);
- (31) 5-Methoxy-N,N-dimethyltryptamine;
- (32) Bufotenine;
- (33) Diethyltryptamine;
- (34) Dimethyltryptamine;
- (35) N-Ethyl-1-phenylcyclohexylamine;
- (36) Ibogaine;
- (37) Lysergic acid diethylamide;

- (38) Mescaline;
 - (39) N-Ethyl-1-phenylcyclohexylamine;
 - (40) N-Ethyl-3-piperidyl benzilate;
 - (41) N-Methyl-3-piperidyl benzilate;
 - (42) Parahexyl--7374; some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6Hdibenzo[b,d]pyran; Synhexyl;
 - (43) Peyote;
 - (44) Psilocybin;
 - (45) Psilocyn; and
 - (46) Thiophene analog of phencyclidine;
- (d) Depressants: Unless specifically excepted or unless listed in another schedule, any material, compound, or mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system including its salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible, within the specific chemical designation:
- (1) Gamma-Hydroxybutyric Acid [other names include GHB; gamma- hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium xybutyrate];
 - (2) Mecloqualone; and
 - (3) Methaqualone;
- (e) Stimulants: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:
- (1) Alpha-ethyltryptamine;
 - (2) Alpha-methyltryptamine;
 - (3) Aminorex;
 - (4) Cathinone;
 - (5) Fenethylamine;

- (6) Mephedrone (4-methyl-N-methylcathinone);
 - (7) Methcathinone;
 - (8) Methylenedioxypropylvalerone (MDPV);
 - (9) Methylone;
 - (10) N-Benzylpiperazine;
 - (11) N-ethylamphetamine;
 - (12) N-Hydroxy-3,4-methylenedioxyamphetamine; and
 - (13) N,N-Dimethylamphetamine; and
 - (14) 4-methyl-N-ethylcathinone (“4-MEC”)
 - (15) 4-methyl-alpha-pyrrolidinopropiophenone (“4-MePPP”)
 - (16) Alpha-pyrrolidinopentiophenone (“ α -PVP”)
 - (17) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (“butylone”)
 - (18) 2-(methylamino)-1-phenylpentan-1-one (“pentedrone”)
 - (19) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (“pentylone”)
 - (20) 4-fluoro-N-methylcathinone (“4-FMC”)
 - (21) 3-fluoro-N-methylcathinone (“3-FMC”)
 - (22) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (“naphyrone”)
 - (23) Alpha-pyrrolidinobutiophenone (“ α -PBP”)
- (f) Synthetic cannabinoids: Unless specifically exempted or unless listed in another schedule, any material, mixture, preparation, any compound structurally derived from, or that contains any quantity of the following synthetic substances, its salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation (for the purposes of this paragraph only, the term "isomer" includes the optical, position, and geometric isomers):
- (1) Classified Synthetic Cannabinoids:

- (A) Adamantoylindoles or adamantoylindazoles, including adamantyl carboxamide indoles and adamantyl carboxamide indazoles, or any compound structurally derived from 3-(1-adamantoyl) indole, 3-(1-adamantoyl)indazole, 3-(2-adamantoyl)indole, N-(1-adamantyl)-1H-indole-3-carboxamide, or N-(1-adamantyl)-1H-indazole-3-carboxamide by substitution at the nitrogen atom of the indole or indazole ring with alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole or indazole ring to any extent and whether or not substituted in the adamantyl ring to any extent, including the following: 2NE1, 5F-AKB-48, AB-001, APINACA and AKB-48, AM-1248, JWH-018 adamantyl carboxamide, STS-135;
- (B) Benzoylindoles - any compound structurally derived from a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent, including the following: AM-630, AM-661, AM-679, AM-694, AM-1241, AM-2233, RCS-4 or SR-19, WIN 48,098 (Pravadoline);
- (C) Cyclohexylphenols - any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the cyclohexyl ring to any extent, including, but not limited to, the following: CP 47,497, CP 47,497 C8 homologue, CP 55,490, CP 55,940, CP 56,667, cannabicyclohexanol;

- (D) Cyclopropanoylindoles – any compound structurally derived from 3-(cyclopropylmethanoyl)indole, 3-(cyclopropylmethanone)indole, 3-(cyclobutylmethanone)indole or 3-(cyclopentylmethanone)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the cyclopropyl, cyclobutyl, or cyclopentyl rings to any extent;
- (E) Naphthoylindoles – any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl group, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the naphthyl ring to any extent, including the following: AM-678, AM-1220, AM-1221, AM-1235, AM-2201, AM-2232, EAM-2201, JWH-004, JWH-007, JWH-009, JWH-011, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020, JWH-022, JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071, JWH-072, JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094, JWH-096, JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-164, JWH-166, JWH-180, JWH-181, JWH-182, JWH-189, JWH-193, JWH-198, JWH-200, JWH-210, JWH-211, JWH-212, JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242, JWH-258, JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399, JWH-400, JWH-412, JWH-413, JWH-414, JWH-415, JWH-424, MAM-2201, WIN 55,212;
- (F) Naphthoynaphthalenes – any compound structurally derived from naphthalene-1-yl-(naphthalene-1-yl)methanone with substitutions on either of the naphthalene rings to any extent, including CB-13;
- (G) Naphthoypyrroles - any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-

morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including the following: JWH-030, JWH-031, JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244, JWH-245, JWH-246, JWH-292, JWH-293, JWH-307, JWH-308, JWH-309, JWH-346, JWH-348, JWH-363, JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371, JWH-373, JWH-392;

- (H) Naphthylmethylindenes - any compound containing a naphthylideneindene structure or that is structurally derived from 1-(1-naphthylmethyl)indene with substitution at the 3-position of the indene ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent, including the following: JWH-171, JWH-176, JWH-220;
- (I) Naphthylmethylindoles – any compound structurally derived from an H-indol-3-yl-(1-naphthyl) methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including the following: JWH-175, JWH-184, JWH-185, JWH-192, JWH-194, JWH-195, JWH-196, JWH-197, JWH-199;
- (J) Phenylacetylindoles - any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent, including the following:

Cannabipiperidiethanone, JWH-167, JWH-201, JWH-202, JWH-203, JWH-204, JWH-205, JWH-206, JWH-207, JWH-208, JWH-209, JWH-237, JWH-248, JWH-249, JWH-250, JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306, JWH-311, JWH-312, JWH-313, JWH-314, JWH-315, JWH-316, RCS-8, or SR-18;

- (K) Quinolinyndolecarboxylates – any compound structurally derived from quinolin-8-yl-1H-indole-3-carboxylate by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or not further substituted in the indole ring to any extent, whether or not substituted in the quinoline ring to any extent, including the following: BB-22, 5-Fluoro-PB-22, and PB-22;
- (L) Tetramethylcyclopropanoylindoles – any compound structurally derived from 3-tetramethylcyclopropanoylindole, 3-(1-tetramethylcyclopropyl)indole, 3-(2,2,3,3-tetramethylcyclopropyl)indole or 3-(2,2,3,3-tetramethylcyclopropylcarbonyl)indole with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the tetramethylcyclopropanoyl ring to any extent, including the following: 5-bromo-UR-144, 5-chloro-UR-144, 5-fluoro-UR-144, A-796,260, A-834,735, AB-034, UR-144, and XLR11; and
- (M) Tetramethylcyclopropane-thiazole carboxamides – any compound structurally derived from 2,2,3,3-tetramethyl-N-(thiazol-2-ylidene)cyclopropanecarboxamide by substitution at the nitrogen atom of the thiazole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or not further substituted in the thiazole ring to any extent, whether or not substituted in the

tetramethylcyclopropyl ring to any extent, including A-836,339; and

- (2) Unclassified Synthetic Cannabinoids:
- (A) AM-087 (6aR,10aR)-3-(2-methyl-6-bromohex-2-yl)-6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
 - (B) AM-356 (methanandamide);
 - (C) (5Z,8Z,11Z,14Z)-N-[(1R)-2-hydroxy-1-methylethyl]icosa-5,8,11,14-tetraenamide; or arachidonyl-1'-hydroxy-2'-propylamide;
 - (D) AM-411(6aR,10aR)-3-(1-adamantyl)-6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
 - (E) AM-855(4aR,12bR)-8-hexyl-2,5,5-trimethyl-1,4,4a,8,9,10,11,12b-octahydronaphtho[3,2-c]isochromen-12-ol;
 - (F) AM-905(6aR,9R,10aR)-3-[(E)-hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol;
 - (G) AM-906(6aR,9R,10aR)-3-[(Z)-hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol;
 - (H) AM-2389(6aR,9R,10aR)-3-(1-hexyl-cyclobut-1-yl)-6a,7,8,9,10,10a-hexahydro-6,6-dimethyl-6H-dibenzo[b,d]pyran-1,9 diol;
 - (I) BAY38-7271(-)-(R)-3-(2-Hydroxymethylindanyl-4-oxy) phenyl-4,4,4-trifluorobutyl-1-sulfonate;
 - (J) CP 50,556-1 (Levonantradol);
 - (K) 9-hydroxy-6-methyl-3-[5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate; or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-;
 - (L) octahydrophenanthridin-1-yl] acetate; or [9-hydroxy-6-methyl-3-[5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate;
 - (M) HU-210(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-;

- (N) (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol; or [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol; or 1,1-Dimethylheptyl-11-hydroxytetrahydrocannabinol;
- (O) HU-211 (Dexanabinol);
- (P) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol; or (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
- (Q) HU-2433-dimethylheptyl-11-hydroxyhexahydrocannabinol;
- (R) HU-308[(91R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]methanol;
- (S) HU-3313-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione;
- (T) JTE-907N-(benzol[1,3]dioxol-5-ylmethyl)-7-methoxy-2-oxo-8-pentyloxy-1,2-dihydroquinoline-3-carboxamide;
- (U) JWH-051((6aR,10aR)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-9-yl)methanol;
- (V) JWH-057(6aR,10aR)-3-(1,1-dimethylheptyl)-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-Dibenzo[b,d]pyran;
- (W) JWH-133(6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran;
- (X) JWH-359 (6aR,10aR)-1-methoxy-6,6,9-trimethyl-3-[(2R)-1,1,2-trimethylbutyl]-6a,7,10,10a-tetrahydrobenzo[c]chromene;
- (Y) URB-597[3-(3-carbamoylphenyl)phenyl]-N-cyclohexylcarbamate;

- (Z) URB-602 [1,1'-Biphenyl]-3-yl-carbamic acid, cyclohexyl ester; or cyclohexyl [1,1'-biphenyl]-3-ylcarbamate;
- (AA) URB-7546-methyl-2-[(4-methylphenyl)amino] -4H-3,1-benzoxazin-4-one;
- (BB) URB-937 3'-carbamoyl-6-hydroxy-[1,1'-biphenyl]-3-yl cyclohexylcarbamate;
- (CC) WIN 55,212-2(R)-(+) -[2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone; or [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[(1,2,3-de)-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone;
- (DD) AM-2201 (1-(5-fluoropentyl)-3-(1-naphthoyl)indole); and
- (EE) AM-694 (1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole).
- (FF) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate ("PB-22"; QUPIC)
- (GG) Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate ("5-fluoro-PB-22"; 5F-PB-22)
- (HH) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide ("AB-FUBINACA)
- (II) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide ("ADB-PINACA")

1202 SCHEDULE II ENUMERATED

1202.1 The controlled substances listed in this section are included in Schedule II of the Act unless removed therefrom pursuant to Section 201 of the Act:

- (a) Unless specifically excepted or unless listed in another schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis;
 - (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextophan, nalbuphine, naltrexone, and their respective salts, but including the following:

- (A) Codeine;
 - (B) Ethylmorphine;
 - (C) Etorphine Hydrochloride;
 - (D) Granulated opium;
 - (E) Hydrocodone;
 - (F) Tincture of opium;
 - (G) Hydromorphone;
 - (H) Metopon;
 - (I) Morphine;
 - (J) Opium extracts;
 - (K) Opium fluid extracts;
 - (L) Oripavine;
 - (M) Oxycodone;
 - (N) Oxymorphone;
 - (O) Powdered opium;
 - (P) Raw opium; and
 - (Q) Thebaine;
- (2) Opium: Any salt, compound, derivative, or preparation thereof that is chemically equivalent or identical with any of the substances referred to in subparagraph (1) of this paragraph, but not including the isoquinoline alkaloids of opium;
 - (3) Opium poppy or poppy straw;
 - (4) Coca leaves, except coca leaves or extracts of coca leaves from which cocaine, ecgonine, or derivatives of ecgonine or their salts have been removed; cocaine, its salts, optical and geometric isomers, salts of isomers; or any compound, mixture, or preparation that contains any substance referred to in this paragraph;

- (5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form that contains the phenanthrene alkaloids of the opium poppy); and
 - (6) Hashish;
- (b) Opiates: Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan excepted:
- (1) 4-anilino-N-phenethyl-4-piperidine (ANPP);
 - (2) Alfentanil;
 - (3) Alphaprodine;
 - (4) Anileridine;
 - (5) Bezitramide;
 - (6) Bulk Dextropropoxyphene (non-dosage form);
 - (7) Carfentanil;
 - (8) Dihydrocodeine;
 - (9) Dihydroetorphine;
 - (10) Diphenoxylate;
 - (11) Fentanyl;
 - (12) Isomethadone;
 - (13) Levo-alphaacetylmethadol [Some other names: levo-alpha-acetylmethadol, levomethadyl acetate, LAAM] ;
 - (14) Levomethorphan;
 - (15) Levorphanol;
 - (16) Metazocine;
 - (17) Methadone;
 - (18) Methadone-intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;

- (19) Moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
 - (20) Pethidine (meperidine);
 - (21) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine; (Meperidine intermediate-A)
 - (22) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine- 4-carboxylate; (Meperidine intermediate-B);
 - (23) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine- 4-carboxylic acid; (Meperidine intermediate-C)
 - (24) Phenazocine;
 - (25) Piminodine;
 - (26) Racemethorphan;
 - (27) Racemorphan;
 - (28) Remifentanyl
 - (29) Sufentanyl; and
 - (30) Tapentadol;
- (c) Stimulants: Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system:
- (1) Amphetamines, its salts, optical isomers, and salts of its optical isomers;
 - (2) Biphentamine
 - (3) Eskatrol
 - (4) Lisdexamfetamine
 - (5) Methylphenidate and its salts;
 - (6) Methamphetamine, its salts, isomers, and salts of isomers; and
 - (7) Phenmetrazine and its salts;

- (d) Immediate precursors: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any
 - (1) Amphetamine/methamphetamine immediate precursor: phenylacetone (other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone);
 - (2) Immediate precursor to fentanyl: 4-anilino-N-phenethyl-4-piperidine (ANPP); and
- (e) Depressants: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
 - (1) Amobarbital;
 - (2) Glutethimide.
 - (3) Pentobarbital; and
 - (4) Secobarbital; and
- (f) Hallucinogenic substances:
 - (1) Immediate precursors to phencyclidine (PCP):
 - (A) 1-phenylcyclohexylamine;
 - (B) 1-piperidinocyclohexanecarbonitrile (PCC); and
 - (2) Nabilone.

1203 SCHEDULE III ENUMERATED

1203.1 The controlled substances listed in this section are included in Schedule III of the Act unless removed therefrom pursuant to Section 201 of the Act:

- (a) Schedule III shall consist of the following controlled substances by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section:
 - (1) Stimulants: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, positional,

or geometric), and salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (A) The compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations were listed on August 25, 1971 as excepted compounds under Title 21 § 1308.32 of the Code of Federal Regulations (C.F.R.), and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;
 - (B) Benzphetamine;
 - (C) Chlorphentermine;
 - (D) Clortermine;
 - (E) Mazindol; and
 - (F) Phendimetrazine;
- (2) Depressants: Unless listed in another schedule, any material compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with depressant effect on the central nervous system:
- (A) Any compound, mixture, or preparation containing:
 - (i) Amobarbital;
 - (ii) Aprobarbital;
 - (iii) Butabarbital;
 - (iv) Butabarbital (secbutabarbital);
 - (v) Butalbital;
 - (vi) Butobarbital (butethal);
 - (vii) Secobarbital;
 - (viii) Pentobarbital; or any salt thereof and one (1) or more other active medicinal ingredients which are not listed in any schedule;
 - (ix) Perampanel;

- (x) Talbutal;
 - (xi) Thiamylal;
 - (xii) Thiopental; and
 - (xiii) Vinbarbital;
- (B) Any suppository dosage form containing:
- (i) Amobarbital;
 - (ii) Aprobarbital;
 - (iii) Butobarbital;
 - (iv) Butobarbital (secbutobarbital);
 - (v) Butalbital;
 - (vi) Butobarbital (butethal);
 - (vii) Pentobarbital; or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;
 - (viii) Secobarbital; and
 - (ix) Vinbarbital; and
- (C) Any substance that contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid:
- (i) Chlorhexadol;
 - (ii) Embutramide;
 - (iii) Any drug product containing gamma-hydroxybutric acid including its salts, isomers, and salts of isomers.
 - (iv) Ketamine;
 - (v) Lysergic acid;
 - (vi) Lysergic acid amide;
 - (vii) Methyprylon;

- (viii) Sulfondiethylmethane;
 - (ix) Sulfonethylmethane;
 - (x) Sulfonmethane; and
 - (xi) Tiletamine & Zolazepam Combination Product;
- (3) Nalorphine;
- (4) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:
- (A) Not more than one and eight-tenths (1.8) grams of codeine per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;
 - (B) Not more than one and eight-tenths (1.8) grams of codeine per one hundred (100) milliliters or not more than ninety (90) milligrams dosage unit, with one (1) or more active non-narcotic ingredients in recognized therapeutic amounts;
 - (C) Not more than three hundred (300) milligrams of dihydrocodeinone per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with a 4-fold or greater quantity of an isoquinoline alkaloid of opium;
 - (D) Not more than three hundred (300) milligrams dihydrocodeine per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit with one (1) or more active, non-narcotic ingredients in recognized therapeutic amounts;
 - (E) Not more than one and eight-tenths (1.8) grams of dihydrocodeine per milliliters or not more than ninety (90) milligrams per dosage unit, with one (1) or more active, non-narcotic ingredients in recognized therapeutic amounts;
 - (F) Codeine and isoquinoline alkaloid ninety (90) milligrams per dosage unit;

- (G) Codeine combination product ninety (90) milligrams per dosage unit;
 - (H) Dihydrocodeine combination product ninety (90) milligrams per dosage unit;
 - (I) Ethylmorphine combination product fifteen (15) milligrams per dosage unit;
 - (J) Hydrocodone and isoquinoline alkaloid less than fifteen (15) milligrams per dosage unit;
 - (K) Hydrocodone combination product less than fifteen (15) milligrams per dosage unit;
 - (L) Not more than three hundred (300) milligrams of ethylmorphine per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one (1) or more ingredients in recognized therapeutic amounts;
 - (M) Not more than five hundred (500) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams or not more than twenty-five (25) milligrams per dosage unit, with one (1) or more active, non-narcotic ingredients in recognized therapeutic amounts;
 - (N) Opium combination product twenty-five (25) milligrams per dosage unit;
 - (O) Not more than fifty (50) milligrams of morphine per one hundred (100) milliliters or per one hundred (100) grams with one (1) or more active, non-narcotic ingredients in recognized therapeutic amounts; and
 - (P) Any material, compound, mixture, or preparation containing Buprenorphine or its salts;
- (5) Anabolic Steroids: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, drug, or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progesterons, and corticosteroids) that promotes muscle growth and includes:
- (A) Boldenone (17beta-hydroxyandrost-1,4- diene-3-one);
 - (B) Chlortestosterone (4-chlortestosterone);

- (C) Clostebol(4-chloro-17beta-hydroxyandrost- 4-en-3-one);
- (D) Dehydrochloromethyltestosterone (4-chloro-17beta-hydroxy-17alpha-methylandrost-1,4-dien-3-one);
- (E) Delta1-dihydrotestosterone (17beta-hydroxy-5alpha androst-1-en-3-one);
- (F) Drostanolone(17beta-hydroxy-2alpha-methyl-5alphaandrost-3-one);
- (G) Ethylestrenol(17alpha-ethyl-17beta-hydroxyestr- 4-ene);
- (H) Fluoxymesterone (9-fluoro-17alpha-methyl-11beta,17beta- dihydroxyandrost-4-en-3-one);
- (I) Formebolone (formebolone);(2-formyl-17alpha-methyl-11alpha,17beta-dihydroxyandrost-1,4-dien-3-one);
- (J) Furazabol(17alpha-methyl- 17betahydroxyandrostano [2,3-c]-furazan);
- (K) Mesterolone; (1alpha-methyl-17beta-hydroxy-5alphaandrost-3-one);
- (L) Methandienone(17alpha-methyl-17betahydroxyandrost- 1,4-diene-3-one);
- (M) Methandriol (17alpha-methyl-3beta, 17betadihydroxyandrost-5-ene) (a.k.a. Methandrostenolone);
- (N) Methenolone (1-methyl-17beta-hydroxy- 5alpha-androst-1-en-3-one);
- (O) Methyltestosterone (17alpha-methyl-17betahydroxyandrost- 4-en-3-one);
- (P) Mibolerone (7alpha,17alpha-dimethyl-17betahydroxyestr- 4-en-3-one);
- (Q) Nandrolone (17beta-hydroxyestr-4-en-3-one);
- (R) Norethandrolone (17alpha-ethyl-17beta-hydroxyestr - 4en-3-one);

- (S) Oxandrolone (17alpha-methyl-17beta-hydroxy-2-oxa5alpha-androstan-3-one);
- (T) Oxymesterone (17alpha-methyl-4,17betadihydroxyandrost-4-en-3-one);
- (U) Oxymetholone (17alpha-methyl-2-hydroxymethylene17beta-hydroxy-5alpha-androstan-3-one);
- (V) Stanolone;
- (W) Stanozolol (17alpha-methyl-17beta-hydroxy-5alpha androst-2-eno[3,2-c]-pyrazole);
- (X) Testolactone (13-hydroxy-3-oxo- 13,17-secoandrosta 1,4-dien-17-oic acid lactone);
- (Y) Testosterone (17beta-hydroxyandrost-4-en-3-one);
- (Z) Trenbolone (17beta-hydroxyestr-4,9,11-trien-3- one);
- (AA) 13β-ethyl-17β-hydroxygon-4-en-3-one;
- (BB) 17α-methyl-3α,17β-dihydroxy-5a-androstane;
- (CC) 17α-methyl-3β,17β-dihydroxy-5a-androstane;
- (DD) 17α-methyl-3β,17β-dihydroxyandrost-4-ene;
- (EE) 17α-methyl-4-hydroxynandrolone (17α-methyl-4-hydroxy-17β-hydroxyestr-4-en-3-one);
- (FF) 17α-methyl-Δ1-dihydrotestosterone (17β-hydroxy-17α-methyl-5α-androst-1-en-3-one) (a.k.a. '17-α-methyl-1-testosterone');
- (GG) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);
- (HH) 19-nor-4-androstenediol (3α, 17β-dihydroxyestr- 4-ene);
- (II) 19-nor-4-androstenediol (3β, 17β-dihydroxyestr- 4-ene);
- (JJ) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- (KK) 19-nor-5-androstenediol (3α, 17β-dihydroxyestr- 5-ene);

- (LL) 19-nor-5-androstenediol (3β , 17β -dihydroxyestr-5-ene);
- (MM) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- (NN) 1-androstenediol (3α , 17β -dihydroxy-5 α -androst-1-ene);
- (OO) 1-androstenediol (3β , 17β -dihydroxy-5 α -androst-1-ene);
- (PP) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
- (QQ) 3 α , 17β -dihydroxy-5 α -androstane;
- (RR) 3β , 17 -dihydroxy-5 α -androstane;
- (SS) 4-androstenediol (3β , 17β -dihydroxy-androst-4-ene);
- (TT) 4-androstenedione (androst-4-en-3,17-dione);
- (UU) 4-dihydrotestosterone (17β -hydroxy-androstan-3-one);
- (VV) 4-hydroxy-19-nortestosterone (4, 17β -dihydroxy-estr-4-en-3-one);
- (WW) 4-hydroxytestosterone (4, 17β -dihydroxy-androst-4-en-3-one);
- (XX) 5-androstenediol (3β , 17β -dihydroxy-androst-5-ene);
- (YY) 5-androstenedione (androst-5-en-3,17-dione);
- (ZZ) Androstanedione 5 α -androstan-3,17-dione;
- (AAA) Bolasterone (7 α , 17α -dimethyl- 17β -hydroxyandrost-4-en-3-one);
- (BBB) Boldione (androsta-1,4-diene-3,17-dione);
- (CCC) Calusterone (7 β , 17α -dimethyl- 17β -hydroxyandrost-4-en-3-one);
- (DDD) Desoxymethyltestosterone (17α -methyl-5 α -androst-2-en- 17β -ol) (a.k.a. 'madol');
- (EEE) Furazabol (17α -methyl- 17β -hydroxyandrostano[2,3-c]-furazan);
- (FFF) Mestanolone (17α -methyl- 17β -hydroxy-5-androstan-3-one);

- (GGG) Methasterone ($2\alpha,17\alpha$ -dimethyl- 5α -androstan- 17β -ol-3-one);
- (HHH) Methyldienolone (17α -methyl- 17β -hydroxyestra-4,9(10)-dien-3-one);
- (III) Methyltrienolone (17α -methyl- 17β -hydroxyestra-4,9,11-trien-3-one);
- (JJJ) Norbolethone (13β , 17α -diethyl- 17β -hydroxygon- 4-en-3-one);
- (KKK) Norclostebol (4-chloro- 17β -hydroxyestr- 4-en-3-one);
- (LLL) Normethandrolone (17α -methyl- 17β -hydroxyestr- 4-en-3-one);
- (MMM) Prostanazol (17β -hydroxy- 5α -androstanol[3,2-c]pyrazole);
- (NNN) Stenbolone (17β -hydroxy-2-methyl-[5α]-androst-1-en-3-one);
- (OOO) Tetrahydrogestrinone (13β , 17α -diethyl- 17β -hydroxygon- 4,9,11-trien-3-one)
- (PPP) Δ 1-dihydrotestosterone (a.k.a.'1-testosterone') (17β -hydroxy- 5α -androst-1-en-3-one); and
- (QQQ) Any salts, ester or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth. Except the term does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman species and that has been approved by the Secretary of Health and Human Services for such administration. If any person prescribes, dispenses or distributes that steroid for human use the person shall be considered to have prescribed, dispensed or distributed an anabolic steroid within the meaning of this paragraph.,
- (6) Hallucinogenic substances;
- (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product. [Some other names for dronabinol: 6aR-trans)-6a,7,8,10a-tetrahydro- 6,6,9- trimethyl-3-pentyl-6H-

dibenzo [b,d]pyran-1-ol] or (-)-delta-9-(trans)-tetrahydrocannabinol]; and

- (8) Cannabis.
- (b) The Mayor may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in paragraphs (1) and (2) of subsection (a) of this section from the application of all or any part of this chapter if the compound, mixture, or preparation contains one (1) or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiates the potential for abuse of the substances that have a stimulant or depressant effect on the central nervous system.

1204 SCHEDULE IV ENUMERATED

1204.1 The controlled substances listed in this section are included in Schedule IV of the Act unless removed therefrom pursuant to Section 201 of the Act:

- (a) Schedule IV shall consist of the following controlled substances:
- (1) Depressants: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
- (A) Alfaxalone;
 - (B) Alprazolam;
 - (C) Barbital;
 - (D) Bromazepam;
 - (E) Camazepam;
 - (F) Chloral betaine;
 - (G) Chloral hydrate;
 - (H) Chlordiazepoxide;
 - (I) Clobazam;
 - (J) Clonazepam;

- (K) Clorazepate;
- (L) Clotiazepam;
- (M) Cloxazolam;
- (N) Delorazepam;
- (O) Diazepam;
- (P) Dichloralphenazone;
- (Q) Estazolam;
- (R) Ethyl loflazepate;
- (S) Ethchlorvynol;
- (T) Ethinamate;
- (U) Fludiazepam;
- (V) Flunitrazepam;
- (W) Flurazepam;
- (X) Fospropofol;
- (Y) Halazepam;
- (Z) Haloxazolam;
- (AA) Ketazolam;
- (BB) Loprazolam;
- (CC) Lorazepam;
- (DD) Lormetazepam;
- (EE) Mebutamate;
- (FF) Medazepam;
- (GG) Meprobamate;
- (HH) Methohexital;
- (II) Methylphenobarbital (mephobarbital);

- (JJ) Midazolam;
 - (KK) Nimetazepam;
 - (LL) Nitrazepam;
 - (MM) Nordiazepam;
 - (NN) Oxazepam;
 - (OO) Oxazolam;
 - (PP) Paraldehyde;
 - (QQ) Petrichloral;
 - (RR) Phenobarbital;
 - (SS) Pinazepam;
 - (TT) Prazepam;
 - (UU) Quazepam;
 - (VV) Temazepam;
 - (WW) Tetrazepam; and
 - (XX) Triazolam;
- (2) Fenfluramine: Any material, compound, mixture, or preparation that contains any quantity of the following substances, including its salts, isomers, (whether optical, position, or geometric), and salts of such isomers, whenever the existence of the salts, isomers, and salts of isomers is possible: Fenfluramine;
- (3) Stimulants: Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of the salts, isomers and salts of isomers is possible within the specific chemical designation:
- (A) Cathine;
 - (B) Clortermine;

- (C) Dexfenfluramine;
 - (D) Diethylpropion;
 - (E) Fencamfamin;
 - (F) Fenproporex;
 - (G) Lorcaserin;
 - (H) Mazindol;
 - (I) Mefenorex;
 - (J) Modafinil;
 - (K) Pemoline (including organometallic complexes and chelates thereof);
 - (L) Phentermine;
 - (M) Pipradrol;
 - (N) Sibutramine; and
 - (AA) SPA;
- (4) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation that contains any quantity of the following substances, including its salts:
- (A) Butorphanol;
 - (B) Dextropropoxyphene (Alpha-(+)-4-demethylamino-1), 2-diphenyl-1-3-methyl-2-propionoxybutane; and
 - (D) Pentazocine;
- (5) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof of not more than one (1) milligram of difenoxin and not less than twenty-five (25) micrograms of atropine sulfate per dosage unit;
- (6) Carisoprodol;
 - (7) Zaleplon;

(8) Zolpidem; and

(9) Zopiclone.

1205 SCHEDULE V ENUMERATED

1205.1 The following controlled substances listed below are included in Schedule V of the Act unless removed therefrom pursuant to Section 201 of the Act:

(a) Narcotic drugs containing non-narcotic active medicinal ingredients: Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or salts thereof, that also contains one (1) or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal quantities other than those possessed by the narcotic drug alone:

(1) Not more than two hundred (200) milligrams of codeine per one hundred (100) milliliters or per one hundred (100) grams;

(2) Not more than one hundred (100) milligrams of dihydrocodeine per one hundred (100) milliliters or per one hundred (100) grams;

(3) Not more than one hundred (100) milligrams of ethylmorphine per one hundred (100) milliliters or per one hundred (100) grams;

(4) Not more than two and five-tenths (2.5) milligrams of diphenoxylate and not less than twenty-five (25) micrograms of atropine sulfate per dosage unit;

(5) Not more than one hundred (100) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams;

(6) Not more than one half-tenth (0.5) milligrams of DifenoXin and not less than twenty-five (25) micrograms of atropine sulfate per dosage unit;

(b) Propylhexedrine;

(c) Pyrovalerone; and

(g) Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

(1) Ezogabine [N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester];

- (2) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide]; and
- (3) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

**THE DISTRICT OF COLUMBIA
LOTTERY AND CHARITABLE GAMES CONTROL BOARD**

NOTICE OF FINAL RULEMAKING

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in D.C. Official Code §§ 1-204.24a(c)(6), 3-1306 and 3-1321 (2007 Repl.); District of Columbia Financial Responsibility and Management Assistance Authority Order issued September 21, 1996; and Office of the Chief Financial Officer Financial Management Control Order No. 96-22 issued November 18, 1996, hereby gives notice of the adoption of amendments to Chapters 5, (Lottery Ticket), 6 (Claims and Prize Payments), 9 (Description of On-Line Games) and Chapter 99 (Definitions) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

These amendments are necessary to implement the new nationwide Multi-State Lottery Association (“MUSL”) game called MONOPOLY MILLIONAIRES’ CLUB™ pursuant to the MUSL MONOPOLY MILLIONAIRES’ CLUB™ Rules. The game begins on October 19, 2014.

The Notice of Proposed Rulemaking was published in *D.C. Register* on August 22, 2014 at 61 DCR8798. There were no comments received. Final action to adopt these rules as final took place on September 29, 2014. These final rules will become effective upon publication of this notice in the *D.C. Register*.

Title 30, LOTTERY AND CHARITABLE GAMES, of the DCMR is amended as follows:

Subsection 501.1 of Section 501, PERSONS INELIGIBLE TO PURCHASE TICKETS, of Chapter 5, GENERAL PROVISIONS, is amended by adding subparagraph (d) to read as follows:

- (d) Any officer, employee or director of Hasbro, Inc. is ineligible to purchase, play or participate in the MONOPOLY MILLIONAIRES’ CLUB™ game and the Monopoly Millionaire’s Club® television game show (“MONOPOLY TV SHOW”).

Subsection 503.4 of Section 503, CANCELLED TICKETS, of Chapter 5, GENERAL PROVISIONS, is amended by substituting the following:

- 503.4 A ticket for POWERBALL®, MEGA MILLIONS®, KENO, Hot Lotto, Sizzler, DC Daily 6, Rolling Cash 5, Quick Cash, and HOT FIVE, and MONOPOLY MILLIONAIRES’ CLUB™ shall not be voided or cancelled.

Subsection 605.1 of Section 605, ON-LINE LOTTERY TICKET VALIDATION, of Chapter 6, CLAIMS AND PRIZE PAYMENTS, is amended by adding the following:

- 605.1 (h) MONOPOLY MILLIONAIRES' CLUB™ play slip shall have four (4) individual groups prescribed numbers each associated with "Game A," "Game B," "Game C," and "Game D."
- (i) The MONOPOLY MILLIONAIRES' CLUB™ tickets meet all the rules for validation pursuant to the MUSL Monopoly Millionaire's Club® Product Group Rules.

Section 606, ANNUITIZED PRIZES, of Chapter 6, CLAIMS AND PRIZE PAYMENTS, is amended by adding the following subsection:

- 606.10 The MONOPOLY MILLIONAIRES' CLUB™ annuitized prize shall be paid in thirty (30) graduated payments (increasing each year) by a rate determined by the MUSL Product Group. The initial payment shall be paid upon completion of all validation procedures. The subsequent twenty-nine (29) payments shall be paid annually on the anniversary date of the draw or if such date falls on a non-business day, then the first **business** day following the anniversary date of the selection of the Top Prize winning numbers.

Add a new Section 970, DESCRIPTION OF THE MONOPOLY MILLIONAIRES' Club™, to Chapter 9, DESCRIPTION OF ONLINE GAMES, to read as follows:

970 DESCRIPTION OF THE MONOPOLY MILLIONAIRES' Club™

- 970.1 MONOPOLY MILLIONAIRES' CLUB™ is a five (5) out of fifty-two (52) plus one (1) out of twenty-eight (28) lottery draw game, which pays the Jackpot Prize at the election of the player as provided in this Title either on an annuitized pari-mutuel basis or as a cash lump sum payment of the total cash held for this prize pool on a pari-mutuel basis. Except as provided in these rules, all other prizes are paid on a fixed cash basis.
- 970.2 Only when a Jackpot Prize has been won in a MONOPOLY MILLIONAIRES' CLUB™ drawing, a second drawing will be held to select Monopoly Club Prize winning tickets. At the start of each new MONOPOLY MILLIONAIRES' CLUB™ roll cycle, ten (10) Monopoly Club Prizes will be available. As determined by the Product Group, more Monopoly Club Prizes may be added, during the roll cycle, with each drawing until the Jackpot Prize is won and the Monopoly Club Prizes are drawn.
- 970.3 MONOPOLY MILLIONAIRES' CLUB™ and Monopoly Club Prize drawings shall use random number generators, and otherwise shall be determined by the Product Group.
- 970.4 All Monopoly Club prizes and MONOPOLY MILLIONAIRES' CLUB™ set prizes (all prizes except the Jackpot prize) are paid as a single payment.

- 970.5 To play Monopoly Millionaires' Club™, a player shall select, or use Quick Pick to choose, five (5) different numbers from one (1) through fifty-two (52); the additional number in the range from one (1) through twenty-eight (28) shall always be a randomly generated Quick Pick number for the second value in the player's selection. The second number may be the same as one of the first five numbers selected by the player. The second number shall be represented on the player's ticket both as a number and as the associated Monopoly game board property. Each play shall also have a unique, non-repeating transactional number associated with that play to be used in determining MONOPOLY Club Prize winning plays, only in the event the Jackpot Prize is won and a separate MONOPOLY Club Prize drawing is held.
- 970.6 Plays and Ticket Purchases. The price of each MONOPOLY MILLIONAIRES' CLUB™ plays shall be five dollars (U.S. \$5.00). There are no sales of multi draw tickets permitted. Each ticket represents only one board of play and Monopoly Property, containing one Millionaires' Club number, one webcode is valid for only one game draw. From time to time, the Executive Director may authorize the sale of MONOPOLY MILLIONAIRES' CLUB™ tickets at a discount for promotional purposes.
- 970.7 MONOPOLY MILLIONAIRES' CLUB™ tickets may be purchased in the District of Columbia only at a licensed location or a D.C. Lottery Agent. No MONOPOLY MILLIONAIRES' CLUB™ ticket purchased outside of the District of Columbia may be presented to a D.C. Lottery Agent for payment or validation.
- 970.8 Claims. A valid ticket shall be the only proof of a game play, and the submission of a valid winning ticket to the Agency or its authorized sales agent shall be the sole method of claiming a prize or prizes. A play slip has no pecuniary or prize value and shall not constitute evidence of ticket purchase or of numbers selected. A terminal-produced paper receipt has no pecuniary or prize value and shall not constitute evidence of ticket purchase or of numbers selected.
- 970.9 Entry of Plays. Plays may only be entered manually using the licensed sales agent terminal touch screen or by means of a play slip provided by the Agency and hand-marked by the player or by such other means approved by the Agency. Licensed sales agents shall not permit the use of facsimiles of Play slips, copies of play slips, or other materials that are inserted into the terminal's play slip reader that are not approved by the Agency. Licensed sales agents shall not permit any device to be connected to a lottery terminal to enter plays, except as approved by the Agency.
- 970.10 Player Responsibility. It shall be the sole responsibility of the player to verify the accuracy of the game play or plays and other data printed on the ticket. The placing of plays is done at the player's own risk through the licensed sales agent who is acting on behalf of the player in entering the play or plays.

- 970.11 Drawings. MONOPOLY MILLIONAIRES' CLUB™ drawings shall be held every Friday (or such other day of the week as required by the Product Group's MONOPOLY MILLIONAIRES' CLUB™ Game Rules), held at the time(s) and location set out in the MONOPOLY MILLIONAIRES' CLUB™ Product Group Rules.
- 970.12 A given play may win in the Monopoly Millionaires' Club™ drawing, the Monopoly Club Prize drawing (if any), or both drawings.
- 970.13 Prize Pool and Prize Reserve.
- (a) Prize Pool. The prize pool for all prize categories shall consist of fifty percent (50.00%) of each drawing period's sales, after the prize pool accounts and prize reserve accounts are funded to the amounts set by the Product Group.
- (b) Prize Pool Accounts and Prize Reserve Accounts.
- (1) MUSL will deduct an amount up to four percent (4%) of the Agency's MONOPOLY MILLIONAIRES' CLUB™ sales from the MONOPOLY MILLIONAIRES' CLUB™ Top Prize contribution and Millionaires' Club Prize Pool contribution and place in trust in one or more prize pool accounts and prize reserve accounts until the prize pool accounts and the D.C. Lottery Lottery's share of the prize reserve account(s) reach the amounts designated by the Product Group.
- (2) The prize pool accounts established for the MONOPOLY MILLIONAIRES' CLUB™ game include:
- (A) Top Prize and Millionaires' Club Prize Pool (TP&MC Prize Pool), which is used to fund the immediate Top Prize and Millionaires' Club Prizes and shall consist of the Top Prize and Millionaires' Club Prize Pool contributions less amounts to fund the Prize Reserve Account (PRA); and
- (B) Set Prize Pool Account, which holds the temporary balances that may result from having fewer than expected winning plays in the Set Prize categories. The source of the Set Prize Pool Account is the participating Lotteries' weekly prize contributions less actual Set Prize liability.
- (3) The Prize Reserve Account is established for the MONOPOLY MILLIONAIRES' CLUB™ game, which is used to guarantee the payment of the minimum or starting Top Prize and Millionaires' Club Prizes, guarantee the payment of valid, but unanticipated,

Top Prize and Millionaires' Club Prize claims that may result from a system error or other reason, and to fund deficiencies in Set Prize payments (subject to the limitations of this rule).

- (4) Once the prize pool accounts and the Agency's share of the PRA exceed the designated amounts, the excess shall become part of the TP&MC Prize Pool. The Product Group, with review and comment of the MUSL Finance & Audit Committee, may establish a maximum balance for the prize pool accounts and the PRA.
- (5) The Product Group may determine to expend all or a portion of the funds in the PRA and the Set Prize Pool Account: (1) for the purpose of indemnifying the Lotteries in the payment of prizes to be made by the Lotteries, subject to the approval of the MUSL Board; and (2) for the payment of prizes or special prizes in the MONOPOLY MILLIONAIRES' CLUB™ game, limited to Set Prize Pool and prize reserve contributions from Lotteries participating in the special prize promotion, subject to the review and comment of the MUSL Finance and Audit Committee. The prize reserve shares of a Lottery may be adjusted with refunds to the Lottery from the PRA as may be needed to maintain the approved maximum balance and shares of the Lotteries. As approved by the Product Group, any amount remaining in the prize pool accounts or PRA when the Product Group declares the end of the MONOPOLY MILLIONAIRES' CLUB™ game shall be returned to all Lotteries participating in the accounts after the end of all applicable claim periods of all Lotteries, carried forward to the replacement PRA or expended in a manner as directed by the individual Lotteries in accordance with jurisdictional requirements.

Add a new Section 971, MONOPOLY MILLIONAIRES' CLUB™ FIXED PRIZE STRUCTURE AND PROBABILITY, to Chapter 9, DESCRIPTION OF ONLINE GAMES, to read as follows:

971 MONOPOLY MILLIONAIRES' CLUB™ FIXED PRIZE STRUCTURE AND PROBABILITY

971.1 The Top Prize shall be determined on a pari-mutuel basis. The following table sets forth the probability of winning plays and the probable distribution of winning plays in and among each prize category, based upon the total number of possible combinations in MONOPOLY MILLIONAIRES' CLUB™, and prize pool funding by prize category. Except as otherwise provided for in this rule, all other prizes awarded shall be paid as Set Prizes with the following expected prize payout percentages:

971.2 Winning Play Odds and Prize Funding

Prize Level	Matches First Set	Matches Second Set	Prize	Odds (1 in)	% Sales*	% Prize Pool
1	5	1	Top Prize	72,770,880.0000 for Top Prizes	32.2148% **	64.4296%**
2	5	0	\$100,000	2,695,217.7778	0.7421%	1.4841%
3	4	1	\$20,000	309,663.3191	1.2917%	2.5835%
4	4	0	\$500	11,469.0118	0.8719%	1.7438%
5	3	1	\$250	6,731.8113	0.7427%	1.4855%
6	2	1	\$25	448.7874	1.1141%	2.2282%
7	3	0	\$20	249.3263	1.6043%	3.2087%
8	1	1	\$10	81.5977	2.4511%	4.9021%
9	0	1	\$7	47.4405	2.9511%	5.9021%
10	2	0	\$5	16.6218	6.0162%	12.0324%
11	Millionaires' Club Prize		\$1 Million	Varies with Sales	Combined with Top Prize %*	Combined with Top Prize %%

* Includes prize reserve and other deductions

** The Level 1 Top Prize and Level 11 Millionaires' Club Prize Pool contributions are combined.

Overall win probability is 1 in 10.0025

Total	50.000%	100.0000%
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Top Prize & Millionaires' Club Prizes	32.2148%	64.4296%
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971.3 Player Responsibility. It shall be the sole responsibility of the player to verify the accuracy of the game play or plays and other data printed on the ticket. The

placing of plays is done at the player's own risk through the licensed sales agent who is acting on behalf of the player in entering the play or plays.

- 971.4 The prize money allocated to the Top Prize category shall be divided equally by the number of plays winning the Top Prize.
- 971.5 Prize Pool Account Rollovers and Carry Forwards.
- (a) Any monies not paid for Top Prize and Millionaires' Club Prizes in the TP&MC Prize Pool following a drawing shall roll over and be added to the TP&MC Prize Pool for the following drawing.
- (b) The Set Prize Pool for prizes of one hundred thousand dollars (\$100,000.00) or less shall be carried forward to subsequent draws if all or a portion of it is not needed to pay the Set Prizes awarded in the current draw.
- 971.6 Pari-Mutuel Prize Determinations
- (a) If the total of the Set Prizes awarded in a drawing (prize levels 2-10) exceeds the percentage of the prize pool allocated to the Set Prizes, then the amount needed to fund the Set Prizes awarded shall be drawn from the following sources, in the following order: (1) the amount allocated to the Set Prizes and carried forward from previous draws, if any; (2) an amount from the PRA, if available, not to exceed twenty million dollars (\$20,000,000.00) per drawing.
- (b) If, after these sources are depleted, there are not sufficient funds to pay the Set Prizes awarded, then the highest Set Prize shall become a pari-mutuel prize. If the amount of the highest Set Prize, when paid on a pari-mutuel basis, drops to or below the next highest Set Prize and there are still not sufficient funds to pay the remaining Set Prizes awarded, then the next highest Set Prize shall become a pari-mutuel prize. This procedure shall continue down through all Set Prize levels, if necessary, until all Set Prize levels become pari-mutuel prize levels.
- 971.7 Fund Transfer. On a weekly basis, or as otherwise determined by the Product Group, the Agency will transfer, in trust, an amount as determined by the Product Group to be the Agency's total proportionate share of the MONOPOLY MILLIONAIRES' CLUB™ license and vendor fees, which include the television game show prizes, and studio audience member travel expenses.
- 971.8 Unclaimed Top Prizes and Millionaires' Club Prizes. All funds to pay a Top Prize or Millionaires' Club Prize that had been collected by the MUSL central office and that went unclaimed shall be returned to the Lotteries in proportion to

sales by the Lotteries for the prize(s) in question, after the claiming period set by the Lottery selling the winning ticket expires.

971.9 Prize Payments

(a) Top Prizes

- (1) The Top Prize shall begin at an annuitized amount of fifteen million dollars (\$15,000,000.00) and shall increase following each consecutive drawing in which the Top Prize is not won, except that the annuitized Top Prize amount shall not exceed twenty-five million dollars (\$25,000,000.00) and will remain at this amount for each subsequent drawing until the Top Prize is won. Top Prizes shall be paid as an annuity or a single lump-sum payment. At the time of ticket purchase, a player may select the option for payment of the cash value or annuitized payments of a share of the Top Prize if the play is a winning play. If no payment option is selected by the player, the default payment option will be the cash value option. Selection of the option for payment of the cash value or annuitized payments of a share of the Top Prize if the play is a winning play is a selection made at the time of purchase and is final and cannot be revoked, withdrawn or otherwise changed.
- (2) Shares of the Top Prize shall be determined as provided in section 971.12 of this chapter. A player(s) who elects a single lump-sum payment (cash value payment) shall be paid his/her share(s) in a single cash payment. If individual shares of the cash held to fund an annuity are less than two-hundred and fifty thousand dollars (\$250,000.00), the Agency, in its sole discretion, may elect to pay the holders of tickets with winning plays their share of the funds of the cash pool to fund the annuity prizes as described in section 971.12 of this chapter.
- (3) All annuitized prizes shall be paid annually in thirty (30) payments with the initial payment being made in cash, to be followed by twenty-nine (29) payments funded by the annuity. All annuitized prizes shall be paid annually in thirty (30) graduated payments (increasing each year) at a rate as determined by the Product Group. Prize payments may be rounded down to the nearest one thousand dollars (\$1,000.00). Annual payments after the initial payment shall be made by the Lottery on the anniversary date or if such date falls on a non-business day, then the first business day following the anniversary date of the selection of the Top winning numbers. Funds for the initial payment of an annuitized prize or the single lump-sum cash prize shall be made available by MUSL

for payment by the Lottery no earlier than the fifteenth calendar day (or the next banking day if the fifteenth (15) day is a holiday) following the drawing. If necessary, when the due date for the payment of a prize occurs before the receipt of funds in the prize pool account sufficient to pay the prize, the transfer of funds for the payment of the full lump-sum cash amount may be delayed pending receipt of funds from all Lotteries. The identification of the securities to fund the annuitized prize shall be at the sole discretion of the Agency. If the Agency purchases the securities, or holds the prize payment annuity for a Top Prize won in this state, the prize winner will have no recourse against MUSL or any other Lottery for payment of that prize.

- (4) Payment of Prize Payments upon the Death of a Prize Winner. In the event of the death of a prize winner, payments may be made in accordance with 30 DCMR § 610.1.

- 971.10 Millionaires' Club and Set Prize Payments. All Millionaires' Club Prizes and Set Prizes (all prizes except the Top Prize, whether described as "cash" payment prizes or otherwise) for tickets sold by licensed sales agents in the District of Columbia and validated according to the Agency's rules shall be paid by the Agency and at the discretion of the Agency by check, warrant, or wire transfer. The Agency may begin paying Millionaires' Club Prizes and Set Prizes after receiving authorization to pay from the MUSL central office.
- 971.11 Prizes Rounded. Annuitized payments of the Top Prize or a share of the Top Prize may be rounded to facilitate the purchase of an appropriate funding mechanism. Breakage on an annuitized Top Prize win shall be added to the first payment to the verified winner or winners. Set Prizes, which, under this rule, may become single-payment, pari-mutuel prizes, may be rounded down so that prizes can be paid in multiples of whole dollars. Breakage resulting from rounding Set Prizes shall be carried forward to the prize pool for the next drawing.
- 971.12 Funding of Guaranteed Prizes. The Product Group may offer guaranteed minimum Top Prize amounts, guaranteed minimum numbers of Millionaires' Club winners, minimum increases in the Top Prize amount between drawings, minimum increases in the number of Millionaires' Club winners between drawings, or make other changes in the allocation of prize money where the Product Group finds that it would be in the best interest of the game. If a minimum Top Prize amount or a minimum increase in the Top Prize between drawings is offered by the Product Group, then shares of the Top Prize shall be determined as follows: If there are multiple Top Prize winning plays during a single drawing, each selecting the annuitized option prize, then a winning play's share of the guaranteed annuitized Top Prize shall be determined by dividing the guaranteed annuitized Top Prize by the number of winning plays. If there are multiple Top Prize winning plays during a single drawing and at least one (1) of

the Top Prize claimants has elected the annuitized option prize, then the best bid submitted by the MUSL central office's pre-approved qualified brokers shall determine the cash pool needed to fund the guaranteed annuitized Top Prize. If no claimant of the Top Prize during a single drawing has elected the annuitized option prize, then the amount of cash in the Top Prize Pool shall be an amount equal to the guaranteed annuitized amount divided by the average annuity factor of the most recent three (3) best quotes provided by pre-approved qualified brokers submitting quotes. In no case shall quotes be used which are more than two (2) weeks old, and if less than three (3) quotes are submitted, then the MUSL central office shall use the average of all quotes submitted. Changes in the allocation of prize money shall be designed to retain approximately the same prize allocation percentages, over a year's time, as set out in MUSL's MONOPOLY MILLIONAIRES' CLUB™ Game Rules. Minimum guaranteed prizes or increases may be waived if the alternate funding mechanism set out in subsection 971.11 of this Chapter becomes necessary. The annuity factor is determined by the best total securities price obtained through a competitive bid of qualified, pre-approved brokers made after it is determined that the prize is to be paid as an annuity prize. Neither MUSL, the Product Group, nor the Lotteries shall be responsible or liable for changes in the advertised or estimated annuity prize amount and the actual amount purchased after the prize payment method is actually known to the MUSL central office.

971.13 Prize Limited to Highest Prize Won. Except for the Millionaires' Club Prizes, the holder of a winning ticket may win only one (1) prize for that ticket's play and shall be entitled only to the prize won by those numbers in the highest matching prize category. The status of a ticket with a winning play based on a match between the play and the Winning Numbers on that ticket shall have no effect on that ticket's ability to win (if drawn) a Millionaires' Club Prize.

971.14 Millionaires' Club Prize. Independent of a ticket's status as an apparent winning ticket due to a match with the Winning Numbers, each ticket in a MONOPOLY MILLIONAIRES' CLUB™ drawing is eligible to win a Millionaires' Club Prize if (and only if), on that game draw, Millionaires' Club Prizes are awarded. If a ticket is a winning play under both drawings, the prize paid shall be the sum of both the Top Prize or Set Prize (Level 2-10 prizes) and the Millionaires' Club Prize. At the start of each new MONOPOLY MILLIONAIRES' CLUB™ roll cycle, ten (10) Millionaires' Club Prizes will be available. As determined by the Product Group, more Millionaires' Club Prizes may be added, during the roll cycle, with each drawing until the Top Prize is won and the Millionaires' Club Prizes are drawn.

Add a new Section 972, MONOPOLY MILLIONAIRES' CLUB™ Television Game Show, to Chapter 9, DESCRIPTION OF ONLINE GAMES, to read as follows:

972 MONOPOLY MILLIONAIRES' CLUB™ Television Game Show

- 972.1 Television Game Show. The Product Group may decide to add a television game show to the MONOPOLY MILLIONAIRES’ CLUB™ game. The MONOPOLY MILLIONAIRES’ CLUB™ television game show (“TV Show”) will be produced at times and places approved by the Product Group for broadcast at times approved by the Product Group.

- 972.2 Basic TV Show Design; Alterations. The basic design of the TV Show shall be as described in this subsection, except that any alteration of the basic design of the TV Show may be approved by the Product Group. Contests played on the TV Show shall be as approved by the Product Group.

- 972.3 Eligibility. Unless otherwise indicated by the Agency, a D.C. Lottery player may become eligible for TV Show studio audience member selection by registering a MONOPOLY MILLIONAIRES’ CLUB™ ticket or tickets with one or more qualifying MONOPOLY game board properties according to the requirements of this game rule.

- 972.4 Members of the studio audience shall be eligible to be selected to participate in MONOPOLY-themed contests on the TV Show. Guests of players who are not proxied by the player to appear as an on-stage participant in the place of the player are not eligible to be selected as an on-stage game participant.

- 972.5 How to Register. To register a MONOPOLY MILLIONAIRES’ CLUB™ ticket for participation in the selection of studio audience members, a D.C. Lottery player must visit the D.C. Lottery’s Players Club section at <http://dclottery.com/memberbenefits.aspx> of the D.C. Lottery website, where the player will be asked to sign into his/her existing Players Club account or open a new account and enter the webcode printed on the MONOPOLY MILLIONAIRES’ CLUB™ ticket. The MONOPOLY game board property on the ticket, together with a randomly generated additional bonus MONOPOLY game board property assigned when the ticket is registered at the Players Club website, will be put in the player’s account. As shown in the following table in Subsection 972.6 of this chapter, for each complete MONOPOLY property group, the player will be awarded a number of entries in a drawing from which studio audience members will be selected.

- 972.6 Monopoly Property Groups

MONOPOLY Property Groups	No. of Entries Awarded
Mediterranean Avenue & Baltic Avenue	2
Oriental Avenue & Vermont Avenue & Connecticut Avenue	4
St. Charles Place & States Avenue & Virginia Avenue	6
St. James Place & Tennessee Avenue & New York Avenue	8

Kentucky Avenue & Indiana Avenue & Illinois Avenue	10
Atlantic Avenue & Ventnor Avenue & Marvin Gardens	12
Pacific Avenue & North Carolina Avenue & Pennsylvania Avenue	15
Park Place & Boardwalk	20
Reading RR & Pennsylvania RR & B&O RR & Short Line RR	16
Electric Company & Water Works	10

972.7 Selection of Studio Audience Members. The Agency (or its authorized designee) shall, from time to time as specified by the Product Group, conduct a promotional drawing from among those MONOPOLY MILLIONAIRES’ CLUB™ registered D.C. Lottery’s Players Club account holders who have accumulated enough MONOPOLY properties to participate in the drawing. For each drawing, the Agency shall select a minimum of three (3) studio audience participants, each of whom shall be awarded: (i) transportation, meals, and lodging expenses for himself or herself and a guest to travel to and return from the TV Show; and (ii) the opportunity to be chosen as an on-stage participant on the TV Show and play MONOPOLY-themed contests for prizes.

972.8 No transfers; No cash option; Exceptions. A D.C. Lottery player selected to participate as a studio audience member for the TV Show shall not have the right to transfer such selection to another person, except that the Agency, in its sole discretion, may permit or require the player to appoint another person to participate as a studio audience member (a proxy), subject to player eligibility requirements set by the Agency. If the player selects, or the Agency requires, a proxy to participate as a studio audience member in his/her place, the transportation, meals, and lodging expenses, together with any prize(s) awarded as a result of participation in the studio audience or in a contest on the TV Show shall be deemed to be received by the player initially selected to participate, not the proxy. Nothing in this rule requires the Agency to permit studio audience members to appoint a replacement to attend the TV Show taping. A player selected to participate as a studio audience member for the TV Show shall not have the right to decline the payment of expenses for transportation, meals, and lodging in exchange for a sum of money equivalent to the value of such expenses. The Agency, in its sole discretion, may select another player to attend the TV show taping should the player initially selected to participate in the studio audience decline the invitation or be determined to be ineligible to claim such prize under District Law and or this title. Nothing in this rule requires the Agency to offer a cash option in lieu of the opportunity to attend the TV Show.

Section 9900, DEFINITIONS, of Chapter 99, DEFINITIONS, is amended by adding the following terms and definitions:

MONOPOLY MILLIONAIRES' CLUB™ TOP PRIZE - means the top prize available for the MONOPOLY MILLIONAIRES' weekly drawing for the online game. (*See* 30 DCMR § 972.2)

MILLIONAIRES' CLUB PRIZE - means a single payment prize (*See* 30 DCMR § 972.1) with a value of one million dollars (\$1,000,000.00). Only when a Top Prize has been won in a MONOPOLY MILLIONAIRES' CLUB™ drawing, a second drawing will be held to select Millionaires' Club Prize winning tickets.

MUSL MONOPOLY MILLIONAIRE CLUB® PRODUCT GROUP RULES - The agreement and rules regarding the MONOPOLY MILLIONAIRES' CLUB™ game and MUSL, or any subsequent amended version of the MUSL MONOPOLY MILLIONAIRES' CLUB™ Product Group Rules.

DISTRICT OF COLUMBIA PUBLIC SCHOOLS

NOTICE OF FINAL RULEMAKING

The Chancellor of the District of Columbia Public Schools (DCPS), pursuant to section 103 of the District of Columbia Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-172(c) (2012 Repl.)), and Mayor's Order 2007-186, dated August 10, 2007, hereby gives notice of the adoption of the following amendment to repeal Section 2405 (Student Grievance Procedure) of Chapter 24 (Student Rights and Responsibilities) of Subtitle E (Original Title 5), Title 5 (Education), of the District of Columbia Municipal Regulations (DCMR), and replace it with a new Section 2405 in Subtitle B (District of Columbia Public Schools), Title 5 (Education), of the DCMR.

The purpose of this rule is to amend the language regarding the procedures for the filing, investigation, and resolution of complaints or grievances filed by students in cases of discrimination, bullying, or harassment. The amendment is necessary because DCPS must ensure that its grievance procedures contain language that satisfies requirements set forth by the U.S. Department of Education, Office of Civil Rights.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on November 29, 2013 at 60 DCR 16340. No changes have been made to the text of the proposed rulemaking. Additionally, the "Student Grievance Procedure Regulations Approval Resolution of 2013" was submitted to the Council on December 3, 2013. The Council neither approved nor disapproved the rules during the 45-day period of review, and so these rules are deemed approved pursuant to Section 103 of the Act. These rules were adopted as final on May 9, 2014, and will become effective upon publication.

Section 2405, STUDENT GRIEVANCE PROCEDURE, of Chapter 24, STUDENT RIGHTS AND RESPONSIBILITIES, of Subtitle E, ORIGINAL TITLE 5, Title 5, EDUCATION, of the DCMR is repealed.

A new Section 2405, STUDENT GRIEVANCE PROCEDURE, of Subtitle B, DISTRICT OF COLUMBIA PUBLIC SCHOOLS, of Title 5, EDUCATION, of the DCMR is added to read as follows:

2405 STUDENT GRIEVANCE PROCEDURE

2405.1 The grievance procedure set forth in this section shall apply to all grievances or complaints brought for any suspected violation of the following laws:

- (a) Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability;
- (b) Title II of the Americans with Disabilities Act of 1990, which also prohibits discrimination on the basis of disability;

- (c) Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex;
- (d) Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin;
- (e) The District of Columbia Human Rights Law, Title 2, Chapter 14 of the D.C. Official Code, which prohibits discrimination on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, political affiliation, source of income, and disability; or
- (f) The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age.

2405.2 The grievance procedure set forth in this section shall also apply to all grievances or complaints brought in the following instances:

- (a) Where it is alleged that any student or group of students is being denied access to an adequate educational opportunity;
- (b) Where it is alleged that the rights of students, or any individual student, are being denied or abridged;
- (c) Where it is alleged that any student or group of students is being subjected to an arbitrary or unreasonable regulation, procedure, or standard of conduct;
- (d) Where it is alleged that any student is being denied participation in any school activity for which the student is eligible;
- (e) Where a student is a victim of bullying or harassment, including sexual harassment; and
- (f) Any other violation of a right granted by law that does not have a specific grievance procedure or hearing process provided in this title.

2405.3 A student who has been suspended or expelled from school shall not bring a grievance pursuant to this section, but may file an appeal according to the procedure in Chapter B-25.

2405.4 An individual bringing a grievance about an issue set forth in §§ B 2405.1 or B 2405.2 shall follow the procedures contained in this section. An individual who is a victim of bullying or harassment, including sexual harassment, may follow these procedures or the procedures in § B 2405.5. A grievance may be filed by a parent

or guardian on behalf of a student, as consistent with § B 2401.15 of this chapter.

- (a) The individual bringing the grievance (the grievant) may make an informal complaint to the principal or other school official in charge of the program or activity. If the grievant makes a complaint to a teacher or administrator other than the principal or official in charge of the program or activity, that person shall advise the principal or official in charge of the program or activity of the nature of the complaint.
- (b) If the principal is the subject of the grievant's complaint or otherwise involved in the circumstances surrounding the complaint, the grievant shall make an informal complaint to the Instructional Superintendent with jurisdiction over the principal's school.
- (c) The person who receives the informal grievance shall investigate and attempt to resolve the problem through informal means, including but not limited to, meetings, conferences, and discussions. The person shall also make written documentation of all steps taken to investigate the matter.
- (d) A resolution in the informal process shall be proposed, or a decision issued, by the principal or other school official to the grievant within ten (10) school days of the day that the grievant made the informal complaint.
- (e) A grievant who is dissatisfied with the outcome of -- or chooses not to use -- the informal process, may file a written grievance with the principal or other responsible school official. Written grievances must be filed within forty-five (45) calendar days of the incident or circumstance being grieved or ten (10) calendar days of the completion of the informal process, if any, whichever is longer. The timeframes for submission shall be tolled in instances where the grievant did not comprehend or was not aware of the harassment.
- (f) All complaints should include the following information, to the extent that is known by the grievant:
 - (1) The name, grade, and school attended by the student;
 - (2) The date, approximate time, and location of the incident;
 - (3) The type of bullying or harassment that was involved in the incident;
 - (4) The identity of the person(s) who committed the alleged acts of harassment;
 - (5) If the alleged harassment was directed towards other person(s), the

- identities of such persons;
- (6) Whether any witnesses were present, and their identities; and
 - (7) A specific factual description of the incident, including any verbal statements or physical contact.
- (g) The principal or other school official shall attempt to resolve the written grievance by beginning a formal investigation, including but not limited to conducting conferences with the grievant(s), students, parents, teachers, other school officials, and other involved parties and, when applicable, consultation with legal counsel, the Title IX Coordinator or the Section 504 Coordinator. The investigation shall also include the examination of any information submitted by the grievant and interviews with any witnesses identified by the grievant. The appropriate Instructional Superintendent shall be informed of the written grievance and investigation and may be consulted by the principal or other school official in an attempt to resolve the grievance.
 - (h) The principal or other school official who investigates a written grievance shall provide a written response to the grievant and the Instructional Superintendent.
 - (i) The written response shall be provided within ten (10) school days of the receipt of the written grievance; the parties should be notified if the investigation will take longer, including the reasons for the delay and the anticipated time frame.
 - (j) If the grievant is not satisfied with the response of the principal, the grievant may file an appeal with the Instructional Superintendent with jurisdiction over the school which the student attends or the grievance arose. If the Instructional Superintendent issued the initial response, the grievant may file an appeal with another school official designated by the Chancellor. The appeal shall be filed within ten (10) calendar days of receipt or notice of the initial response.
 - (k) The Instructional Superintendent or other designee shall attempt to resolve the grievance by reviewing the principal's investigation and findings, and conducting further investigation of the grievance, including meeting with all involved parties and consulting with legal counsel as appropriate.
 - (l) The written response shall be provided within ten (10) school days of the receipt of the appeal.
 - (m) If the grievant is not satisfied with the response or the Instructional Superintendent or other designee is unable to achieve an adequate

resolution, either the grievant or the Instructional Superintendent, or other designee may, within ten (10) calendar days of the written response, request that the grievance be brought before a grievance review panel to ensure appropriate and fair resolution of the grievance. The panel shall be comprised of three (3) persons appointed by the Chancellor or designee, and may include the Section 504 Coordinator, the Title IX Coordinator, individuals from the DCPS Office of Compliance, Office of the General Counsel, other Instructional Superintendents or school officials, and other disinterested persons with training and knowledge about the issues raised by the grievance.

- (n) In all cases brought before the review panel, the panel shall provide the Instructional Superintendent, or other designee with written findings and recommendations for suggested implementation by the Instructional Superintendent, or other designee and the principal. The findings and recommendations shall be issued within ten (10) school days of receipt by the panel of the request referenced in § B 2405.4(m).
- (o) Within five (5) days of receipt of the findings and recommendations, the Instructional Superintendent, or other designee shall issue a final administrative decision, which shall be the final administrative decision of the school system. The Instructional Superintendent or other designee shall provide written notice of the decision to the grievant, the principal, and, if appropriate, the grievant's parent or guardian.
- (p) A grievant may also file a complaint directly with the U.S. Department of Education, Office of Civil Rights without utilizing, or following the completion of, the procedures contained in this section. See <http://www.ed.gov/ocr/complaintprocess.html> or call (202) 453-6020 for further information.
- (q) A grievant may also file a complaint directly with the District of Columbia Commission on Human Rights without utilizing the procedures contained in this section. See <http://www.ohr.dc.gov> or call (202) 727-4559 for further information.

2405.5 A grievant who is a victim of bullying or harassment, including sexual harassment, by an employee, students, or third parties may, at his or her option, choose to follow this procedure to resolve his or her complaint:

- (a) An individual who is a victim of bullying or harassment may complain orally or in writing to any teacher, administrator, or counselor.
- (b) If the grievant files his or her complaint orally, the teacher, administrator, or counselor shall prepare a written report of the conversation with the grievant. If the grievant complains in writing, it may be in any form. All

complaints should include the following information, to the extent that is known by the grievant:

- (1) The name, grade, and school attended by the student;
 - (2) The date, approximate time, and location of the incident;
 - (3) The type of bullying or harassment that was involved in the incident;
 - (4) The identity of the person(s) who committed the alleged acts of harassment;
 - (5) If the alleged harassment was directed towards other person(s), the identities of such persons;
 - (6) Whether any witnesses were present, and their identities; and
 - (7) A specific factual description of the incident, including any verbal statements or physical contact.
- (c) All complaints and information contained therein will be kept confidential to the extent provided by law.
- (d) The complaint shall be reported to the principal no later than the end of the next school day following the report of the complaint. The teacher, administrator, or counselor shall report complaints of severe or pervasive bullying or harassment no later than the end of the school day that the report of the complaint was made.
- (e) If any principal, administrator or other school employee responsible for overseeing or investigating bullying or harassment complaints are implicated in the complaint, or have any actual or perceived conflict of interest, the complaint will be filed with the Instructional Superintendent with jurisdiction over the school the student attends or at which the grievance arose for action.
- (f) The principal is responsible for ensuring that all complaints are properly investigated and processed in accordance with these procedures, but may delegate responsibility for processing bullying and harassment complaints. The principal or designee shall take the following actions:
- (1) Within one (1) school day – schedule and complete a confidential discussion of the allegations with the grievant. The subject of the allegations shall not be notified or be present during such discussion.

(2) Within ten (10) school days – the principal or designee shall complete his or her investigation and prepare a written report that includes a finding as to whether the allegations of bullying or harassment are substantiated; the parties should be notified if the investigation will take longer, including the reasons for the delay and the anticipated time frame. The investigation shall include, but not be limited to, the following matters: 1) interview with the grievant; 2) interview with the alleged victim (if not the grievant); 3) interviews with the subject(s) alleged to have committed the harassment or bullying; 4) interviews with employees and others (including students) who have knowledge of the facts alleged in the complaint (including those identified by the student who filed the complaint); and 5) review of all pertinent records (including those identified by the grievant). The report shall reflect the results of the investigation and shall be provided to all parties to the complaint. The report shall include a description of any follow up actions taken or to be taken, including any intervention or disciplinary actions (to the extent permitted by the Family Educational Rights and Privacy Act (20 U.S.C. §1232g; 34 C.F.R. §§ 99.1 *et seq.*)).

(3) If the grievant is dissatisfied with the findings or actions contained in the report, the grievant may file a written grievance with the Instructional Superintendent with jurisdiction over the school the student attends or the location at which the grievance arose within ten (10) calendar days of the issuance of the principal's report. If such a grievance is filed, the process specified in §§ 2405.4(k)-2405.4(o) shall apply.

(g) A grievant may also file a complaint directly with the U.S. Department of Education, Office of Civil Rights without utilizing, or following the completion of, the procedures contained in this section. See <http://www.ed.gov/ocr/complaintprocess.html> or call (202) 453-6020 for further information.

(h) A grievant may also file a complaint directly with the District of Columbia Commission on Human Rights without utilizing the procedures contained in this section. See <http://www.ohr.dc.gov> or call (202) 727-4559 for further information.

2405.6 The final decision of the Instructional Superintendent shall be the final administrative decision of the school system.

2405.7 Copies of the final decision shall be given to all parties.

2405.8 A copy of the Instructional Superintendent's final decision shall be sent to the Chancellor and the Chief of Schools.

2405.9 No grievant shall be subject to any retaliation from any teacher or school official. A grievant may use these procedures to complain of retaliation by students, teachers, or employees.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2012 Repl.)), hereby gives notice of its intent to adopt the following amendments to Chapter 91 (Housing Choice Voucher Program: Rent Reform Demonstration Program) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR), in not less than fifteen (15) days from the date of publication of this notice in the *D.C. Register*.

This reduced period of review has been adopted for good cause, as set forth by D.C. Official Code § 2-505(a). The Housing Choice Voucher Program: Rent Reform Demonstration Program regulations were published as final in the *D.C. Register* on September 19, 2014 at 61 DCR 9596, and the proposed amendments were made in response to additional comments received by the housing advocacy community. The amendments provide additional clarification of the Rent Reform Demonstration Program. DCHA is amending Section 9100, "Program Purpose", Section 9101, "Selection of "Study Group and Control Group", Section 9107, "Adjusted Income and Determination of Rent", Section 9108, "Overview of Rent and Subsidy Calculations", Section 9109, "DCHA's Housing Assistance Payment", Section 9111, "Changes in Family Share and Housing Assistance Payment", Section 9112, "Triennial Recertification of Income", Section 9114, "Interim Recertifications", Section 9116, "Family Moves", and Section 9118, "Hardship Waiver Policy".

Section 9100, Section 9101, Section 9107, Section 9108, Section 9109, Section 9111, Section 9112, Section 9114, Section 9116, and Section 9118 of Chapter 91, HOUSING CHOICE VOUCHER PROGRAM: RENT REFORM DEMONSTRATION PROGRAM, Title 14, HOUSING, of the DCMR is amended as follows:

CHAPTER 91

**HOUSING CHOICE VOUCHER PROGRAM: RENT REFORM
DEMONSTRATION PROGRAM**

Secs.

9100	Program Purpose
9101	Selection of Study Group and Control Group
9102	Enrollment
9103	Annual Income
9104	Utility Payments and Reimbursements
9105	Applying Utility Allowances
9106	Utility Allowances
9107	Adjusted Income and Determination of Rent
9108	Overview of Rent and Subsidy Calculations
9109	DCHA's Housing Assistance Payment
9110	Delayed Family Share at Initial Certification under the Rent Reform Demonstration
9111	Changes in Family Share and Housing Assistance Payment
9112	Triennial Recertification of Income
9113	Recertification Notice to the Family

- 9114 Interim Recertifications
- 9115 Assets
- 9116 Family Moves
- 9117 Portability Procedures
- 9118 Hardship Waiver Policy
- 9999 Definitions

Subsection 9100.1(d) is amended to read as follows and adds Subsection 9100.1(g):

9100 PROGRAM PURPOSE

9100.1 The United States Department of Housing and Urban Development (HUD) is conducting the Moving to Work (MTW) Housing Choice Voucher Program Rent Reform Demonstration program (Rent Reform Demonstration or Program), designed to implement and evaluate an alternative rent policy, implemented by several MTW agencies. DCHA has been selected to participate in the demonstration, and as such, shall modify its policies and rent calculations for a group of program participants (study group), and shall compare the results to a group of program participants who are assisted under the rent policies used for all other DCHA assisted households (control group). The HUD Rent Reform Demonstration Program is designed to implement and assess an alternative strategy to standard HUD operating rules for HCVP. The proposed alternative rent policies shall include the following five key features:

- (d) Require that the family rent to owner is the greater of 28% of gross monthly income less any applicable utility allowance or at least the minimum rent of \$75.
- (g) Prior to issuing a recommendation for termination, DCHA will exercise its discretion on a case-by-case basis in issuing a recommendation for termination based solely on a study group Family’s failure to pay a new higher rent due to the program rent calculation.

Section 9101 is amended by adding subparagraph (k) to Subsection 9101.2:

9101 SELECTION OF STUDY GROUP AND CONTROL GROUP

9101.2 The following households shall be excluded from the study:

- (a) Elderly as defined in this chapter
- (b) Disabled
- (c) Project Based Voucher
- (d) VASH (Veteran’s Administration Supportive Vouchers) Voucher

- (e) Enhanced Voucher
- (f) Moderate Rehabilitation/Single Room Occupancy (SRO)
- (g) Family Self-Sufficiency (FSS) program participants
- (h) Households exercising the portability option
- (i) Households who end participation in the program (either voluntarily or involuntarily)
- (j) Mixed households of eligible and non-eligible household members
- (k) Families currently receiving a child care deduction.

Subsection 9107.1 is amended to read as follows:

9107 ADJUSTED INCOME AND DETERMINATION OF RENT

9107.1 The alternative rent policy does not use adjusted income to calculate rent and Housing Assistance Payment (HAP); therefore there are no deductions or allowances applied to the gross income calculated in accordance with 14 DCMR Section 5306, and with the following exception.

Subsection 9108.1 is amended to read as follows:

9108 OVERVIEW OF RENT AND SUBSIDY CALCULATIONS

9108.1 In order to calculate family rent to owner for the Rent Reform Demonstration, DCHA shall calculate annual income and the TTP pursuant to Section 9107, but shall require the family rent to owner to be at least 28% of gross income less any applicable utility allowance, or the minimum rent of \$75, whichever amount is greater.

Subsection 9109.1 is amended to read as follows:

9109 DCHA’S HOUSING ASSISTANCE PAYMENT

9109.1 DCHA shall pay a monthly HAP for a family that is equal to the lower of the applicable payment standard or the gross rent, minus the greater of the family’s TTP less any applicable utility allowance or the minimum rent of \$75.

Section 9111’s title is amended to read as follows, and adds Subsection 9111.5 to read as follows:

9111 CHANGES IN FAMILY SHARE AND HOUSING ASSISTANCE PAYMENT

9111.5 If the removal of a household member from the family composition results in a reduction in income that cannot be feasibly replaced, that Household member’s income shall not be included in the retrospective income calculation at the interim recertification.

Subsection 9112.2 is amended to read as follows:

9112 TRIENNIAL RECERTIFICATION OF INCOME

9112.2 All triennial recertifications shall have an effective date of the first of the month that the family was initially recertified as part of the rent reform demonstration.

Subsection 9114.3(a) is amended to read as follows:

9114 INTERIM RECERTIFICATIONS

9114.3 Family’s may request and receive an interim reduction in rent when their family income decreases subject to the following conditions:

- (a) Households may request an interim re-certification of their income. An interim shall be conducted only when a household has a reduction in income of more than 10% from the retrospective income used to calculate their TTP.

Subsection 9116.2 is amended to read as follows:

9116 FAMILY MOVES

9116.2 DCHA shall not approve requests to move a Family more than once in a twelve (12) month period unless one of the following exceptions applies:

- (a) A victim or Family seeks to move under the protections enumerated in the VAWA;
- (b) DCHA terminates the HAP contract with the owner;
- (c) The move is necessary to grant a request for a reasonable accommodation;
- (d) A transfer voucher is granted as part of a hardship waiver; or

- (e) DCHA has determined, in its sole discretion that one or more of the following emergency situations apply:
 - (1) There is a credible threat of domestic violence or need for witness protection in connection with the Household that may be mitigated by a move;
 - (2) There are serious unresolved Housing Quality Standard landlord violations in the Participant Household's existing leased unit;
 - (3) Other emergency factors acceptable to DCHA have been identified by the Participant Household.

Subsections 9118.1, 9118.2, 9118.3, 9118.4, 9118.7, 9118.8 are amended to read as follows:

9118 HARSHIP WAIVER POLICY

9118.1 A Family may request a Hardship waiver at any time if the family can demonstrate one of the following circumstances listed below. If the family receives a temporary TTP during the initial grace period, then the family may request a hardship waiver no more than thirty (30) days before the expiration of the initial grace period or thereafter.

- (a) After the effective date of the TTP, the new TTP has put the Family at imminent risk of eviction as a result of non-payment of rent, and the hardship cannot be remedied by the one interim recertification permitted each year (which cannot reduce a household's TTP below the minimum level);
- (b) The Family is at an income level or experiences a loss of income and/or a TTP increase such that its total monthly TTP exceeds forty percent (40%) of its current monthly gross income. Any amount by which the gross rent exceeds the payment standard must be paid by the family and is not used in determining this forty percent (40%) rent burden. The gross income shall include imputed income in the same manner as current calculations;
- (c) Zero household income;
- (d) Loss of eligibility for a federal state, or local assistance program which reduces the Family income such that the total monthly TTP exceeds forty percent (40%) of its current monthly gross income;
- (e) Temporary or permanent disability, incapacitation or illness, or death of a household member, which reduces the Family income such that the total monthly TTP exceeds forty percent (40%) of its current monthly gross income;

- (f) Significant income loss because of other changed circumstances, including the loss of employment, reduction in work hours or pay, or loss of public benefits; or
- (g) Other circumstances as determined by DCHA.

9118.2 The process for requesting a Hardship Waiver is as follows:

- (a) The Head of Household may request a justifiable Hardship Waiver at any time during the Rent Reform Demonstration Program.
- (b) The Head of Household must initiate a request for a Hardship Waiver by completing and submitting a written hardship request to the Housing Choice Voucher Program.
- (c) The Head of Household may submit evidence to DCHA in support of the Hardship Waiver Request.
- (d) The Head of Household must supply information and documentation that supports a hardship claim with their written request. For example, a household must provide proof of the following: loss of eligibility for a federal state, or local assistance program; loss of employment, reduction in work hours, or loss of federal, state or local assistance; or the temporary or permanent disability, incapacitation or illness, or death of a household member and amount of lost income.
- (e) If the Head of Household claims zero household income as part of its hardship request, it must provide a detailed accounting of funds used to cover basic costs of living (food, personal/family care necessities, etc.).
- (f) To receive a hardship based on the risk of eviction for non-payment of rent, a household must provide a copy of a rent ledger showing an accruing balance, a notice from the landlord, a thirty (30) day Notice to Vacate or Cure or a Summons and Complaint from the landlord for non-payment of rent or any other proof acceptable to DCHA.
- (g) To receive hardship based on the risk of utility shut-off, a household must provide a copy of a shut-off notice, a recent bill from the utility company showing an accruing balance, a notice from the landlord, or any other proof acceptable to DCHA.

9118.3 The Hardship Review Process is as follows:

- (a) The Head of Household may review and obtain a copy of the Family's HCVP file and/or copies of documents or evidence that DCHA relies upon in making any Hardship determination.
- (b) DCHA shall review the Hardship Request and any evidence submitted by the Head of Household in accordance with this section and provide written notice to the Head of Household within ten (10) **business** days of its decision to grant or deny the Hardship requests.
- (c) DCHA shall review all information submitted by the Head of Household regarding the request for Hardship and document its decision in the Head of Household file.
- (d) Where a Hardship Waiver is denied, the Head of Household may request an informal review of DCHA's denial to the Director of the Housing Choice Voucher Program or his/her designee within thirty (30) days of the denial of the Hardship Request.
- (e) If an Informal Review is timely requested, DCHA shall within thirty (30) days review the Hardship Request and any evidence submitted by the Head of Household and issue a written determination and the basis for the approval or denial of the Hardship Waiver.
- (f) For hardship claims related to imminent risk of eviction or utility shut-off, DCHA shall conduct an expedited informal review.

9118.4 At the sole discretion of DCHA, the Hardship Remedies may include any of the following:

- (a) Allowing an additional interim recertification beyond the normal one-per-year option. This could lower a household's TTP, which includes lowering the minimum rent until the next triennial recertification;
- (b) Setting the household's TTP below the minimum, at twenty-eight percent (28%) of current income, for up to one hundred eighty (180) days;
- (c) Offering a "transfer voucher" to support a move to a more affordable unit (including a unit with lower utility expenses); or
- (d) Any combination of the above remedies.

9118.5 During the one hundred eighty (180) day period when the TTP is reduced, DCHA shall recalculate the subsidy payment based on the reduced TTP. DCHA shall notify the Landlord and the Head of Household of the change in subsidy payment.

- 9118.6 In addition to the remedy or remedies offered, the Head of Household may be referred to federal, state or local assistance programs to apply for assistance, or to obtain verification that they are ineligible to receive benefits.
- 9118.7 The Hardship remedies are subject to the following limitations:
- (a) The new Family rent to owner shall be effective on the first (1st) of the month following the submission of an approved hardship request;
 - (b) Remedies shall not affect any rent attributable to a gross rent that exceeds the applicable payment standard;
 - (c) Opting out of the alternative rent policy is not a remedy option.
- 9118.8 Expiration of the Hardship Waiver Period:
- (a) If after the one hundred eighty (180)-day Hardship period expires and the Family's hardship continues, the Family may submit a request for an extension of the hardship remedy.
 - (b) The Family may within thirty (30) days before the expiration of the initial grace period or thereafter submit an additional hardship request.
 - (c) The Hardship Waiver shall never go past the triennial recertification date.
 - (d) At the end of the Hardship Waiver period, the household's regular TTP shall be reinstated.

Interested persons are encouraged to submit comments regarding this Proposed Rulemaking to DCHA's Office of General Counsel. Copies of this Proposed Rulemaking can be obtained at www.dcregs.gov, or by contacting Karen Harris at the Office of the General Counsel, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599 or via telephone at (202) 535-2835. All communications on this subject matter must refer to the above referenced title and must include the phrase "Comment to Proposed Rulemaking" in the subject line. There are two methods of submitting Public Comments:

1. Submission of comments by mail: Comments may be submitted by mail to the Office of the General Counsel, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599.
2. Electronic Submission of comments: Comments may be submitted electronically by submitting comments to Karen Harris at PublicationComments@dchousing.org.
3. No facsimile will be accepted.

Comments Due Date: **October 20, 2014**

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c) (2), (3), (4), (5), (7), (19), 14, 20, and 20f of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2), (3), (4), (5), (7), (19) (2012 Repl. & 2014 Supp.), § 50-313 (2012 Repl. & 2014 Supp.), § 50-319 (2012 Repl. & 2014 Supp.), and § 50-325 (2012 Repl. & 2014 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. & 2014 Supp.); hereby gives notice of its intent to amend Chapter 5 (Taxicab Companies, Associations, and Fleets), Chapter 6 (Taxicab Parts and Equipment) and Chapter 10 (Public Vehicles for Hire of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed rulemaking for Chapters 5, 6, and 10 would accomplish important purposes of the Commission under the Establishment Act, including creating new incentives and requirements to add wheelchair-accessible and fuel efficient vehicles to the fleet, while continuing to allow the retirement of existing gasoline-powered vehicles under the existing rules in § 609 (Age of Taxicabs).

The proposed amendments to Chapter 5 would create a new form of licensing by the Office of Taxicabs (“Office”), based on meeting the eligibility and operating requirements for approval of a modern taxicab association (“MTA”), in addition to the existing requirements for operating authority as a taxicab association. The members of an MTA would be permitted by § 1010 to apply to the Department of Motor Vehicles (“DMV”) to register vehicles jointly as necessary with the MTA provided they reside within the Washington Metropolitan Area and their vehicles meet an approved vehicle plan requiring that, within five (5) years, one hundred percent (100%) of the MTA’s vehicles will be wheelchair accessible and use the most efficient propulsion then available. Each member of an MTA would have the right under the MTA’s bylaws to withdraw from the MTA without penalty at any time and to retain the additional rights granted to members by the amendments to § 1010 proposed in this notice.

The proposed amendments to Chapter 6 would impose new requirements on vehicle owners who place new vehicles into service, to further incentivize the purchase of vehicles which have the most fuel efficient propulsion and are wheelchair-accessible. The proposed amendments to Chapter 6 would not require any gasoline-powered vehicle to be retired sooner than under the current Age of Taxicabs rule in § 609. The proposed rules would allow owners of less efficient or non-accessible vehicles to apply to the Office for approval of a professional conversion to more efficient propulsion or wheelchair accessibility allowing the owner to extend the vehicle’s time in service.

The proposed amendments to Chapter 10 would alter § 1010 as necessary to carry out the Commission’s objectives concerning MTAs and their members, described above, and to make further changes to § 1010 which are intended to incentivize owners to place wheelchair accessible and fuel efficient vehicles into service throughout the fleet. Any person who places into service, as a

replacement vehicle, a new vehicle which utilizes the most fuel efficient propulsion and is wheelchair accessible, and any person who is a member or subsequent transferee of a member of an approved MTA, would own the right under § 1010 to apply to DMV for registration of a vehicle which is the most fuel efficient propulsion available and is wheelchair accessible, and to transfer such right to any other person in perpetuity. Transferability of the right under § 1010 would be conditioned upon pre-approval of each proposed transfer by the Office to ensure compliance with all applicable provisions of this title and other applicable laws, including further transferability and assurance to the satisfaction of the Office that the vehicle will be operated only by an individual who possesses a DCTC accessible vehicle identification (“AVID”) operator’s license. An AVID license would be the only DCTC operator’s license allowing its bearer to operate a wheelchair accessible vehicle. A member of an MTA who jointly owns, with any taxicab company, a vehicle required to be replaced under the existing § 609 (Age of Taxicabs) by December 31, 2014, and who has been unable to secure the taxicab company’s consent to be added to the title of a replacement vehicle, would be permitted by the Office to apply to DMV for a new registration jointly with the MTA, if necessary, while preserving the taxicab’s company rights in the existing registration.

Nothing in the proposed rulemaking would alter the legal rights or obligations of any person under the District of Columbia Municipal Regulations (DCMR) other than the Commission’s rules and regulations which appear in Title 31, including the rules and regulations of DMV.

Directions for submitting comments may be found at the end of this notice. The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice of second proposed rulemaking in the *D.C. Register*.

CHAPTER 5, TAXICAB COMPANIES, ASSOCIATIONS AND FLEETS, is amended as follows:

Section 500, APPLICATION AND SCOPE, is amended to read as follows:

A new Subsection 500.3 is added to read as follows:

500.3 In the event of a conflict between a provision of this section and any other provision of this title, the more restrictive provision shall apply.

A new Section 504 is added to read as follows:

504 MODERN TAXICAB ASSOCIATIONS

504.1 A taxicab association (“association”) interested in receiving approval from the Office of Taxicabs (“Office”) to operate as a modern taxicab association (“MTA”) may apply to the Office for approval under this section.

504.2 An association may apply for approval as an MTA together with its application for a certificate of operating authority under § 501, or at any time thereafter, pro-

vided it meets all requirements of this section at the time of application.

- 504.3 Nothing in this chapter shall be construed as soliciting or creating a contractual relationship, agency relationship, or employer-employee relationship between the District of Columbia and any other person.
- 504.4 Nothing in this chapter shall be construed as creating a right of action against the District of Columbia based on the loss or reduction in value of, or in the loss of transferability of, any legal right or property interest which was due in whole or in part to the action or inaction of any person in violation of the provisions of this title.
- 504.5 Nothing in this chapter shall be construed to alter the legal rights or obligations of any person under any provision of the District of Columbia Municipal Regulations other than the rules and regulations of this title.
- 504.6 An association shall be eligible to apply for approval as an MTA if it meets the requirements of §§ 501-502 and the following additional requirements:
- (a) It shall be in compliance with all applicable provisions of this title and other applicable laws;
 - (b) If the association has not previously been issued an existing certificate of operating authority, it shall have current operating authority under this title, and be in good standing with the Office, including having no pending enforcement actions;
 - (c) It shall have one hundred (100) or more members all of whom are in compliance with the applicable provisions of this section;
 - (d) Each of the association's members who possesses a DCTC operator's license, or owns a vehicle for which registration as a taxicab is sought pursuant to § 1010 in connection with the application, shall be in good standing with the Office, including having no pending enforcement actions against such member; and
 - (e) It shall be in compliance with, or ready and able to comply with, all operating requirements in § 504.14.
- 504.7 Each applicant shall provide the following information and documentation to the Office:
- (a) The name of and contact information for the applicant and its manager;
 - (b) The trade name(s) and logo used by the applicant, if any;

- (c) The name of and contact information for each of the applicant's members;
- (d) For each vehicle which is currently owned exclusively or jointly by a member and used or intended to be used by a member as a taxicab:
 - (1) The make, model, model year, propulsion type, and wheelchair accessibility of the vehicle; and
 - (2) The names and addresses of all owners of the vehicle, the date and place of registration, and whether or not there is a lien on the vehicle;
- (e) Information and documentation showing that the applicant, its members, and its members' vehicles are in compliance with, or ready and able to comply with, all the eligibility requirements of § 504.6 and all the operating requirements in § 504.14;
- (f) A copy of the applicant's bylaws and all other documents which evidences or establishes the legal relationship between the applicant and its members;
- (g) A proposed vehicle plan which would ensure that one hundred percent (100%) of the association's vehicles will be both wheelchair accessible and use the most fuel efficient propulsion within five (5) years from the date of approval of the MTA; and
- (h) Such other information and documentation as stated in any applicable administrative issuance, instruction, or guidance issued by the Office.

504.8 Each application filed with the Office under this section shall be:

- (a) Full and complete;
- (b) Accompanied by full and complete documentation;
- (c) Provided under penalty of perjury and notarized before a notary public;
- (d) Submitted no later than the deadline stated in any applicable administrative issuance, instruction, or guidance issued by the Office; and
- (e) Accompanied by an application fee of five hundred dollars (\$500).

504.9 The Office shall review each application pursuant to the Clean Hands Before Receiving a License of Permit Act, effective May 11, 1996 (D.C. Law 11-118, D.C. Official Code §§ 47-2861, *et seq.*) ("Clean Hands Act") and shall deny the appli-

cation of the applicant or any of its members which are not in compliance with the Clean Hands Act.

- 504.10 An application may be denied if the applicant or any of its members does not cooperate with the Office during the application process, if the application is not complete, or if the applicant or any of its members provides materially false information for the purpose of inducing the Office to grant the application.
- 504.11 If the Office denies an application:
- (a) The Office shall state the reasons for its decision in writing; and
 - (b) The applicant may appeal the decision to the Chief of the Office within fifteen (15) calendar days, and, otherwise, the decision shall constitute a final decision of the Office. The Chief shall issue a decision on an appeal within thirty (30) calendar days. A timely appeal of a denial shall extend any existing approval pending the Chief's decision. A decision of the Chief to affirm or reverse a denial shall constitute a final decision of the Office. A decision of the Chief to remand to the Office for further review of an application shall extend any existing approval pending the final decision of the Office.
- 504.12 Each approval shall be effective for the duration of the MTA's operating authority as a taxicab association provided, however, that notwithstanding other provisions of this section, the MTA may seek to renew its certificate of operating authority at any time within twelve (12) months following its expiration, which, if granted, shall be retroactive for all purposes of this title to the date of expiration. If, at any time or for any reason an association loses its approval to operate as an MTA or its operating authority as an association, its members shall retain all rights granted by this section and by § 1010 which exist at the time the MTA approval is lost.
- 504.13 The Office shall provide to the association a physical certificate reflecting the Office's approval of the association as an MTA, which shall remain the property of the Office and which shall be returned to the Office if, at any time or for any reason the association loses its approval to operate as an MTA or its operating authority as an association.
- 504.14 Each MTA shall at all times be in compliance with the following operating requirements:
- (a) It shall remain in compliance with the eligibility requirements of § 504.6 and all other applicable provisions of this title and other applicable laws;
 - (b) It shall be associated with a single payment service provider ("PSP");

- (c) It shall be associated with not more than one (1) digital dispatch service (DDS);
- (d) Each vehicle associated with it shall be compliant with the MTA’s approved vehicle plan unless a modification of the plan is approved in advance by the Office;
- (e) It shall allow each member to apply for registration of a vehicle pursuant to § 1010 and shall consent, when requested by a member, to appear on the title and/or registration as necessary to allow the vehicle to be registered under all applicable DMV regulations and other applicable laws; and
- (f) It shall allow each member to withdraw from the MTA without financial payment or penalty, and shall make no legal or equitable claim to such member’s vehicle or to such member’s rights created by § 1010 as the result of a joint titling or registration of such vehicle.

504.15 No MTA shall alter its bylaws or other documents which evidence or establish its legal relationship with its members without obtaining prior approval from the Office. Any attempt to violate this subsection shall be null, void, and unenforceable.

504.16 No vehicle associated with an MTA may be placed into service unless it complies with the MTA’s approved vehicle plan, provided however, that a modification of the plan may be granted by the Office for good cause shown where the proposed modification would not impair the rights or obligations of any person under this section or § 1010.

Chapter 6, TAXICAB PARTS AND EQUIPMENT, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended to read as follows:

Section 609 is amended to read as follows:

609 VEHICLE RETIREMENT

609.1 Effective January 1, 2015, no vehicle shall be operated as a taxicab unless it complies with the requirements of this section at the time of its required DMV inspection or an application for a DCTC vehicle license under § 1010, whichever is earlier.

609.2 Notwithstanding the provisions of § 609.1, no gasoline-powered vehicle shall be required to be removed from service prior to the date established by the “Age of Taxicabs” rule in § 609 which is effective on the date these new rules take effect.

609.3 Each vehicle shall be retired by the end of the calendar year in which the vehicle reaches its maximum service life, as stated in § 609.4, or in which it reaches its maximum vehicle mileage, as stated in § 609.5, whichever is earlier. Service life

shall be added to the age of the vehicle based on its model year, which shall be deemed to begin on September 1st, regardless of the particular manufacturer’s actual model year.

609.4 Maximum service life for taxicabs:

VEHICLE PROPULSION	WHEELCHAIR ACCESSIBLE	SERVICE LIFE (YEARS)
CNG or Fuel Cell	Yes	12
CNG or Fuel Cell	No	8
Diesel, E85, or LP	Yes	11
Diesel, E85, or LP	No	7
Hybrid Gasoline	Yes	10
Hybrid Gasoline	No	6
Standard Gasoline	Yes	8
Standard Gasoline	No	4
Key: CNG = Compressed Natural Gas Fuel Cell = Hydrogen Fuel Cell Diesel = Diesel or Bio-Diesel E85 = 85% Ethanol LP = Liquid Propane Hybrid Gasoline = Gasoline-Electric Hybrid		

609.5 Maximum vehicle mileage for taxicabs: forty five thousand (45,000) miles for each year which the vehicle is allowed to be in service under § 609.4.

609.6 No vehicle shall be placed into service if:

- (a) It would have one (1) year or less prior to retirement under § 609.4;
- (b) It has been driven more than one hundred thousand (100,000) miles, regardless of whether it has previously been used as a public vehicle-for-hire; or
- (c) It has been salvaged or rebuilt.

609.7 The owner of a vehicle already in service may file an application with the Office for a one-time extension of the deadline by which the vehicle must be removed from service pursuant to §§ 609.3-609.5. If the request is denied, no additional requests may be filed concerning the vehicle. If the request is granted, no additional extensions may be requested.

- (a) The following provisions shall apply to each petition for an extension:

- (1) The vehicle shall have passed its last two (2) required DMV inspections;
 - (2) The vehicle shall be in excellent mechanical condition and appearance, shall not be a salvaged vehicle, and shall not have any body damage;
 - (3) The vehicle shall not have been driver more than three hundred thousand (300,000) miles at the time the application is filed;
 - (4) The vehicle and its owner shall be in compliance with all applicable provisions of this title, including without limitation the insurance requirements of Chapter 9 and the equipment requirements of Chapter 8; and
 - (5) A petition shall be filed not earlier than one hundred twenty (120) days prior to, and not later than sixty (60) days prior to, December 31st of the year in which the vehicle must otherwise be retired pursuant to §§ 609.3-609.6.
- (b) An application for extension shall be filed by the owner on a form established by the Office, executed under oath, together with a filing fee of fifty dollars (\$50) and accompanied by information and documentation, including a Carfax report, demonstrating to the satisfaction of the Office that the vehicle is in excellent condition. In considering an application, the Office shall use a panel of three (3) individuals, which may include a DMV representative, a public vehicle inspection officer, and any employee of the Office or the Commission's Office of General Counsel.
- (c) If the application is granted, the extension shall not extend the applicable service life based on age by more than three (3) years or based on mileage by more than one hundred thousand (100,000) miles. A denial of the application may not be appealed.

609.8 Notwithstanding the provisions of §§ 609.3-609.5, the owner of a vehicle may file an application with the Office for approval of a proposed conversion of the vehicle's propulsion and/or wheelchair accessibility, to be professionally and timely completed by an established **business** recognized in the public vehicle-for-hire industry as performing such conversions to all applicable industry standards and provisions of this title and other applicable laws, including all ADA standards. If the conversation is approved, it shall be timely performed, and following inspection of the vehicle by the Office, the vehicle's service life pursuant to §§ 609.3-609.5 shall be based on the conversion. Written evidence of the approval shall thereafter be carried in the vehicle at all times and presented upon demand by a District enforcement official.

Chapter 10, PUBLIC VEHICLES FOR HIRE, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended to read as follows:

Section 1010 is amended to read as follows:

1010 ISSUANCE OF DCTC VEHICLE LICENSES

- 1010.1 Nothing in this chapter shall be construed as creating a right of action against the District of Columbia based on the loss or reduction in value of, or in the loss of transferability of, any legal right or property interest which was due, in whole or in part, to the action or inaction of any person in violation of the provisions of this title.
- 1010.2 Nothing in this chapter shall be construed to alter the legal rights or obligations of any person under any provision of the District of Columbia Municipal Regulations other than the rules and regulations of this title.
- 1010.3 Each owner of a public vehicle-for-hire prior to operating in the District shall obtain a DCTC vehicle license from the Office, except as provided in § 1010.4.
- 1010.4 A DCTC vehicle license is not required for the following vehicles:
- (a) Sightseeing vehicles owned by a school, school board, or similar body;
 - (b) Sightseeing vehicles transporting passengers to the District from a point outside the District, if the total operation of the vehicle does not exceed fifteen (15) days during any license year (April 1st through March 31st); and
 - (c) Sightseeing vehicle registered elsewhere than in the District which does not operate for more than fifteen (15) days during any license year (April 1st through March 31st).
- 1010.5 The owner of the vehicle (“applicant”) shall file an application for a license with the Office, which shall determine whether or not the vehicle shall be registered in the District as well as elsewhere, as required by all applicable provisions of this title, DMV regulations and other applicable laws. If it is determined that the vehicle must be registered in the District, the applicant for a license shall meet all the requirements of §§ 1010.7 and 1010.8. The Office’s determination shall be noted upon the application.
- 1010.6 An applicant who is a member of an approved modern taxicab association (“MTA”) under § 504 and is not domiciled in the District shall be eligible for a new DCTC vehicle license and corresponding privilege to apply to DMV for registration and tags pursuant to DMV regulations and other applicable laws, provid-

ed that:

- (a) The vehicle would be registered jointly in the name of the applicant and the MTA pursuant to the applicable provisions of § 504;
- (b) The applicant is or was a joint owner of a vehicle registered in the District in the name of the applicant and a District taxicab company, which is required to be retired from service under the “Age of Taxicabs” rules in § 609 in effect on the date these rules become effective and not later than December 31, 2014; and
- (c) The taxicab company in paragraph (b) has refused to release its interests in the vehicle or in the registration to the applicant upon terms satisfactory to the applicant, following written demand by the applicant, proof of which shall be provided to the Office with the application.

1010.7 Each member of an approved MTA pursuant to § 504, each person who is replacing a vehicle which uses the most efficient propulsion available and is wheelchair accessible, and each transferee of such persons approved by the Office pursuant to § 1010.8, shall possess a perpetual and transferable right to a DCTC vehicle license under this section (and corresponding privilege to apply to DMV for registration and tags pursuant to DMV regulations and other applicable laws), provided that the vehicle to be placed in service shall be:

- (a) A new taxicab vehicle which uses the most efficient propulsion available, is wheelchair accessible,
- (b) Operated only by an operator who possesses a DCTC accessible vehicle identification (“AVID”) operator’s license; and
- (c) Operated only in compliance with all other applicable provisions of this title and other applicable laws.

This subsection shall not guarantee any person’s right to be issued registration or tags by DMV where issuance would be inconsistent with DMV regulations or other applicable laws.

1010.8 Each proposed transfer of a DCTC vehicle license (and corresponding privilege to apply to DMV for registration and tags pursuant to DMV regulations and other applicable laws) pursuant to § 1010.6 shall comply with the following requirements.

- (a) The applicant shall submit an application for a proposed transfer using a form established by the Office, executed under oath, and accompanied by a description of the terms of the proposed transfer, a proposed purchase and sale agreement, and a fee of one hundred dollars (\$100) in addition to

any other fees required by this title.

- (b) Each application shall demonstrate to the satisfaction of the Office that the proposed transfer would ensure and not impair the continued transferability of the DCTC vehicle license (and corresponding privilege to apply to DMV for registration and tags under its regulations and all other applicable laws) pursuant to § 1010.7.

- 1010.9 If the Office determines that the vehicle need not be registered in the District, the applicant shall meet the requirements of § 1010.12.
- 1010.10 Each applicant shall submit the application to the Director of the Department of Finance and Revenue for a determination of applicable taxes. The Director of Finance and Revenue shall note compliance with any applicable **tax** requirements upon the application.
- 1010.11 Each applicant whose vehicle is registered in the District shall present evidence that the vehicle has been inspected by DMV and is in compliance with all other provisions of this title relating to vehicle safety and passenger comfort.
- 1010.12 Each applicant shall present evidence satisfactory to the Office that the vehicle is insured under the provisions of Chapter 9. The Office shall act as agent for the purpose of enforcing insurance regulations and shall maintain records necessary to perform that function.
- 1010.13 Each application shall be made on a form provided by the Office, and shall state the owner's full name, place of residence and **business** addresses, and any other information and documentation required by the Office.
- 1010.14 DMV, acting as agent for the Office, shall inspect taxicabs to ensure compliance with the Commission's regulations concerning authorized vehicle type, paint color(s), trade name, insignias, rate and passenger rights signs, meter seals, cruising lights, upholstery condition, and sanitation.
- 1010.15 The Office shall determine from its own records whether a taxicab owner is in compliance with the color and insignia requirements with respect to company, association, or independent taxicab status.
- 1010.16 The Office, upon receipt of an application for a public vehicle-for-hire and evidence satisfactory to the Office that all requirements of this title have been met, and upon receipt of the proper fee, shall issue a license to the owner.
- 1010.17 The Office shall collect the prescribed fees for each DCTC license sought by the applicant.
- 1010.18 Each license shall be in form prescribed by the Office and shall contain any in-

formation which the Office deems appropriate.

- 1010.19 The Office shall record and maintain records of assignments made by licensees to whom licenses have been issued under this chapter. Each assignment shall be made in the form prescribed by the Office.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Juanda Mixon, Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Juanda Mixon, Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.

DISTRICT OF COLUMBIA TAXICAB COMMISSION**NOTICE OF SECOND PROPOSED RULEMAKING**

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c)(2), (3), (4), (5), (7), (19), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2) (3), (4), (5), (7), (19)), 50-313, 50-319, and 50-320 (2012 Repl. & 2014 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. & 2014 Supp.); hereby gives notice of its intent to adopt amendments to Chapter 8 (Operation of Taxicabs) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The amendments to Chapter 8, in combination with the new Chapter 99 and proposed amendments to Chapters 12, 14, 16, and 17 of Title 31, create a regulatory framework for the licensing and regulation of a new class of public vehicle-for-hire service to be called “private sedan service”, to address the unique issues raised by private sedan service, including rules to require adequate insurance, to ensure the safety of passengers, drivers, and the general public, to protect consumers, to require payment to the District of a passenger surcharge, and for other lawful purposes within the authority of the Commission. The proposed amendments to Chapter 8 would allow digital dispatch services (not taxicab owners or operators) to set the entire fare when dispatching a taxicab, without use of the metered rates set by the Commission, while requiring the operator to continue to use the modern taximeter system to ensure that payment service providers continue to report trip data to the Office of Taxicabs (“Office”) for dispatched trips, for enforcement, research, passenger surcharge reconciliation, and other lawful purposes.

All definitions applicable to this chapter appear in the new Chapter 99 that contains definitions for the entire title.

The original proposed rulemaking was adopted by the Commission on April 9, 2014 and published in the *D.C. Register* on May 9, 2014 at 61 DCR 4737. The Commission held a public hearing on the proposed rules on April 30, 2014, to receive oral comments on the proposed rules. The Commission received valuable comments from the public at the hearing and throughout the comment period which expired on June 15, 2014. The comments received were carefully considered and necessitate a second publication. The second proposed rulemaking was adopted by the Commission on August 6, 2014.

Directions for submitting comments may be found at the end of this notice. The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice of second proposed rulemaking in the *D.C. Register*.

CHAPTER 8, OPERATION OF TAXICABS, is amended as follows:

Section 801, PASSENGER RATES AND CHARGES, is amended to read as follows:

Subsections 801.3 through 801.4 are repealed.

Subsections 801.5 through 801.8 are amended to read as follows:

- 801.5 Each taxicab company, independent owner, taxicab operator, payment service provided, and digital dispatch service shall charge only the applicable taxicab fare established by § 801.7 and shall use only the equipment specified in § 801.6 to process payments.
- 801.6 Equipment to process payments shall be operated as follows:
- (a) The taximeter shall be engaged when a trip is booked by a street hail, telephone dispatch, or digital dispatch, regardless of how payment is made.
 - (b) If a taxicab trip is booked through a street hail, a telephone dispatch, or a DDS which does not process digital payments, the operator shall use the vehicle's MTS unit to process an in-vehicle payment for the entire trip and shall not use any other device.
 - (c) If a taxicab trip is booked through a DDS which processes digital payments, the operator shall use the digital payment solution (handheld or tablet running an app) provided by the DDS to allow the DDS to process a digital payment for the entire trip and shall not use the vehicle's MTS unit to process the payment (except where permitted by an integration agreement between the DDS and the payment service provider ("PSP") approved by the Office pursuant to Chapter 4).
- 801.7 Taxicab fares shall be as follows:
- (a) Each taximeter fare shall consist only of the time and distance charges, and authorized additional charges, provided in this subsection, as applicable.
 - (b) Fare for trips booked on a time basis by advance contract. The hourly rate for a taxicab trip booked on a time basis shall be thirty-five dollars (\$35) for the first one (1) hour or fraction thereof, and eight dollars and seventy-five cents (\$8.75) for each additional fifteen (15) minutes or fraction thereof, without regard to distance. No additional charges are authorized.
 - (c) Fare for trips booked by a street hail, a telephone dispatch or a digital dispatch by a DDS that does not process digital payments (in-vehicle payment only).

- (1) Time and distance charges. The time and distance charges that shall be automatically generated by the taximeter for a taxicab trip booked by a street hail, telephone dispatch, or digital dispatch by a DDS that does not process digital payments are established as follows:
 - (A) Three dollars and twenty-five cents (\$3.25) for entry (drop rate) and the first one-eighth (1/8) of a mile;
 - (B) Twenty-seven cents (\$0.27) for each one-eighth (1/8) of a mile after the first one-eighth (1/8) of a mile;
 - (C) The rate for wait time is twenty-five dollars (\$25.00) per hour. Wait time begins five (5) minutes after the taxicab arrives at the place to which it was dispatched. No wait time shall be charged for premature response to a dispatch. Wait time shall also be charged for time consumed while the taxicab is stopped or slowed to a speed of less than ten (10) miles per hour for longer than sixty (60) seconds and for time consumed for delays or stopovers en route at the direction of the passenger. Wait time shall be calculated in sixty (60) second increments. Wait time does not include time lost due to taxicab or operator inefficiency
- (2) Authorized additional charges. The additional charges which shall be included in the taximeter fare for a trip booked by a street hail, or a telephone dispatch, or a digital dispatch by a DDS that does not process digital payments are the following:
 - (A) A fee for telephone dispatch, if any, which shall be two dollars (\$2.00);
 - (B) A taxicab passenger surcharge, which shall be twenty-five cents (\$.25) (per trip, not per passenger);
 - (C) A charge for delivery service (messenger service and parcel pick-up and delivery), which shall be at the same rate as for a single passenger unless the vehicle is hired by the hour pursuant to § 801.4;
 - (D) An airport surcharge or toll paid by the taxicab operator, if any, which shall be charged in an amount equal to the amount paid by the operator;
 - (E) An additional passenger fee, if there is more than one (1) passenger, which shall be one dollar (\$1.00) regardless of the number of additional passengers (the total fee shall not exceed one dollar (\$1.00)); and

- (F) A snow emergency fare when authorized under § 804.
- (d) Fare for trips booked by digital dispatch and paid by digital payment.
- (1) Time and distance charges. The time and distance charges for a taxicab trip booked by a digital dispatch are established as follows: zero dollars (\$0) regardless of the amount displayed on the taximeter.
 - (2) Authorized additional charges. The additional charges which shall be included in the taximeter fare for a trip booked by a digital dispatch are the following: zero dollars (\$0) regardless of the amount displayed on the taximeter.
 - (3) DDS charges. The only charges, if any, which may be assessed to the passenger for a trip paid by digital payment shall be those charges billed directly to the passenger by the DDS, which shall not be displayed on the taximeter, and which shall adhere to the requirements of § 1402.11, in the same manner and to the same extent as if the taxicab were a black car or a private sedan, including the requirement that the District be paid the passenger surcharge in the manner required by this title.

801.8 Group or shared riding shall be charged as follows:

- (a) Trips booked by street hail, telephone dispatch, or digital dispatch with no digital payment. If more than one (1) passenger enters a taxicab at the same time on a pre-arranged basis (group riding or shared riding) bound for different destinations, the fare shall be charged as follows: As each passenger arrives at his or her destination, the fare then due shall be paid by the passenger(s) leaving the taxicab. There then shall be a new flag drop and the passenger(s) remaining in the group shall pay in the same manner until the last passenger(s) arrives at his or her destination and the final taxicab fare is then paid. There shall be a new flag drop for each leg (or separate destination) of the trip.
- (b) Trips booked by digital dispatch and paid by digital payment. The charges, if any, for group or shared riding shall be established by the DDS. The charges shall not be included in the taximeter fare and shall adhere to the requirements of § 1402.11 in the same manner as if the taxicab were a black car.

Subsection 801.9 is repealed.

Section 803, RECEIPTS FOR TAXICAB SERVICE, is amended as follows:

Subsection 803.1 is amended to read as follows:

803.1 At the end of each taxicab trip, the operator shall provide the passenger with a printed receipt (except as authorized by § 803.3). The printed receipt shall contain the following information:

- (a) The taxicab owner's name and telephone number;
- (b) The taxicab's PVIN number;
- (c) The operator's DCTC commercial operator's license number;
- (d) The trip number;
- (e) The date;
- (f) The starting and ending times;
- (g) The distance traveled;
- (h) The form of payment, including:
 - (1) If the payment was an in-vehicle payment, whether it was made in cash, by payment card (including the type of card, the last four digits of the card number, and the transaction authorization code), by voucher, or by account; and
 - (2) If the payment was a digital payment, the name, customer service telephone number or URL for the DDS's customer service website;
- (i) If the passenger made an in-vehicle payment:
 - (1) The total charges established by § 801.7(c), itemized to show the time and distance charge pursuant to § 801.7(c)(1), and any authorized additional charges pursuant to § 801.7(c)(2), the passenger surcharge, and any gratuity;
 - (2) The last four digits of any payment card processed through the MTS unit and the transaction authorization code; and
 - (3) If the passenger made a digital payment, the following statement:
“[NAME OF DDS] DETERMINED THE AMOUNT OF YOUR TAXICAB FARE AND PROCESSED YOUR PAYMENT. THE AMOUNT YOU PAID MAY BE HIGHER OR LOWER THAN THE AMOUNT DISPLAYED ON THE TAXIMETER, WHICH DID NOT APPLY TO YOUR TRIP.”;

(j) The following statement:

“DCTC COMPLAINTS LINE AND WEBSITE ADDRESS: 855-484-4967, TTY 711, www.dctaxi.dc.gov”.

Subsection 803.3 is amended to read as follows:

803.3 When payment is made by digital payment, the passenger shall receive a printed receipt or an electronic receipt containing the information required by § 803.1, which shall be sent to the passenger via email address or SMS text message not later than when the passenger exits the vehicle.

Section 822, OPERATION OF PUBLIC VEHICLES FOR HIRE, is amended as follows:

A new Subsection 822.23 is added to read as follows:

822.23 No operator of a taxicab shall use the services of more than one (1) DDS at a time. There shall be a rebuttable presumption that the operator has violated this provision if there is, present in the vehicle, more than one (1) DDS device (app) present in the vehicle.

Section 823, MANIFEST RECORD, is amended as follows:

Subsection 823.1 is amended to read as follows:

823.1 An operator of a public vehicle-for-hire shall maintain a daily log record (manifest) of all trips made by the vehicle while under his or her control. A manifest shall be on a form approved by the Office or, when applicable, in an electronic form as part of a digital payment solution for taxicab dispatch and payment, or a digital payment solution for black cars or private sedans. An electronic manifest shall contain, at a minimum, all the information required by § 823, all information required for each receipt by § 803, and all information required by Chapter 16. An electronic manifest for a taxicab must be capable of providing a printed record immediately upon demand by a District enforcement official.

Section 826, FILING OF COMPLAINTS, is amended as follows:

Subsection 826.1 is repealed.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Juanda Mixon, Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Juanda Mixon, Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c) (3), (7), (12), and (19), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307 (c) (3), (7), (12), and (19)), 50-313, 50-319, and 50-320 (2012 Repl. & 2014 Supp.)), hereby gives notice of its intent to adopt amendments to Chapter 8 (Operation of Taxicabs) and Chapter 99 (Definitions) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendments to Chapters 8 and 99 would clarify the definition of “shared riding” and allow the Chief of the Office of Taxicabs to have the flexibility to designate share ride locations as needed to best serve the interests of passengers, owners, operators, and the venues at which shared riding may be allowed, for other lawful purposes within the authority of the Commission.

The proposed rulemaking was adopted on August 6, 2014. Directions for submitting comments may be found at the end of this notice. The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice of proposed rulemaking in the *D.C. Register*.

CHAPTER 8, OPERATION OF TAXICABS, is amended as follows:**Section 808, GROUP RIDING AND SHARED RIDING, is amended to read as follows:****Subsection 808.2 is amended to read as follows:**

808.2 Shared riding, as defined in § 9901.1 is authorized under this chapter only at a shared riding location designated by the Chief of the Office in an administrative issuance issued pursuant to Chapter 7. An operator shall not pick up a passenger at a designated shared riding location except at the designated taxi stand nor discharge a passenger except at the designated discharge stand. Violations of this subsection are subject to a civil fine of one hundred dollars (\$100).

CHAPTER 99, DEFINITIONS, is amended as follows:**Section 9901.1, is amended to read as follows:**

“**Shared riding**” – a group of two (2) or more passengers arranged by a starter at a location, which has been expressly designated by the Chief of the Office in an Office Issuance issued pursuant to Chapter 7 of this title, where there are common or different destinations.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Juanda Mixon, Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by mail to the D.C. Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, D.C. 20020, Attn: Juanda Mixon, Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.

DISTRICT OF COLUMBIA TAXICAB COMMISSION**NOTICE OF SECOND PROPOSED RULEMAKING**

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c)(2), (3), (4), (5), (7), (19), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2) (3), (4), (5), (7), (19)), 50-313, 50-319, and 50-320 (2012 Repl. & 2014 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. & 2014 Supp.), hereby gives notice of its intent to adopt amendments to Chapter 12 (Luxury Services – Owners, Operators, and Vehicles) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The amendments to Chapter 12, in combination with the new Chapter 99 and proposed amendments to Chapters 12, 14, 16, and 17 of Title 31, create a regulatory framework for the licensing and regulation of a new class of public vehicle-for-hire service to be called “private sedan service”, to address the unique issues raised by private sedan service, including rules to require adequate insurance, to ensure the safety of passengers, drivers, and the general public, to protect consumers, to require payment to the District of a passenger surcharge, and for other lawful purposes within the authority of the Commission. The proposed amendments to Chapter 8 would allow digital dispatch services (not taxicab owners or operators) to set the entire fare when dispatching a taxicab, without use of the metered rates set by the Commission, while requiring the operator to continue to use the modern taximeter system to ensure that payment service providers continue to report trip data to the Office of Taxicabs (“Office”) for dispatched trips, for enforcement, research, passenger surcharge reconciliation, and other lawful purposes.

All definitions applicable to this chapter appear in the new Chapter 99 that contains definitions for the entire title.

The original proposed rulemaking was adopted by the Commission on April 9, 2014 and published in the *D.C. Register* on May 9, 2014 at 61 DCR 4743. The Commission held a public hearing on the proposed rules on April 30, 2014, to receive oral comments on the proposed rules. The Commission received valuable comments from the public at the hearing and throughout the comment period which expired on June 15, 2014. The comments received were carefully considered and necessitate a second publication. The second proposed rulemaking was adopted by the Commission on August 6, 2014.

Directions for submitting comments may be found at the end of this notice. The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice of second proposed rulemaking in the *D.C. Register*.

Chapter 12, LUXURY SERVICES – OWNERS, OPERATORS AND VEHICLES, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE is amended as follows:

Section 1200, APPLICATION AND SCOPE, is amended as follows:

Subsection 1200.1 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:

1200.1 This chapter shall be applicable to and govern all limousine and black car organizations, operators, and vehicles doing **business** in the District of Columbia (District).

Subsection 1200.3 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:

1200.3 This chapter establishes licensing and operating requirements for luxury class service, comprised of black car service and limousine service. Additional and more specific operating requirements applicable only to black car service, beginning on November 1, 2013, are contained in Chapter 14 of this title.

Section 1201, GENERAL REQUIREMENTS, is amended as follows:

Subsection 1201.1 is amended by striking the words “sedan” and “sedans” and inserting the words “black car” and “black cars” in its place, to read as follows:

1201.1 Operators may be licensed by the Office of Taxicabs (Office) pursuant to § 1209 to provide limousine service, black car service, or both, and luxury class service (LCS) vehicles may be licensed by the Office pursuant to § 1204 for use as limousines, as black cars, or both. All LCS vehicles may be used as limousines, but only LCS vehicles meeting the definition of “black car” in § 1299.1 may be operated as black cars.

Subsection 1201.2 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:

1201.2 The Office may issue Office orders approving certain vehicles as meeting the definition of “black car” in Chapter 99.

Subsection 1201.4 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:

1201.4 Vehicle requirements. A vehicle shall be authorized to provide luxury class services if it:

- (a) Has been approved and licensed by the Office pursuant to § 1204 for use as a black car, a limousine, or both;
- (b) Is registered and displays valid and current livery tags (also called “L-tags”) from DMV;

- (c) Has a valid and current inspection from DMV pursuant to § 1215 and applicable DMV regulations, including inspection for current compliance with the definition of a black car under § 1299.1, where applicable;
- (d) Is operated in compliance with § 1201.5; and
- (e) Is in compliance with Chapter 9 (Insurance Requirements) of this title.

Subsection 1201.5 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:

1201.5 Operating requirements. Luxury class service shall not be provided unless, from the time each trip is booked, through the conclusion of the trip, all of the following requirements are met:

- (a) The operator is in compliance with § 1201.3;
- (b) The vehicle is in compliance with § 1201.4;
- (c) The owner is in compliance with § 1202.1;
- (d) The operator is maintaining at the Office current contact information, including his or her full legal name, residence address, cellular telephone number, and, if associated with an LCS organization, contact information for such organization or for the owner for which he or she drives, and informs the Office of any change in the foregoing information within five (5) **business** days through U.S. Mail with delivery confirmation, by hand delivery, or in such other manner as the Office may establish in an Office order;
- (e) The operator is maintaining in the vehicle a manifest that:
 - (1) Is either:
 - (A) In writing, compiled by the operator not later than the end of each shift using documents stored safely and securely in the vehicle; or
 - (B) Electronic, compiled automatically and in real time throughout each shift;
 - (2) Is in a reasonable, legible, and reliable format that safely and securely maintains the information;
 - (3) Reflects all trips made by the vehicle during the current shift;

- (4) Includes the date, the time of pick up, the address or location of the pickup, the final destination, and the time of discharge;
 - (5) Does not include terms such as “as directed” in lieu of any information required by this paragraph; and
 - (6) Is kept in the vehicle readily available for immediate inspection by a District enforcement official (including a public vehicle enforcement inspector (hack inspector)).
- (f) Where limousine service is provided, the trip is booked by contract reservation based on an hourly rate;
 - (g) Beginning November 1, 2013, where black car service is provided, the trip is conducted in accordance with the operating requirements of Chapter 14 of this title;
 - (h) The trip is not booked in response to a street hail solicited or accepted by the operator or by any other person acting on the operator’s behalf; and
 - (i) There is no individual present in the vehicle who is not the operator or a passenger for whom a trip is booked or payment is made.

Section 1203, REQUIREMENT OF BASE OWNER, is amended as follows:

Subsection 1203.1 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:

1203.1 Each limousine or black car base owner may maintain an office in the District with an operable telephone number listed in the name of the organization.

Section 1204, LICENSING OF LCS VEHICLES, is amended as follows:

Subsection 1204.2 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:

1204.2 Each applicant shall file an application for each vehicle license using a form approved by the Office, accompanied by the applicable fee. Each application shall set forth the applicant’s lawful name, **business** address(es), **business** and mobile telephone numbers, **tax** identification number, and an indication of whether the applicant intends to operate the vehicle as a limousine, as a black car, or as both.

Subsection 1204.4 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:

1204.4 The Office shall inspect the vehicle to determine whether it meets the definitions

of “black car”, “limousine”, or both, as set forth in § 1299.1, consistent with the applicant’s stated intentions for the use of vehicle.

Section 1205, LICENSING OF LCS VEHICLE OPERATORS – ELIGIBILITY REQUIREMENTS, is amended as follows:

Subsection 1205.12 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:

1205.12 Notwithstanding the provisions of § 1205.11, if the parole or the probation arose out of a conviction other than those listed in § 1205.13, the parolee’s or probationer’s application may be considered for approval if a letter from the appropriate parole or probation officer is submitted with the application stating that there is no objection to the issuance of a limousine or black car operator’s license.

Section 1206, LICENSING OF LCS VEHICLE OPERATORS – APPLICATION PROCESS, is amended as follows:

Subsection 1206.1 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:

1206.1 Each application for an operator’s license shall use a form provided by the Office, shall indicate the applicant’s choice of whether such applicant proposes to be licensed to provide limousine service, black car service, or both, and shall be accompanied by the applicable fee.

Section 1213, WHEELCHAIR ACCESSIBILITY REQUIREMENTS FOR LCS ORGANIZATION PROVIDING SEDAN SERVICE, is amended as follows:

The title is amended to read as follows:

1213 WHEELCHAIR ACCESSIBILITY REQUIREMENTS FOR LCS ORGANIZATIONS PROVIDING BLACK CAR SERVICE

Subsection 1213.1 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:

1213.1 Each LCS organization with twenty (20) or more black car class vehicles in its fleet that does not have wheelchair-accessible vehicles in its fleet shall provide contact information for LCS organizations that do have such vehicles, when requested by a customer.

Subsection 1213.2 is amended by striking the word “sedans” and inserting the words “black cars” in its place, to read as follows:

1213.2 Each LCS organization with twenty (20) or more vehicles licensed under this

Chapter to be operated as black cars on or after the effective date of this rulemaking, shall dedicate a portion of such vehicles as follows:

- (a) At least six percent (6%) of such vehicles shall be wheelchair-accessible by December 31, 2014;
- (b) At least twelve percent (12%) of such vehicles shall be wheelchair-accessible by December 31, 2016; and
- (c) At least twenty percent (20%) of such vehicles shall be wheelchair-accessible by December 31, 2018.

Section 1220, PROHIBITIONS, is amended as follows:

Subsection 1220.3 is amended by striking the word “sedan” and inserting the words “black car” in its place.

1220.3 Beginning November 1, 2013, no operator shall provide black car service except as provided in this chapter and in Chapter 14 of this title.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Juanda Mixon, Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Juanda Mixon, Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.

DISTRICT OF COLUMBIA TAXICAB COMMISSION**NOTICE OF SECOND PROPOSED RULEMAKING**

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c)(2), (3), (4), (5), (7), (19), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2) (3), (4), (5), (7), (19)), 50-313, 50-319, and 50-320 (2012 Repl. & 2014 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. & 2014 Supp.), hereby gives notice of its intent to adopt amendments to Chapter 14 (Operations of Sedans) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The amendments to Chapter 14, in combination with the new Chapter 99 and proposed amendments to Chapters 8, 12, 14, 16, and 17 of Title 31, create a regulatory framework for the licensing and regulation of a new class of public vehicle-for-hire service to be called “private sedan service”, to address the unique issues raised by private sedan service, including rules to require adequate insurance, to ensure the safety of passengers, drivers, and the general public, to protect consumers, to require payment to the District of a passenger surcharge, and for other lawful purposes within the authority of the Commission. The proposed amendments to Chapter 8 would allow digital dispatch services (not taxicab owners or operators) to set the entire fare when dispatching a taxicab, without use of the metered rates set by the Commission, while requiring the operator to continue to use the modern taximeter system to ensure that payment service providers continue to report trip data to the Office of Taxicabs (“Office”) for dispatched trips, for enforcement, research, passenger surcharge reconciliation, and other lawful purposes.

All definitions applicable to this chapter appear in the new Chapter 99 that contains definitions for the entire title.

The original proposed rulemaking was adopted by the Commission on April 9, 2014 and published in the *D.C. Register* on May 9, 2014 at 61 DCR 4749. The Commission held a public hearing on the proposed rules on April 30, 2014, to receive oral comments on the proposed rules. The Commission received valuable comments from the public at the hearing and throughout the comment period which expired on June 15, 2014. The comments received were carefully considered and necessitate a second publication. The second proposed rulemaking was adopted by the Commission on August 6, 2014.

Directions for submitting comments may be found at the end of this notice. The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice of second proposed rulemaking in the *D.C. Register*.

Chapter 14, OPERATION OF SEDANS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is deleted.

A new Chapter 14, OPERATION OF BLACK CARS AND PRIVATE SEDANS is added as follows:

CHAPTER 14 OPERATION OF BLACK CARS AND PRIVATE SEDANS

1400 APPLICATION AND SCOPE

- 1400.1 This chapter establishes licensing and operating requirements applicable to the businesses and individuals that provide black car service and private sedan service, to ensure the safety of passengers, operators, and the general public, to protect consumers, to require the collection of and payment to the District of Columbia of a passenger surcharge, and for other lawful purposes.
- 1400.2 The provisions of this chapter shall be interpreted to comply with the language and intent of the Establishment Act, as amended.
- 1400.3 Additional requirements for the owners, operators, and vehicles that participate in black car service are contained in Chapter 12.
- 1400.4 Additional requirements for the private sedan businesses, operators, and vehicles that participate in black car service are contained in Chapter 17.
- 1400.5 Additional requirements for digital dispatch services are contained in Chapter 16.
- 1400.6 This chapter shall not apply to “ridesharing”, as defined in this title.
- 1400.7 This chapter shall apply to private sedan service beginning on _____ 2014 (“implementation date”).
- 1400.8 In the event of a conflict between a provision of this chapter and a provision of another chapter of this title, the more restrictive provision shall control.

1401 GENERAL PROVISIONS

- 1401.1 Each trip by a black car and, beginning on the implementation date, each trip by a private sedan, in the District of Columbia shall meet the following requirements, in addition to other requirements stated in this chapter:
- (a) It shall be booked through a digital dispatch and paid for by a digital payment processed by a digital dispatch service which is in compliance with Chapter 16 and this chapter;
 - (b) The operator and vehicle shall be on the inventory of active operators and vehicles maintained with the Office by the DDS (for black cars) and by the private sedan **business** (for private sedans);

- (c) The operator and the vehicle shall be in compliance with this chapter and Chapter 17, including all licensing and insurance requirements; and
- (d) The passenger surcharge shall be paid to the District.

1402 OPERATING REQUIREMENTS

- 1402.1 Each black car owner, operator, and vehicle shall, at all times, be in compliance with all applicable provisions of this chapter and Chapter 12.
- 1402.2 Each private sedan operator and vehicle shall at all times be in compliance with all applicable provisions of this chapter and Chapter 17.
- 1402.3 Each operator shall be associated with a single DDS which is in compliance with the provisions of Chapter 16, including adhering to the registration requirement of that chapter, and of this chapter.
- 1402.4 Each operator shall provide black car or private sedan service using a digital payment system (“DPS”) unit which complies with Chapter 16.
- 1402.5 Each operator and vehicle shall provide service only at such times when both the operator and the vehicle are on the appropriate inventory of active operators and vehicles maintained with the Office.
- 1402.6 Each operator and owner shall cooperate with the Office and District enforcement officials, including all compliance orders issued orally by public vehicle inspection officers (hack inspectors), and in writing by the Office. Failure to timely and fully comply with a compliance order shall subject to the civil penalties provided in this title.
- 1402.7 Each operator shall comply with the following documentation requirements:
 - (a) Each operator shall at all times while associated with a DDS and operating a vehicle used as a black car or private sedan, carry on his or her person or have readily available inside the vehicle, the following documents:
 - (1) The operator’s personal driver’s license;
 - (2) The registration for the vehicle;
 - (3) The operator’s DCTC operator’s license identification card or private sedan operator’s identification card; and
 - (4) Such insurance cards as are necessary to document that the operator and the vehicle are in compliance with all applicable insurance requirements.

- (b) As an alternative means of compliance with § 1402.7(a)(3) and (4), an operator may present for inspection by a District enforcement official one or more detailed images on the digital payment system (the app) which accurately depicts the required documents if the DDS chooses to offer this service, provided however, that:
 - (1) It shall not be a defense in any enforcement action that an image of a required document was unavailable at the time of an inspection; and
 - (2) Nothing in this subsection shall relieve an operator of an obligation under regulations issued by agencies other than DCTC.
- (c) Each private sedan vehicle shall at all times clearly display the DCTC private sedan vehicle decal required by Chapter 17 in a suitable location as directed by the Office.

1402.8 Each black car owner and operator shall comply with the following insurance requirements:

- (a) Each black car owner, operator, and vehicle shall at all times be in full compliance with the insurance requirements of Chapter 9. Each black car owner or operator that fails to comply with applicable insurance requirements shall be subject to the civil penalties in § 907 for failure to maintain commercial insurance.
- (b) Each private sedan operator and vehicle shall at all times be in full compliance with the insurance requirements of Chapter 17. Each private sedan operator who fails to comply with applicable insurance requirements shall be subject to the following civil penalties:
 - (1) First offense: immediate suspension for six (6) months, and a one thousand five hundred dollar (\$1,500) civil fine; and
 - (2) Second offense: immediate suspension, revocation, and a three thousand dollar (\$3,000) civil fine.

1402.9 Each trip by black car or private sedan shall comply with the following booking and payment requirements:

- (a) Each trip by black car or private sedan shall be booked through a digital dispatch and be paid for by a digital payment, both of which shall be processed by the DDS using its DPS (smartphone or tablet, and app).

- (b) Each black car or private sedan operator who solicits or accepts a street hail shall be subject to the following civil penalties:
 - (1) First offense: immediate suspension for three (3) months, and a one thousand dollar (\$1,000) civil fine; and
 - (2) Second offense: immediate suspension, revocation, and a two thousand dollar (\$2,000) civil fine.
- (c) Each black car or private sedan operator who engages in false dispatch shall be subject to the following civil penalties:
 - (1) First offense: immediate suspension for six (6) months, and a one thousand five hundred dollar (\$1,500) civil fine; and
 - (2) Second offense: immediate suspension, revocation, and a three thousand dollar (\$3,000) civil fine.

1402.10 Each owner and operator of a black car and each private sedan operations shall maintain and provide the following information:

- (a) Each owner and operator of a black car, and each private sedan **business**, shall ensure that the following information is at all times maintained correctly and accurately with the DDS, and updated within three (3) **business** days of any change:
 - (1) The full name, home address, home telephone number, cellular telephone number, social security number, and date of birth of the operator;
 - (2) For black car service, if the vehicle is owned by an LCS organization, the name of the organization, and its name and contact information;
 - (3) The make, model, year, vehicle identification number (VIN), and tag number of the vehicle;
 - (4) The operator's personal driver's license number;
 - (5) The operator's DCTC operator's license number or private sedan operator's license number, as applicable;
 - (6) The operator's personal motor vehicle insurance policy information, including the policy number and the expiration date;
 - (7) A statement of whether the vehicle is wheelchair accessible; and

- (8) A statement of whether the vehicle is designated by the owner or operator as “smoking” or “non-smoking”, pursuant to § 1402.12.
- (b) Each private sedan operator shall:
 - (1) Within five (5) days of any of the following incidents that occur while the operator is providing service or is otherwise operating the vehicle for any purpose, report to the DDS and to the private sedan **business**:
 - (A) An accident involving the vehicle;
 - (B) An injury to any person;
 - (C) An arrest of the operator for any reason, or
 - (D) A citation issued to the operator for a moving violation.
 - (2) Immediately notify the DDS and the private sedan **business** if his or her personal motor vehicle insurance policy is not in effect, during which time he or she shall not provide service and shall not sign into the digital payment system (the app).

1402.11 The fares for black car and private sedan service, if any, shall:

- (a) Be based on time and distance rates as set by the DDS except for a set fare for a route approved by the Office order for a well-traveled route, including a trip to an airport or to an event;
- (b) Be consistent with the DDS’ statement of its fare calculation method posted on its website pursuant to Chapter 16;
- (c) Be disclosed to the passenger in a statement of the DDS’ fare calculation method;
- (d) Be used to calculate an estimated fare, if any, and disclosed to the passenger prior to the acceptance of service;
- (e) State whether demand pricing applies and, if so, the effect of such pricing on the estimate;
- (f) Not exceed the estimated fare, if any, by more than twenty percent (20%) or twenty five dollars (\$25), whichever is less, unless the excess is due to delays or stopovers en route at the request of the passenger, or other

factors beyond the operator's control, such as traffic, accidents, or construction;

- (g) Not include a gratuity that does not meet the definition of a "gratuity" as defined in this title; and
- (h) Include the passenger surcharge, unless the DDS or another entity chooses to pay it to the District on behalf of the passenger provided it is paid in the manner and at the time required by all applicable provisions of this title.

1402.12 Each charge other than a passenger rate or charge, such as a trip cancellation fee, membership fee, or other similar charge, shall be disclosed to the passenger prior to acceptance of the service.

1402.13 Smoking designation. Each black car owner and private sedan operator shall designate his or her vehicle as a "smoking" or "non-smoking" vehicle, at the time the vehicle is first put into service under this chapter and maintain the vehicle as follows:

- (a) Neither a "smoking" vehicle nor a vehicle in which smoking has occurred in the three (3) years prior to the use of the vehicle as a public vehicle-for-hire shall be re-designated a "non-smoking" vehicle. For a private sedan, such a designation shall be consistent with any policy of the private sedan **business** regarding smoking.
- (b) If a vehicle is designated as a "non-smoking" vehicle, smoking shall not be permitted in the vehicle at any time by any person, including the operator.
- (c) If a vehicle is designated as a "smoking" vehicle:
 - (1) When the operator is providing service, smoking shall only be permitted with prior consent of all passengers pursuant to the Smoking Restriction Act; and
 - (2) When the operator is providing service, the operator shall not smoke or handle tobacco products, lighters, or matches.
- (d) The designation of a vehicle as "smoking" or "non-smoking" shall be disclosed to the passenger prior to the acceptance of the service.

1402.14 Unauthorized passengers. Each black car or private sedan operator shall provide service only if all the passengers in the vehicle are passengers who have been picked up pursuant to a digital dispatch. No other passenger shall be allowed.

- 1402.15 Each black car and private sedan operator shall comply with the following additional operating requirements:
- (a) Each black car and private sedan operator shall comply with the following rules of Chapter 8: § 807.3 (Distracted Driving Safety Act); § 807.4 (use of mobile phone or other electronic device); § 810.2 (unauthorized signs, provided however, that approved trade dress may be placed on private sedans pursuant to Chapter 17); § 814.7 (counterfeiting of licensing documents); §§ 816.1-816.14 (standards of conduct, including the requirement to report an arrest of the operator); § 817.1 (harassment and use of physical force); § 818 (discrimination prohibited); § 821.5 (loitering prohibited); § 821.7 (use of taxicab stands); § 823 (manifest record, which may be provided through the DPS unit of a registered DDS); § 824 (sanctions and penalties); § 826 (filing of complaints).
 - (b) Each black car operator shall comply with § 828 (reciprocity with surrounding jurisdictions).

1403 PROHIBITIONS

- 1403.1 No operator shall provide service or sign into the digital payment system (the app) if either the operator or the vehicle do not have current and valid licenses under the applicable provisions of this title.
- 1403.2 No private sedan operator shall provide service or sign into the digital payment system (the app) if the DCTC private sedan vehicle decal is not properly displayed on the vehicle in the manner prescribed by the Office pursuant to Chapter 17.
- 1403.3 No operator shall provide service or sign into the digital payment system (the app) if either the operator or the vehicle are not in full compliance with all applicable insurance requirements of this title.
- 1403.4 No operator shall provide service or sign into the digital payment system (the app) if his or her DCTC operator's or private sedan license has been suspended, revoked, or not renewed by the Office, or, if the operator is a private sedan operator, if he or she has disaffiliated from, or been suspended or terminated by, the private sedan **business**.
- 1403.5 No operator shall associate with a digital dispatch service which is not registered under Chapter 16.
- 1403.6 No private sedan operator shall associate with a private sedan **business** that is not licensed under Chapter 16.

- 1403.7 No operator shall provide service while under the influence of illegal intoxicants or legal intoxicants that have been prescribed with a warning against use while driving or operating equipment.
- 1403.8 No operator shall solicit or accept a street hail, engage in false dispatch, or use a taxicab stand.
- 1403.9 No operator who possesses a private sedan operator's license shall be signed into the digital payment system and providing private sedan service for more than twenty (20) hours per week.
- 1403.10 No operator shall accept a payment from a passenger, or provide service, unless the amount of the fare (including any gratuity), and the method of payment, comply with all applicable provisions of this chapter and Chapter 16.
- 1403.11 No operator shall access or attempt to access a passenger's payment information after the payment has been processed.
- 1403.12 No operator shall fail or refuse to pick up a passenger at the time and location agreed in the digital dispatch.
- 1403.13 No operator shall violate a provision of §§ 1402.12 through 1402.14.
- 1403.14 No operator or owner shall hinder or prevent the collection of the passenger surcharge for any trip, provided however, that a DDS or other entity may choose to pay the surcharge on behalf of the passenger provided it is paid to the District as required by the title.
- 1403.15 No operator or owner shall alter or tamper with any component of a DPS unit (including a tablet, smartphone, or the app) or make any change in the unit or the vehicle that prevents it from operating as required by the DDS or by this title.
- 1403.16 No operator shall provide service using a DPS unit that has been tampered with, broken, or altered. The operation of a vehicle with a tampered, broken, or altered DPS shall give rise to a rebuttable presumption that the operator knew of the tampering, breaking, or alteration.
- 1403.17 No operator shall fail to comply with the documentation requirements of § 1402.7.
- 1403.18 No operator shall use the services of more than one (1) DDS at a time. There shall be a rebuttable presumption that the operator has violated this provision if there is, present in the vehicle, more than one (1) DDS device (app) present in the vehicle.

1404 PENALTIES

1404.1 Each violation of this chapter, or violation of Chapter 17 of this title, shall subject an owner or operator to:

- (a) A civil fine established by a provision of this chapter;
- (b) Suspension, which, for operators, may include one or more conditions, to be paid for by the violator, which the Office determines are related to the misconduct, including, but not limited to:
 - (1) Completion of a course in anger management course, cultural sensitivity course, sexual harassment, driver education, or another subject related to the misconduct; and
 - (2) Re-taking of the DCTC operator's training course (for black car owners and operators).
- (c) Revocation, or non-renewal of an operator's license and/or vehicle license issued pursuant to this title;
- (d) Impoundment of a vehicle operated in violation of this chapter, as provided in the Impoundment Act;
- (e) Confiscation of equipment (a tablet or smartphone) used in violation of this chapter; and
- (f) A combination of the sanctions enumerated in parts (a) through (e) of this subsection.

1404.2 Penalties for each violation of this chapter by a DDS shall be accordance with the penalties provisions of Chapter 16.

1404.3 Except where otherwise specified in this title or chapter, the following civil fines are established for violations of this chapter, which, unless otherwise stated in this chapter, shall double for the second violation of the same provision, and triple for each violation of the same provision thereafter:

- (a) A civil fine of two hundred fifty (\$250) dollars where no civil fine is enumerated;
- (b) For a violation of § 1402.7 for failure to comply with documentation requirements: a civil fine of three hundred dollars (\$300);
- (c) For a violation of § 1402.6 for failure to cooperate with the Office or a District enforcement official, including a failure to obey an oral compliance order by a public vehicle inspection officer, a civil fine of five

hundred dollars (\$500);

- (d) For a violation of § 1402.11 by accepting an unlawful gratuity: a civil fine equal to ten (10) times the amount of the unlawful gratuity, or three hundred dollars (\$300), whichever is greater;
- (e) For a violation of § 1402.11 by engaging in conduct which causes the District to not be paid a passenger surcharge in the amount and at the time required by this title: a five hundred dollar (\$500) civil fine;
- (f) For a violation of § 1402.15 for engaging in unlawful discrimination, as prohibited by § 818: a civil fine of seven hundred fifty dollars (\$750); and
- (g) For a violation of § 1402.14 for providing service while transporting a passenger other than a passenger picked up pursuant to a dispatch: a civil fine of three hundred dollars (\$300).

1404.4 The enforcement of any provision of this chapter shall be governed by the applicable enforcement procedures of Chapter 7 of this title.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Juanda Mixon, Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Juanda Mixon, Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF SECOND PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c)(2), (3), (4), (5), (7), (19), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2) (3), (4), (5), (7), (19), 50-, 50-319, and 50-320 (2012 Repl. & 2014 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. & 2014 Supp.), hereby gives notice of its intent to adopt amendments to Chapter 16 (Dispatch Services) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendments would, in sum, create a regulatory framework for the licensing and regulation of a new class of public vehicle-for-hire service to be called “private sedan service”, to address the unique issues raised by private sedan service, including rules to require adequate insurance, to ensure the safety of passengers, drivers, and the general public, to protect consumers, and to require payment to the District of a passenger surcharge, and for other lawful purposes within the authority of the Commission. The proposed amendments in this chapter would, *inter alia*: (1) establish rules to allow digital dispatch services to register with the Office of Taxicabs to book trips with taxicabs, black cars, and/or private sedans; and (2) require that any passenger surcharge payments by the DDS for black car or private sedan service, and accompanying trip data, be submitted on a quarterly basis. All definitions applicable to this chapter will be moved to a new Chapter 99 that contains definitions for the entire title.

The rules and regulations proposed in this notice would minimally regulate digital dispatch services only in the manner and to the extent authorized by law, including, *inter alia*, recent amendments to the Act allowing the Commission to establish procedures for the implementation of a passenger surcharge and for the administration of a passenger surcharge amount, and to promulgate rules and regulations respecting digital dispatch services that are necessary for the safety of customers and drivers or consumer protection, which protect personal privacy rights of customers and drivers which do not result in the disclosure of confidential **business** information and which allow providers to limit the geographic location of trip data to individual census tracts. Under the proposed rules, the digital dispatch service must: (1) maintain an inventory of active private sedan drivers and vehicles with the Office for enforcement, data reconciliation, and other lawful purposes; and (2) must report, on a quarterly basis, trip data to the Office for dispatched trips (which may be generalized to census tract level for pickup and drop off locations), for enforcement, research, data reconciliation, passenger surcharge reconciliation, and other lawful purposes. There is no other practicable and reliable source for these two sets of information, nor for the collection and payment of passenger surcharges. These obligations at most impose a de minimis burden on a digital dispatch service, as it is already in possession of this information for its own **business** purposes, and it processes all payments.

The proposed rules were adopted on April 9, 2014. The proposed rules amending Chapter 16 of DCMR Title 31 were originally approved by the Commission for publication on April 9, 2014, and published in the *D.C. Register* on May 16, 2014, at 61 DCR 5009. The Commission held a

public hearing on the proposed rules on April 30, 2014 to receive oral comments from the public on the proposed rules. The Commission received valuable comments from the public at the hearing and throughout the comment period which expired on June 15, 2014. The comments received were carefully considered and necessitate a second publication.

Directions for submitting comments may be found at the end of this notice. The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this Notice of Proposed Rulemaking in the *D.C. Register*.

Chapter 16, DISPATCH SERVICES, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended to read as follows:

CHAPTER 16 DISPATCH SERVICES

1600 APPLICATION AND SCOPE

- 1600.1 This chapter establishes rules applicable to dispatch services for public vehicles-for-hire to ensure the safety of passengers and operators, to protect consumers, and to require payment to the District of a passenger surcharge.
- 1600.2 This chapter shall not apply to ridesharing, as defined in this title.
- 1600.3 This chapter shall apply to private sedan service beginning on _____ 2014 (“private sedan implementation date”).
- 1600.4 In the event of a conflict between a provision of this chapter and a provision of another chapter of this title, the more restrictive provision shall apply.

1601 GENERAL REQUIREMENTS

- 1601.1 Each dispatch service shall operate in compliance with all applicable provisions of this title when dispatching a taxicab or black car, and, beginning on the private sedan implementation date, when dispatching a private sedan.
- 1601.2 No person shall provide telephone dispatch, digital dispatch, or digital payment for public vehicles-for-hire in the District, except in compliance with this chapter, all applicable provisions of this title, and other applicable laws.
- 1601.3 A private sedan **business** and a digital dispatch service (“DDS”) which together provide a private sedan service may be organized and associated in any lawful manner, including as separate, associated entities, or as a single entity which performs the functions of both the private sedan **business** and the DDS. Where a private sedan service is offered by a single entity, such entity shall comply with the applicable provisions of this chapter and Chapter 17.

1601.4 Nothing in this chapter shall be construed as soliciting or creating a contractual relationship, agency relationship, or employer-employee relationship between the District of Columbia and any other person.

1602 OPERATING REQUIREMENTS

1602.1 Each dispatch service that operates in the District shall be registered with the Office pursuant to this chapter.

1602.2 Each dispatch service shall be licensed to do **business** in the District.

1602.3 Each dispatch service that provides digital dispatch or digital payment for taxicabs shall operate in compliance with this chapter and Chapters 4, 6, and 8.

1602.4 Each dispatch service that provides digital dispatch and digital payment for black cars shall operate in compliance with this chapter and Chapter 14.

1602.5 Each dispatch service that provides digital dispatch and digital payment for private sedans shall operate in compliance with this chapter and Chapter 17.

1602.6 Each DDS that processes digital payments for a public vehicle-for-hire shall:

- (a) Comply with the requirements for passenger rates and charges set forth in § 801 for taxicab service and § 1402 for black car and private sedan service;
- (b) If it processes digital payments for taxicab service, comply with the integration, payment, and passenger surcharge requirements of § 408;
- (c) Provide receipts as required by § 803 for taxicab service, and by this chapter for black car service and private sedan service;
- (d) Use technology that meets Open Web Application Security Project (“OWASP”) security guidelines, complies with current standards of the PCI Security Standards Council (“Council”) for payment card data security, if such standards exist, and, if not, then with current guidelines of the Council for payment card data security, and, for direct debit transactions, complies with the rules and guidelines of the National Automated Clearing House Association; and
- (e) Promptly inform the Office of a security breach requiring a report under the Consumer Personal Information Security Breach Notification Act or other applicable law.

1602.7 Each dispatch shall provide the person seeking service with the option to request an available wheelchair-accessible vehicle and an available vehicle that has been designated by the owner or operator as “non-smoking” pursuant to § 1402.13.

1602.8 Each dispatch service shall maintain, in the District, a bona fide administrative office or a registered agent authorized to accept service of process, provided however, a dispatch service operated by a taxicab company required to maintain a bona fide administrative office pursuant to Chapter 5 of this title shall operate its dispatch service at that location.

1602.9 Each dispatch service shall maintain a customer service telephone number for passengers with a “202” area code or a toll-free area code, or an email address posted on its website that is answered or replied to during normal **business** hours.

1602.10 Each dispatch service shall maintain a website that includes:

- (a) The trade name of the dispatch service and the name of the company or companies that own and operate it;
- (b) Contact information for its bona fide administrative office or registered agent authorized to accept service of process;
- (c) Its customer service telephone number or email address;
- (d) If the DDS dispatches private sedans, the name of the private sedan **business** for which it dispatches and a URL link to the private sedan **business**'s website; and
- (e) The following statement prominently displayed:

**THE D.C. TAXICAB COMMISSION DOES NOT DETERMINE THE
FARES CHARGED FOR TRIPS BOOKED BY DIGITAL DISPATCH.
TO FILE A COMPLAINT AGAINST A DIGITAL DISPATCH SERVICE,
A PRIVATE SEDAN **BUSINESS**, OR A PUBLIC VEHICLE-FOR-HIRE
OWNER OR OPERATOR, CONTACT THE COMMISSION AT:
2041 MARTIN LUTHER KING JR., AVE., SE, SUITE 204
WASHINGTON, DC. 20020
WWW.DCTAXI.DC.GOV
DCTC3@DC.GOV 1-855-484-4966 TTY: 711**

vice it offers (taxicab

- 1602.11 The following sections of Chapter 5 shall apply to each dispatch service: § 508 (anti-discrimination), § 511 (fraud), § 512 (bribery), § 513 (threats and harassment).
- 1602.12 Each dispatch service shall perform the service agreed to with the passenger in a dispatch, including picking up the passenger at the agreed time and location, except for a bona fide reason not prohibited by § 819.5 or other applicable provision of this title. If a vehicle booked to pick up a passenger becomes unavailable before it picks up the passenger, a DDS may substitute a higher-priced vehicle only with the permission of the passenger before the passenger is picked up unless the higher-priced vehicle is provided at the same rate as the booked vehicle.
- 1602.13 Each dispatch service shall comply with all applicable provisions of this title and other laws regulating origins and destinations of trips, including, when dispatching taxicabs and black cars, all reciprocity agreements between governmental bodies in the Washington Metropolitan Area governing public vehicle-for-hire service such as those in § 828.

1603 PROTECTION OF INFORMATION AND RECORDS

- 1603.1 Protection of passenger information.
- (a) A dispatch service shall not:
- (1) Release information to any person that would result in a violation of the personal privacy of the passenger or the person requesting service, or that would threaten the safety of a passenger or an operator; or
 - (2) Permit access to real-time information about the location, apparent gender, or number of passengers awaiting pick up by a person not authorized by the dispatch service to receive such information.
- (b) A passenger's or customer's acceptance of a dispatch service's terms and conditions inconsistent with the provisions of paragraph (a) shall be null and void.
- (b) This subsection shall not limit access to passenger information by the Office or a District enforcement official.
- 1603.2 A dispatch service shall not transmit to the operator any information about the destination of a trip, except for the jurisdiction of the destination, until after the trip has been booked.

1603.3 Each dispatch service shall store its **business** records in compliance with industry best practices and all applicable laws, make its **business** records related to compliance with its legal obligations under this title available for inspection and copying as directed by the Office, and retain its **business** records for five (5) years.

1604 INVENTORY OF OPERATORS AND VEHICLES FOR BLACK CARS

1604.1 Each DDS that provides digital dispatch service to black cars shall maintain with the Office a current inventory of all active black car operators and vehicles associated with the DDS. The inventory shall meet the following requirements:

- (a) Each operator and each vehicle on active status with the DDS shall appear on the inventory. No operator or vehicle not on active status shall appear on the inventory.
- (b) An operator and the vehicle operated by the operator shall both be removed immediately from the inventory whenever:
 - (1) The operator or the vehicle is not licensed, insured, or otherwise in full compliance with this title; or
 - (2) The DDS has learned that the operator's DCTC operator's license has been suspended or revoked by the Office.
- (c) In addition to updating the inventory as required by paragraph (b) of this subsection, each DDS shall ensure that its inventory is updated in such manner and at such times as are determined by the Office in writing.
- (d) Each inventory shall include:
 - (1) The name of, and work and cellular telephone numbers for, the operator;
 - (2) The operator's DCTC operator's license number;
 - (3) The vehicle's PVIN;
 - (4) The vehicle's color, make, model, year of manufacture, VIN, and tag number; and
 - (5) The name of the company providing commercial insurance for the operator and the vehicle, and the policy number and date of expiration thereof.

1604.2 A DDS shall only dispatch a black car if both the operator and the vehicle are on

the inventory.

- 1604.3 The Office shall notify a DDS if a vehicle or operator on the DDS's inventory is not legally authorized to operate under any provision of this title.

1605 DIGITAL PAYMENT SYSTEMS

- 1605.1 Each trip by black car shall be booked by a DDS registered under this chapter and paid for using a digital payment system ("DPS").

- 1605.2 Each DPS used for black car service or private sedan service shall consist of any technology selected by the DDS (such as a tablet or smartphone running an app provided by the DDS) that allows the DDS, the operator, the vehicle, and, where applicable, the associated private sedan **business** to comply with all applicable provisions of this title. The DPS shall meet the following additional requirements:

- (a) Each DPS shall provide the following information to a passenger:
- (1) If the DDS dispatches private sedans, each dispatch shall inform the passenger of the name of the associated private sedan **business**, the **business**'s customer service telephone number, and the URL for its website; and
 - (2) Once a private sedan trip is completed, all receipt information, which shall remain retrievable by the passenger through the DDS's app or website for sixty (60) days after service.
- (b) Each DPS shall be able to provide the following information to a District enforcement official:
- (1) Any licensing and insurance documents which the DDS chooses to make available on its app pursuant to § 1402.7 (b); and
 - (2) The vehicle's electronic manifest, containing all reportable trip data and information required for receipts within the prior twenty four (24) hours, capable of being printed or transmitted electronically at the time of an inspection by a District enforcement official.
- (c) Each DPS unit shall allow the operator to provide the passenger with a written or electronic receipt, as determined by the DDS, before the passenger exits the vehicle. The receipt shall contain:
- (1) The date and time of the trip;
 - (2) The distance of the trip;

- (3) The vehicle's tag number,
 - (4) The name and customer service telephone number of the DDS, and, for private sedan service, the private sedan **business**;
 - (5) A reference to the passenger's DDS account and payment card used to pay the fare, obscuring such information in a manner sufficient for security purposes;
 - (6) The total fare and a breakdown of the fare including all rates and charges, and any gratuity; and
 - (7) The following statement: "The D.C. Taxicab Commission does not determine the fares charged for trips booked by digital dispatch. To file a complaint against a digital dispatch service, a private sedan **business**, or a public vehicle-for-hire owner or operator, contact the Commission at: 2041 Martin Luther King Jr., Ave., SE, Suite 204, Washington, D.C. 20020, Website: dctaxi.dc.gov, Email: dctc3@dc.gov, Toll Free: 1-855-484-4966 TTY: 711".
- (d) Each DPS shall:
- (1) Transmit quarterly reports to the Office through the Taxicab Commission Information System ("TCIS") via a single data feed consistent in structure across all digital payment systems. Each quarterly report shall provide the following data for each tour of duty by an operator:
 - (A) The operator's DCTC operator's identification number
 - (B) The vehicle's tag number;
 - (C) If the vehicle is a private sedan, its PVIN and the name of its associated private sedan **business**;
 - (D) The date and time at the beginning of the tour of duty;
 - (E) The distance of each trip;
 - (F) The date and time of pickup and drop-off of each trip;
 - (G) The geospatially-recorded place of pickup and drop-off for each trip which the DDS may generalize to census tract level;
 - (H) A unique trip number assigned by the DDS to each trip;

- (I) The total fare and a breakdown of the fare including all rates and charges and any gratuity; and
- (J) The date and time at the end of the tour of duty;
- (2) Transmit the quarterly report contemporaneously with the corresponding passenger surcharge payment to the District required pursuant to § 1606;
- (3) Provide the Office with information necessary to insure that the District is paid on a quarterly basis the correct amount for all passenger surcharges; and
- (4) Process each payment for each trip.

1605.3 All costs associated with a DPS shall be the responsibility of the DDS, but may be allocated, by written agreement, among the DDS and the private sedan businesses (if any), owners, and operators with which it associates.

1606 PASSENGER SURCHARGE FOR BLACK CAR AND PRIVATE SEDAN SERVICE

1606.1 Each DDS that dispatches black cars or private sedans shall ensure that the passenger surcharge is collected from the passenger and paid to the District for each trip, and shall:

- (a) Remit a payment to the D.C. Treasurer at the end of each quarter, on the last **business** day of March, June, September, and December, of each year during the licensing period, reflecting the sum of all passenger surcharges owed to the Office for black car and private sedan trips during the prior quarter based on the trip data for such period;
- (b) Send by email a report to the Office certifying its payment and providing the basis for the amount paid; and
- (c) Cooperate with the Office in the event of a discrepancy between a surcharge payment and the trip data, provided however, that if the Office and the DDS are unable to agree on a resolution of a dispute within thirty (30) days, the Office may, in its discretion, make a claim against the DDS's surcharge bond required by this chapter to satisfy the amount of the discrepancy.

1607 REGISTRATION OF DISPATCH SERVICES

- 1607.1 Each dispatch service shall register with the Office for each class of public vehicle-for-hire service that it dispatches in the District, except that a taxicab company which operates a telephone dispatch service may operate such service under its existing operating authority pursuant to Chapter 5, without registering under this chapter.
- 1607.2 To register as a dispatch service, a DDS shall file an application for registration (“applicant”) with the Office. The application shall include the following information and documentation:
- (a) The full name, **business** address, **business** telephone number, cellular telephone number and email address of the DDS’s owner, general manager, and head of technical operations;
 - (b) The trade name(s) of the applicant’s DDS;
 - (c) The public vehicle-for-hire classes of service which the applicant proposes to dispatch;
 - (d) A description of the how the applicant’s **business** is organized (as a corporation or limited liability company, etc.); and its date and place of formation;
 - (e) A brief technical description of the dispatch or payment solution (for taxicabs), digital payment system (for black cars and private sedans), or both, including the names of the applications, platforms, and operating systems used;
 - (f) A blank sample of each agreement or policy, including any user agreement or privacy policy, applicable to the DDS’s association with passengers, or a URL web address where such information may be found;
 - (g) If the DDS dispatches private sedans, the name of the private sedan **business** with which it is associated, a description of the legal relationship between the applicant and the private sedan **business**, and a certification from the DDS that the private sedan **business** will maintain the inventory of active operators and vehicles required by Chapter 17;
 - (h) If the DDS dispatches black cars, the DDS’s initial inventory of active black car operators and vehicles;
 - (i) A certification by the applicant that the DDS owns the right to, or holds licenses to, all the intellectual property used by the DDS for all technology it uses to process digital dispatch and digital payments, and for its DPS, if any;

- (j) Proof that it is licensed by DCRA to do **business** in the District; and
- (k) Such other information and documentation as the Office may determine is reasonably necessary in order to verify that the DDS will comply with all applicable provisions of this title and other applicable laws.

1607.3 Each application:

- (a) Shall be provided under oath;
- (b) Shall be accompanied by a passenger surcharge bond of fifty thousand dollars (\$50,000) payable to the District, provided however, that if the DDS has provided a bond in connection with the dispatch of taxicabs under Chapter 4, no further bond shall be required, but the existing bond shall be extended to cover all public vehicle-for-hire services provided by the DDS. The passenger surcharge bond shall be returned to the DDS within thirty (30) days after an event that causes the DDS to no longer be registered, provided however, that the bond shall not be returned while there remains a discrepancy in the amount owed for passenger surcharges for any class of service dispatched by the DDS.
- (c) Shall be accompanied by an application fee of five hundred dollars (\$500), regardless of how many classes of service the DDS dispatches, except that if the application is to amend an existing registration, regardless of how many classes of services will be added to the existing registration, the application shall be accompanied by an application fee of two hundred dollars (\$200).
- (d) Shall include a brief demonstration of the functionality of its dispatch or payment solution for taxicabs, and the DDS's digital payment system for black cars and private sedans as applicable, including how District enforcement personnel can access any licensing and insurance documents which the DDS chooses to make available on its app pursuant to § 1402.7 (b). At such time, the Office's enforcement and technical staff may examine the DDS's equipment to ascertain compliance with this title and other applicable laws. Members of the DDS's technical staff shall attend the demonstration to answer questions.

1607.4 The Office shall determine whether to grant or deny registration within ten (10) days after an application is filed, provided however, that such period may be extended by the Office for no more than ten (10) days with notice to the DDS if the DDS is not registering to dispatch private sedans. If the DDS is registering to dispatch private sedans, the Office may further extend the period as necessary to complete the review and licensing under Chapter 17 of the DDS's associated private sedan **business**. The Office shall deny registration only if it determines

that the DDS is clearly not in compliance with the provisions of this title or other applicable laws.

- 1607.5 If the Office grants the registration, it shall provide notice to the DDS in writing.
- 1607.6 If the Office denies registration, it shall state the reasons for its decision in writing, including the specific facts upon which the Office has determined that the DDS is not or will not be in compliance with the provisions of this title or other applicable laws. A decision to deny registration may be appealed to the Chief of the Office within fifteen (15) calendar days. If the decision to deny is not appealed within the fifteen (15) calendar day period, it shall constitute a final decision of the Office. If the decision to deny is appealed within the fifteen (15) **business** day period, the Chief shall issue a decision within thirty (30) days. A timely appeal of a denial shall extend an existing certificate or registration pending the Chief's decision. A decision of the Chief to affirm or reverse a denial shall constitute a final decision of the Office. A decision of the Chief to remand to the Office for further review of the filing shall extend an existing registration pending the final decision of the Office.
- 1607.7 Each registration shall continue in force and effect for twenty four (24) months, during which time no substantial change may be made to a DDS's dispatch or payment solution for taxicabs, or to a DDS's digital payment system for black cars and/or private sedans, unless the DDS informs the Office of the proposed substantial change at least fifteen (15) days before its implementation, during which time the DDS shall cooperate with the Office as necessary so the Office is fully informed of the nature of the proposed change and is able to verify that the proposed change does not alter the DDS' compliance with this title and other applicable laws. A "substantial change" for purposes of this subsection means a replacement of an existing DDS dispatch or payment solution for taxicabs, or digital payment system for sedans, or a material change in the DDS's manner of compliance with § 1602.10(a)-(d) (other than a change in rates and charges established by the DDS), such as a material change in how the electronic manifest can be accessed for use in enforcement. A substantial change does not include any update to an application or to an operating system, a service update, or other routine modification or incremental improvement of an existing DDS dispatch or payment solution for taxicabs, or digital payment system for sedans. Each registered DDS shall notify the Office of any other change in the information contained in its registration or its supporting documentation, such as the URL for its website, within three (3) days after the change.
- 1607.8 Each DDS registered under this section may at any time file an application to amend its registration to include additional classes of public vehicles-for-hire it wants to dispatch.

1607.9 The name of each registered DDS, and the trade names of its dispatch or payment solution for taxicabs, and its digital payment system for black cars and/or sedans, shall be listed on the Commission's website.

1608 RENEWAL OF REGISTRATION

1608.1 Each DDS registered under this section shall file an application to renew its registration at least sixty (60) days prior to the expiration of its registration, by completing a form as determined by the office, including the information and documentation required by § 1607. A registration shall continue in force and effect beyond its expiration if the DDS files an application for renewal at least sixty (60) days prior to the expiration of its registration and the application is pending acceptance by the Office.

1609 BIENNIAL REPORTING REQUIREMENT

1609.1 A registered DDS shall, on the first (1st) day of the thirteenth (13th) month after it registers or renews its registration, provide to the Office:

- (a) Proof that it is licensed by DCRA to do **business** in the District, as required by this chapter;
- (b) Proof that it maintains a bona fide administrative office or registered agent authorized to accept service of process, as required by this chapter;
- (c) Proof that it maintains a website, as required by this chapter;
- (d) A report on the wait times and fares charged to passengers seeking wheelchair-accessible service in the prior twelve (12) months; and
- (e) A list of incidents in the prior twelve (12) months that involved an allegation or dispute concerning the following matters, which shall include an indication of whether the allegation or dispute has been resolved:
 - (1) A passenger dispute concerning a payment, where the dispute involves fifty dollars (\$50) or more;
 - (2) An incident involving fraud or criminal activity; or
 - (3) A charge of discrimination by any person that would constitute a violation of § 508.

1610 PROHIBITIONS

1610.1 No person shall operate a dispatch service that is not registered with the Office under this chapter for all the classes of public vehicle-for-hire it dispatches.

- 1610.2 No DDS shall knowingly allow its dispatch service to be used or accessed by any person where an associated operator, vehicle, taxicab company, taxicab association, taxicab fleet, luxury class organization, and/or private sedan **business** that participate in providing the service do not have a current and valid license as required by this title.
- 1610.3 No DDS shall knowingly allow its dispatch service to be used or accessed by any person where an associated operator, vehicle, taxicab company, taxicab association, taxicab fleet, luxury class organization, and/or private sedan **business** that participate in providing the service are not in full compliance with all insurance requirements of this title.
- 1610.4 No DDS shall substitute a higher-priced vehicle for a booked trip except where the passenger has granted permission prior to pick up unless the higher-priced vehicle is provided at the same rate as the booked vehicle.
- 1610.5 No DDS shall dispatch a vehicle, or process a digital payment, except as provided in this chapter.
- 1610.6 No DDS shall impose terms and conditions on a passenger, or an associated operator or entity which participates in providing a public vehicle-for-hire service dispatched by such DDS which, in the opinion of Department of Insurance, Securities and Banking (“DISB”), are inconsistent with any insurance requirements in this title, or which directly threaten the safety of passengers, operators, or the general public.

1611 PENALTIES

- 1611.1 A dispatch service that violates this chapter shall be subject to:
- (a) A civil fine of five hundred dollars (\$500) for the first violation of a provision, one thousand dollars (\$1,000) for the second violation of the same provision, and one thousand five hundred dollars (\$1,500) for each subsequent violation of the same provision;
 - (b) Suspension, revocation, or non-renewal of its registration (for a digital dispatch service), or suspension, revocation, or non-renewal of its operating authority (for a telephone dispatch service operated by a taxicab company), and any other penalty available under Chapter 5 (for a telephone dispatch service);
 - (c) Any penalty available under Chapter 4 in connection with the dispatch of taxicabs;
 - (d) Any combination of the sanctions listed in this subsection; or

- (e) Any penalty authorized by a provision of any other chapter of this title or by other applicable law.

1611.2 The enforcement of any provision of this chapter shall be governed by the applicable enforcement procedures of Chapter 7 of this title.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Juanda Mixon, Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Juanda Mixon, Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF SECOND PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c)(2), (3), (4), (5), (7), (19), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2) (3), (4), (5), (7), (19) (2012 Repl. & 2014 Supp.), § 50-313 (2012 Repl. & 2014 Supp.), § 50-319 (2012 Repl. & 2014 Supp.), and § 50-320 (2012 Repl. & 2014 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. & 2014 Supp.), hereby gives notice of its intent to create a new Chapter 17 (Private Sedan Service – Businesses, Operators, and Vehicles) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed Chapter 17 would, in combination with proposed amendments to Chapters 99, 8, 12, 14, and 16, of Title 31, create a regulatory framework for the licensing and regulation of a new class of public vehicle-for-hire service to be called “private sedan service”, which is within the Commission’s jurisdiction to license or regulate, to address the unique issues raised by private sedan service, including rules to require adequate insurance, to ensure the safety of passengers, drivers, and the general public, to protect consumers, and to require payment to the District of a passenger surcharge, and for other lawful purposes within the authority of the Commission.

The proposed amendments in this chapter would, *inter alia*: (1) establish rules for the licensing of the drivers who provide service, setting criteria for criminal background checks and driving records; (2) establish rules for the licensing of the private vehicles used to provide service, setting criteria for safety inspections; (3) establish rules for the licensing of the businesses which provide private sedan services, setting criteria for screening drivers and inspecting vehicles, and requiring businesses to provide minimal training to new drivers and to limit non-professional drivers to part-time (a limit that would not apply to a driver who possesses a DCTC commercial operator’s license); and (4) establish rules for the operation of the private sedan **business**, requiring businesses to maintain adequate liability insurance to protect all participants in the service, as well as the general public, and to maintain an inventory of active private sedan drivers and vehicles with the Office of Taxicabs (“Office”) for enforcement, data reconciliation, and other lawful purposes. All definitions applicable to this chapter would appear in a new Chapter 99 that contains definitions for the entire title. The proposed rules amending Chapter 17 of DCMR Title 31 were originally approved by the Commission for publication on April 9, 2014, and published in the *D.C. Register* on May 16, 2014, at 61 DCR 5024. The Commission held a public hearing on the proposed rules on April 30, 2014 to receive oral comments from the public on the proposed rules. The Commission received valuable comments from the public at the hearing and throughout the comment period which expired on June 15, 2014. The comments received were carefully considered and necessitate a second publication.

Directions for submitting comments may be found at the end of this notice. The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed

rules in not less than thirty (30) days after the publication of this notice of second proposed rulemaking in the *D.C. Register*.

The Commission intends to add Chapter 17, PRIVATE SEDAN SERVICE – BUSINESSES, OPERATORS, AND VEHICLES, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR to read as follows:

CHAPTER 17 PRIVATE SEDAN SERVICE – BUSINESSES, OPERATORS, AND VEHICLES

1700 APPLICATION AND SCOPE

- 1700.1 This chapter establishes licensing and operating requirements applicable to all persons that participate in providing private sedan service in the District of Columbia, to ensure the safety of passengers and operators, to protect consumers, to require payment to the District of a passenger surcharge, and for other lawful purposes within the authority of the Commission.
- 1700.2 The provisions of this chapter shall be interpreted to comply with the language and intent of the Act, as amended.
- 1700.3 Additional requirements applicable to the drivers and vehicles that participate in private sedan service are contained in Chapter 14.
- 1700.4 Additional requirements applicable to digital dispatch services that participate in private sedan service are contained in Chapter 16.
- 1700.5 This chapter shall not apply to “ridesharing”, as defined in this title.
- 1700.6 This chapter shall be effective on _____ 2014 (“private sedan implementation date”).
- 1700.7 In the event of a conflict between a provision of this chapter and a provision of another chapter of this title, the more restrictive provision shall control.

1701 GENERAL PROVISIONS

- 1701.1 Beginning on the implementation date, all persons participating in providing private sedan service in the District shall meet the requirements of this chapter, including without limitation, the following:
- (a) Each private sedan **business** (“**business**”) shall be licensed under and in compliance with the other applicable provisions of this chapter;
 - (b) Each digital dispatch service (“DDS”) shall be registered under and in compliance with the applicable provisions of Chapter 16;

- (c) Each operator shall possess a DCTC operator's license issued under another chapter of this title, or a private sedan operator's license issued under this chapter;
- (d) Each vehicle shall be licensed under this chapter and display a valid DCTC private sedan vehicle decal or S-tag; and
- (e) Private sedan operators and vehicles shall operate in accordance with the applicable provisions of Chapter 14 and this chapter.

1701.2 An individual who provides private sedan service without a current and valid DCTC operator's license or a private sedan operator's license and a current and valid DCTC private sedan vehicle decal or S-tag, issued under this chapter, shall be subject to the penalties provided by D.C. Official Code § 47-2846, including imprisonment and a civil fine, and impoundment of the vehicle under the Impoundment Act, and other penalties as provided by applicable law.

1701.3 A private sedan **business** which operates without a current and valid DCTC private sedan **business** license issued under this chapter, shall be assessed a civil fine of five hundred dollars (\$500) per day, pursuant to D.C. Official Code § 50-313(c), in addition to any other penalties available under this title or other applicable law.

1701.4 Confidential filings. Where a provision of this chapter allows or requires a **business** to submit a filing to the Office which may contain material exempt from FOIA release pursuant to D.C. Official Code § 2-534(a)(1) (trade secrets and commercial or financial information obtained from outside the government, to the extent that disclosure would result in substantial harm to the competitive position of the person from whom the information was obtained), and the provision expressly allows the filing to be made pursuant to this subsection, the following procedures shall apply:

- (a) The filing shall be provided to the Office in a sealed envelope or other suitable packaging clearly marked "CONFIDENTIAL – TO BE OPENED ONLY BY [name and title of the DCTC employee or official to whom the filing is directed];
- (b) The filing shall include a notarized affidavit providing the factual basis for the **business**'s contention that the filing should be withheld under § 2-534 (a)(1) and the extent of such withholding (in whole or in part);
- (c) Each page of the filing shall be prominently stamped "CONFIDENTIAL" in a suitable location so as to not obscure the contents;
- (d) The filing shall be hand-delivered to the Office during regular **business** hours;

- (e) The Office shall maintain the filing confidentially and not release it except as required by law. The existence of an affidavit or other information provided under subsection (b) or (e) (2) of this section may be revealed but the affidavit itself shall not be released except as required by law;
- (f) In the event that the Office receives a FOIA request as to which the filing is responsive, the Office shall:
 - (1) Not later than five (5) days prior to the deadline for a response to the request (“deadline”): inform the **business** of the request (but not the identity of the requester);
 - (2) Not later than three (3) days prior to the deadline: inform the **business** of the Office’s position as to whether it is in the public interest to withhold the filing in whole or in part, whether redaction of the document is required under FOIA, and whether additional information must be provided to support withholding; and
 - (3) The Office shall release the filing if the information required by § 1701.4(e)(2) is not received by the Office at least one (1) day before the deadline.

1701.5 A private sedan **business** and a DDS which together provide a private sedan service may be organized and associated in any lawful manner, including as separate, associated entities, or as a single entity which performs the functions of both the private sedan **business** and the DDS. Where a private sedan service is offered by a single entity, such entity shall comply with the applicable provisions of this chapter and Chapter 16.

1701.6 Nothing in this chapter shall be construed as soliciting or creating a contractual relationship, agency relationship, or employer-employee relationship between the District of Columbia and any other person.

1702 PRIVATE SEDAN **BUSINESS** – APPLICATION FOR LICENSING

1702.1 Each **business** applying for a license to provide private sedan service in the District (“applicant”) shall provide the following information and documentation to the Office:

- (a) The full name, **business** address, **business** telephone number, and cellular telephone number of the following individuals:
 - (1) The applicant’s owner, majority owner, or general manager (as applicable);

- (2) The applicant's local, regional, and national operations managers (as applicable); and
 - (3) The applicant's local, regional, and national technical managers (as applicable);
- (b) The trade name(s) for the applicant's private sedan service;
 - (c) A description of the how the applicant's **business** is organized (as a corporation, a limited liability company, etc.); its date and place of formation; and the name(s), addresses, and telephone numbers of its owners or majority stockholder(s);
 - (d) The name of the DDS with which it is associated to provide private sedan service, and a description of the legal relationship between the applicant and the DDS;
 - (e) Information and documentation showing that the **business** is in compliance with, or is ready and able to comply with, the administrative requirements of § 1705, including a copy of all terms and conditions applicable to the provision of its private sedan service to passengers, and a copy of all terms and conditions applicable to its association with operators, vehicles, and the DDS with which it associates to provide service (the latter filing may be provided pursuant to § 1701.4);
 - (f) Information and documentation showing that the applicant is in compliance with, or is ready and able to comply with, the insurance requirements of § 1706, including a full and complete copy of the policy with all endorsements and attachments, with no redactions, and evidence that the policy has been paid and will be in force and effect for at least six (6) months as of the date of application (the filing may be provided pursuant to § 1701.4);
 - (g) Information and documentation showing that the applicant is in compliance with, or is ready and able to comply with, the operating requirements of § 1707, including copies of its new driver training program curriculum and its initial driver-vehicle inventory;
 - (h) A certification that the applicant will exercise heightened care in carrying out its obligations under this chapter related to the screening of new operators and vehicles and in the monitoring and supervision of licensed operators and vehicles, and will not knowingly submit to the Office an application for the licensing of an operator or vehicle which does not meet the eligibility requirements for licensing under this chapter;

- (i) A certification that the applicant will not operate, and will use its best efforts to prevent, any of its associated drivers from providing service when its insurance policy is not in force and effect;
- (j) A certification that the applicant will not operate at such times when it is not associated with a DDS that is in compliance with Chapter 16;
- (k) A certification that the applicant will fully and timely cooperate with the District in all matters relating to the administration, licensing, enforcement, supervision, and regulation of its private sedan service and its associated DDS, including without limitation, promptly complying with all compliance orders, promptly complying with any audits of its **business** records, and not operating when prohibited from doing so by any provision of this title;
- (l) A certification that all persons with which the applicant associates to provide its private sedan service are contractually obligated to comply with an instruction by the applicant to block any or all operators from providing service where required by an applicable provision of this chapter, and to take such other action as may be required in order for the applicant to meet its obligations under this title and other applicable laws; and
- (m) Such other information and documentation as the Office deems necessary to determine that the applicant meets the requirements for licensing under this title and other applicable laws.

1702.2 Each application filed with the Office under this section shall:

- (a) Be full and complete, including all required information;
- (b) Be accompanied by full and complete documentation, with no missing pages and no redactions;
- (c) Be notarized and provided under penalty of perjury;
- (d) Be accompanied by an application fee of five thousand dollars (\$5,000); and
- (e) For a renewal application, be accompanied by the application fee.

1703 PRIVATE SEDAN BUSINESS – DECISION ON LICENSING

- 1703.1 The applicant shall bear the burden of establishing to the satisfaction of the Office that it meets all the requirements for licensing.
- 1703.2 The Office shall deny an application where required by the Clean Hands Act.
- 1703.3 The Office may require one or more of each of the following during the review process for informational and enforcement purposes, which shall be facilitated by the applicant:
- (a) An interactive demonstration of the equipment used by drivers and passengers to book trips with the applicant’s private sedan service or to sign up or communicate with operators;
 - (b) A meeting with the individuals responsible for technical operations in the District; and
 - (c) A meeting with the individuals responsible for managing the **business** in the District.
- 1703.4 The Office shall seek a review by the Department of Insurance, Securities and Banking (“DISB”) of the insurance policy and all related information provided by the applicant, whose decision shall be dispositive of whether to grant or deny an application.
- 1703.5 The Office may grant an application subject to one or more conditions requiring the applicant to submit additional information or documentation, or to take one or more actions, such as, requiring the applicant to modify its terms and conditions of use by passengers or operators in order to ensure the effectiveness of the applicant’s policy. The Office shall state a deadline for compliance with a condition, which, if not met, may result in a denial of the application.
- 1703.6 An application may be denied if the applicant does not cooperate with the Office during the application process, if the application is not complete, or if the applicant provides materially false information for the purpose of inducing the Office to grant the application.
- 1703.7 The Office shall complete the review process and issue its decision to grant or deny an application within forty-five (45) days after the application is filed, which may be extended by the Office until ten (10) days following the Office’s receipt of all information provided by DISB.
- 1703.8 If the Office denies an application:
- (a) The Office shall state the reasons for its decision in writing; and

- (b) The applicant may appeal the decision to the Chief of the Office within fifteen (15) calendar days, and, otherwise, shall constitute a final decision of the Office. The Chief shall issue a decision on an appeal within thirty (30) days. A timely appeal of a denial shall extend an existing license pending the Chief's decision, so long as the **business's** policy remains in effect. A decision of the Chief to affirm or reverse a denial shall constitute a final decision of the Office. A decision of the Chief to remand to the Office for further review of an application shall extend an existing license pending the final decision of the Office, so long as the **business's** insurance policy remains in effect.

1703.9 Each private sedan **business** license shall be effective for twenty four (24) months, during which time no substantial change may be made to the **business's** policies or practices material to its compliance with this title except as provided in §§ 1703.10 and 1703.11.

1703.10 Substantial changes during license period. Where a **business** is currently licensed, no change shall be made to any operations, policies, practices, documentation, or information material to any aspect of the **business's** compliance with this title, except as follows:

- (a) If the change may affect the insurance policy or insurability of the **business's** associated operators or vehicles, it shall not be made without approval of the Office pursuant to the following procedures:
- (1) The **business** shall file such information and documentation of the proposed change as the Office may require, not less than forty-five (45) days prior to the proposed effective date, under oath, together with a filing fee of one thousand dollars (\$1,000) (the filing may be provided pursuant to § 1701.4);
 - (2) The Office shall review the filing for compliance with all applicable provisions of this title and other applicable law, and shall issue a written decision to approve or deny the change within thirty (30) days; and
 - (3) A **business** may appeal the decision to the Chief of the Office within fifteen (15) days, and, otherwise, shall constitute a final decision of the Office. The Chief shall issue a decision on an appeal within thirty (30) days. A decision of the Chief to affirm or reverse a denial shall constitute a final decision of the Office;
- (b) If it is a substantial change, other than one for which the approval of the Office is required by subsection (a) of this section, such as a change in the approved unaffiliated third party which conducts the pre-licensing

criminal background checks, illegal intoxicant screenings, or vehicle inspections required by this chapter, the **business** shall provide to the Office at least fifteen (15) days' notice of the change prior to its implementation.

1703.11 Non-substantial change. Where a **business** is currently licensed, and there is a change which not materially affect any aspect of the **business**'s compliance with this title and does not require approval by the Office under § 1703.10, such as a change in the **business**'s contact information, the URL for its website, or the app used by operators or passengers, the **business** shall inform the Office within forty-eight (48) hours following such change.

1703.12 The Office shall provide to the applicant a physical certificate reflecting the license granted and the period thereof, and listing the unaffiliated third parties approved to conduct the operator screenings and vehicle inspections required pursuant to § 1707.5 and § 1709.1. The certificate shall be the property of the Office, and shall be returned to the Office at the expiration of the **business**'s licensing period and otherwise as provided in this title.

1703.13 The Office shall maintain the name and contact information of the **business** on the Commission's website.

1704 PRIVATE SEDAN BUSINESS - RENEWAL OF LICENSE

1704.1 Each **business** shall apply for renewal of its license not later than ninety (90) days prior to the expiration date of its existing license, unless the Office provides otherwise in writing.

1704.2 A **business** that fails to apply for renewal of its license prior to the fifty-ninth (59th) day prior to the expiration date of its existing license shall be required to surrender its certificate of license at the end of the licensing period and apply for a new license.

1704.3 Each **business** which applies to renew its license, at the time it files its renewal application, shall be in full compliance with this title and other applicable laws.

1704.4 Unless the Office provides otherwise in writing, all requirements for a new license shall apply to a renewed license.

1704.5 A license shall continue in force and effect beyond its expiration period, during such time as an application for renewal of such license is pending, provided such application was timely filed and the application was complete.

1705 PRIVATE SEDAN BUSINESS – ADMINISTRATIVE REQUIREMENTS

- 1705.1 Each **business** shall comply with all applicable federal and District licensing, permitting, registration, anti-discrimination, and taxation requirements for a **business** operating in the District.
- 1705.2 The **business** shall possess a current basic **business** license with appropriate endorsements from DCRA.
- 1705.3 Each **business** shall maintain:
- (a) A bona fide administrative office, consisting of a physical office in the District, in the same manner required of a taxicab company under Chapter 5, and in compliance with all laws, rules, and regulations concerning the operation of a place of **business** in the District; or
 - (b) A registered agent authorized to accept service of process.
- 1705.4 Each **business** shall maintain a customer service telephone number for passengers with a “202” prefix or a toll-free area code that shall be available during normal working hours.
- 1705.5 The provisions of §§ 508-513 of this title shall apply to each **business** as if it were a taxicab company.
- 1705.6 The **business** records of each **business** shall be:
- (a) Stored in a safe and secure manner and in compliance with industry best practices and applicable federal and District law;
 - (b) Made available for inspection and copying during regular **business** hours at the Office or at the **business**’s bona fide administrative office, if maintained; and
 - (c) Retained for at least five (5) years.
- 1705.7 Except as otherwise provided in this chapter, each **business** shall promptly report to the Office an associated operator and vehicle that is not in compliance with an applicable provision of this title and other applicable laws where it receives notice of non-compliance.
- 1705.8 Each **business** shall exercise heightened care in carrying out its obligations under this chapter related to the screening of new operators and vehicles, and to the monitoring and supervision of licensed operators and vehicles. A **business** shall not knowingly submit to the Office an application for the licensing of an operator or vehicle that does not meet any applicable requirement of this chapter or other applicable law.

- 1705.9 Each **business**, and its owners, managers, employees, attorneys, agents, and representatives, shall fully and timely cooperate with the District in all matters relating to the administration, licensing, enforcement, supervision, and regulation of its private sedan service; fully and timely comply with compliance orders seeking information, documents, or meetings; and fully and timely comply with all audits.
- 1705.10 A **business** shall not have standing as a party in any enforcement or compliance matter against an operator, including mediation, at the Office or at the Office of Administrative Hearings (“OAH”).
- 1705.11 An investigation of or enforcement action against an operator by the Office:
- (a) May go forward at the discretion of the Office where the associated **business** has elected to suspend or terminate its association with an operator; and
 - (b) Shall occur pursuant to the same rules and procedures applicable under this title to operators of other classes of public vehicles-for-hire.

1706 PRIVATE SEDAN BUSINESS – INSURANCE REQUIREMENTS

- 1706.1 Each **business** shall at all times maintain a liability insurance policy covering all of its associated operators, to include its DCTC operator licensees in the event their existing public vehicle-for-hire insurance does not expressly extend to the operators’ participation in private sedan service, which meets the following requirements:
- (a) It shall be a current and valid policy;
 - (b) It shall comply with all applicable regulations of DISB;
 - (c) It shall provide the following minimum coverage for each associated operator and vehicle while available for hire:
 - (1) Not less than one million dollars (\$1,000,000) in liability coverage per accident for accidents involving a private sedan vehicle;
 - (2) Not less than fifty thousand dollars (\$50,000) per person injured and not less than one hundred thousand (\$100,000) per accident for medical expenses;
 - (3) Not less than twenty five thousand dollars (\$25,000) for property damage per accident.

- (d) The minimum coverage required by part (c) of this subsection shall apply without regard to whether or not the operator is logged into the digital payment system (the app);
- (e) It shall provide coverage for a non-commercial operator regardless of whether such operator has a personal motor vehicle insurance policy;
- (f) It shall cover:
 - (1) Each non-commercial operator;
 - (2) Each commercial operator whose existing commercial public vehicle-for-hire insurance does not expressly extend to such operator's participation in private sedan service;
 - (3) Each person who, on a regular and ongoing basis, materially participates in facilitating or providing the private sedan service; and
 - (4) The District.

- 1706.2 Each operator with a current and valid DCTC operator's license and operating a vehicle with a current and valid S-tag, shall comply with the insurance requirements under Chapter 9 of this title.
- 1706.3 In addition to the insurance requirements of §§ 1706.1 and 1706.2, each vehicle shall be covered by a valid and current insurance policy which meets the requirements of the law of the jurisdiction where the vehicle is registered, including any requirements for un-insured motorist/under insured motorist (UM/UIM) coverage or physical damage coverage.
- 1706.4 The **business** shall arrange to have a copy of each insurance policy maintained by the **business** to be filed directly with the Office directly by the insurance company (which may be under seal pursuant to § 1701.4), together with such additional information as may be required by the Office.
- 1706.5 The **business** shall arrange for proof of each premium payment for the insurance policy maintained by the **business**, and the date through which the policy is effective as a result thereof, to be filed directly with the Office within five (5) days following the date of payment (which may be under seal pursuant to § 1701.4).
- 1706.6 Where a **business** is already licensed and a replacement policy is procured by the **business**, the **business** shall file the replacement policy for review subject to the procedures in § 1703.10(a).

- 1706.7 If coverage under a policy required by this section is not in effect, even momentarily, for any reason, the **business** shall:
- (a) Immediately take all reasonable measures to ensure that no operator or vehicle covered by the policy is able to provide service until the Office approves a replacement policy;
 - (b) Promptly notify all associated operators and others with which it associates to provide its private sedan service; and
 - (c) Promptly notify the Office in writing.
- 1706.8 The **business**, shall within fifteen (15) days notify the Office of each claim against the policy and of any claims against the commercial policy of a commercial operator of which it becomes aware.
- 1706.9 The **business** shall provide notice of cancellation or non-renewal of the policy within twenty-four (24) hours or one **business** day of when it receives notice from their insurance company.

1707 PRIVATE SEDAN BUSINESS - OPERATING REQUIREMENTS

- 1707.1 Following a new operator's receipt of his or her private sedan operator license, the **business** shall provide him or her with basic training prior to becoming an active operator. This training shall include four (4) hours of classroom instruction and two (2) hours of in-vehicle instruction with a mentor, to include instruction on rules of the road, the **business**'s zero tolerance policies, and the requirements of this chapter and Chapter 14. Operators with a valid and current DCTC operator's license shall comply with the training requirements of Chapter 10 and no additional training shall be required.
- 1707.2 Inventory of active private sedan operators and vehicles. Each **business** shall maintain with the Office a current and accurate inventory of its active private sedan operators and vehicles as follows:
- (a) Each operator and his or her vehicle licensed contemporaneously pursuant to this chapter, where the operator is on active status with the **business**, shall appear on the inventory. No operator or vehicle other than an operator-vehicle pair for which licenses have been issued contemporaneously, and no operator who is not on active status, shall appear on the inventory.
 - (b) A licensed operator and his or her vehicle shall be immediately removed from the inventory, and deactivated on the app by the **business** if:

- (1) The operator or the vehicle is not licensed, insured, or otherwise in full compliance with this title;
 - (2) The operator's private sedan operator's license is suspended or revoked by the Office; or
 - (3) The **business** suspends or terminates its association with the operator.
- (c) In addition to the actions required by subparagraphs (a) and (b) of this subsection, each **business** shall ensure that its inventory is updated in such manner and at such times as are determined by the Office in writing;
- (d) The **business** shall not be required to include on its inventory an operator who possesses a valid and current DCTC operator's license or a vehicle which has a valid and current S-tag.
- (e) Each inventory shall include:
- (1) The name of, and work and cellular telephone numbers for the operator;
 - (2) The private sedan license number;
 - (3) The vehicle's PVIN, which appears on the DCTC private sedan decal;
 - (4) The vehicle's color, make, model, year of manufacture, VIN, tag number, and issuing jurisdiction; and
 - (5) The name of the company which provides personal motor vehicle insurance for the operator and the vehicle, and the policy number and date of expiration thereof.
- 1707.3 Each **business** shall require its trade dress, if any, to be placed on the vehicle in accordance with the information and documentation provided to the Office in its application for licensing.
- 1707.4 The **business** shall, within fifteen (15) days, notify the Office of each tort claim, criminal action, or civil forfeiture action filed or taken against it or any private sedan operator or vehicle with which it is associated in connection with the provision of its private sedan service.
- 1707.5 Policies to be maintained by the **business** for all licensed operators.
- (a) Each **business** shall at all times diligently enforce the following policies:

- (1) A zero tolerance policy on the use of alcohol or illegal drugs by operators;
 - (2) A zero tolerance policy on the solicitation or acceptance of street hails by operators; and
 - (3) A shift limit on private sedan operators who possess private sedan operator license and are not DCTC operator licensees of twenty (20) hours per week.
- (b) Each **business** shall ensure that the terms and conditions applicable to the passengers and operators who use its private sedan service include clear reference to the policies required by subsection (a).
- (c) Each **business** shall file a report with the Office within two (2) days after it acquires knowledge or information of an incident in which an operator has violated a policy required by subsection (a) of this section, and shall contemporaneously report to the Office any information reported to it by an associated operator pursuant to § 1402.10 .
- (d) Each **business** shall require that each licensed private sedan vehicle pass a biennial safety inspection by the unaffiliated third party approved by the Office of the following items on each vehicle:
- (1) Foot brakes (at twenty (20) MPH, the vehicle must be capable of stopping within twenty five (25) feet);
 - (2) Emergency brakes (vehicle must pass an engine stall test);
 - (3) Steering mechanism;
 - (4) Windshield;
 - (5) Rear window and other glass;
 - (6) Windshield wipers;
 - (7) Headlights;
 - (8) Tail lights;
 - (9) Turn indicator lights;
 - (10) Stop lights;
 - (11) Front seat adjustment mechanism;

- (12) Doors (open, close, and lock mechanisms);
 - (13) Horn;
 - (14) Speedometer;
 - (15) Bumpers;
 - (16) Muffler and exhaust system;
 - (17) Tires (condition, including tread depth);
 - (18) Interior and exterior rear view mirrors; and
 - (19) Safety belts for driver and passenger(s).
- (e) Each **business** shall continually track the expiration date of each private sedan operator's personal motor vehicle insurance policy, and shall immediately remove such operator and his or her vehicle from its inventory by such date until the operator provides it with proof such a policy is in effect.

1708 OPERATORS AND VEHICLES – LICENSING GENERALLY

1708.1 Operators and vehicles subject to licensing.

- (a) Each individual who seeks to operate a private sedan (“applicant”) and who does not possess a valid and current DCTC operator's license shall be licensed as a private sedan operator under this chapter.
- (b) Each applicant who possesses a valid and current DCTC operator's license shall be subject to the applicable provisions of this chapter, including certification that such operator has been screened for the use of illegal drugs.
- (c) Each vehicle used to provide private sedan service shall be licensed under this chapter. No public vehicle-for-hire vehicle shall be eligible for use as a private sedan.
- (d) No operator of a private sedan vehicle shall be permitted to obtain a decal or S-tag for more than one (1) licensed private sedan vehicle regardless of whether the operator is a private sedan operator or DCTC operator.

1708.2 Processing of applications for private sedan operator's license through the **business.**

- (a) Each applicant for a private sedan license shall apply for licensing through a private sedan **business** licensed under this chapter.
- (b) Each **business** shall be responsible for seeking the new and renewal licensing of all of its associated operators.
- (c) All matters and communications concerning the licensing of operators shall be processed through the **business**. Applications shall not be accepted by the Office directly from individuals.
- (d) Each applicant shall first attempt to resolve through the **business** any issue or concern related to the processing of his or her application, and shall communicate directly with the Office only if the **business** has been unable to resolve the matter.

1708.3 Processing of applications for a new or renewal DCTC operator's license decal or S-tag. Each applicant for a DCTC operator's license shall apply directly to the Office pursuant to the requirements of Chapters 10 or 12 of this title, as applicable.

1708.4 Processing of vehicle applications.

- (a) Each operator shall apply for a private sedan vehicle license through a private sedan **business** licensed under this chapter.
- (b) Each **business** shall be responsible for seeking the new and renewal licensing of all of its associated vehicles.
- (c) All matters and communications concerning the licensing of vehicles shall be processed through the **business**. Applications shall not be accepted by the Office directly from individuals.
- (d) Each applicant shall first attempt to resolve through the **business** any issue or concern related to the processing of his or her application, and shall communicate directly with the Office only if the **business** has been unable to resolve the matter.

1708.5 No **business** shall submit an application to the Office that does not contain a written certification that all insurance companies providing any type of coverage for the private sedan operator and the private sedan vehicle have been notified of the use of the vehicle in providing private sedan service and the names of and contact information for all insurance companies that have be so notified.

1708.6 Each **business** shall file contemporaneously with the Office applications for licensing of not more than one hundred (100) eligible applicants per calendar

week, and shall have not more than five hundred (500) applications pending at any one time.

1708.7 An application may be denied if the **business** or the applicant does not cooperate with the Office during the application process, if the application is not complete, or if the **business** or the applicant provides materially false information for the purpose of inducing the Office to grant the application.

1709 OPERATORS AND VEHICLES – ELIGIBILITY FOR LICENSING

1709.1 Applicant screening and vehicle safety inspection. At the time of application to the **business**, the unaffiliated third parties approved by the Office to conduct operator screenings and vehicle inspections shall conduct and document under oath that they have performed the following:

- (a) A national criminal background check on each applicant for a private sedan operator’s license showing that: the applicant meets the “good moral character” requirements for a DCTC operator’s license under §§ 1001.13 through 1001.15, and is not listed in the National Sex Offender Registry database;
- (b) A screening of each applicant to detect the use of illegal intoxicants, documenting that the applicant does not use illegal intoxicants; and
- (c) An initial safety inspection of the vehicle documenting that the vehicle meets the requirements of § 1707.5 (d).

1709.2 Each applicant shall meet the following eligibility requirements for licensing:

- (a) Each applicant shall:
 - (1) Be of at least the same age as required under Chapter 10; and
 - (2) Possess a valid and current personal driver’s license issued by the District’s Department of Motor Vehicles (“DMV”) or by the department of motor vehicles of another jurisdiction in the Washington Metropolitan Area, which does not expire for at least three (3) months from the date of application.
- (b) Each vehicle shall be owned, registered, and housed as follows:
 - (1) The applicant shall be an owner, co-owner, or lessee of the vehicle;
 - (2) Each applicant’s name shall be on the registration of the private sedan vehicle;

- (2) The applicant shall be a registrant or co-registrant of the vehicle in a jurisdiction which permits private sedan operators residing in the District and licensed by the Office under this title to participate in private sedan service, or equivalent class of service, in such jurisdiction;
 - (4) If the vehicle is leased, the lease shall be for a duration of not less than one (1) year and the lessor shall not be in the **business** of leasing vehicles for use in providing private sedan service;
 - (5) The vehicle shall have a valid and current registration, which does not expire for at least three (3) months from the date of application; and
 - (6) The vehicle shall be regularly kept overnight at the applicant's place of residence.
- (c) The applicant and the vehicle shall be covered by a valid and current insurance policy as required by § 1706.3, which does not expire for at least three (3) months from the date of application.
 - (d) The applicant and vehicle shall pass the applicable applicant screening and vehicle inspection requirements of § 1709.1.
 - (e) The vehicle shall be in compliance with all safety and emissions inspections required by the jurisdiction where it is registered and housed.
 - (f) The vehicle shall meet the definition of "private sedan" in this title.
 - (g) The operator and all owners of the vehicle shall execute the private sedan agreement pursuant to § 1709.3.

1709.3 Private sedan agreement for private sedan operator licensees. The applicant and all owners of the vehicle shall execute an agreement which meets the following requirements:

- (a) It shall be in a form prescribed by the Office;
- (b) Each person executing the agreement shall do so under oath;
- (c) Each owner (including the applicant, if applicable) shall give his or her permission to allow the vehicle to be used as a private sedan;
- (d) Each applicant shall certify that he or she will:

- (1) Operate in compliance with all applicable provisions of this title and other applicable law;
- (2) Submit to any administrative inspection or traffic stop by a District enforcement officials, at which time he or she will be fully cooperative and promptly provide all information and documentation, including his or her electronic manifest and licensing documents, as directed at that time;
- (3) Maintain a current and valid personal driver's license and vehicle registration;
- (4) Maintain insurance coverage as required by § 1706.3;
- (5) Abide by the **business**'s zero tolerance policy prohibiting the use of illegal intoxicants while providing service;
- (6) Abide by the **business**'s zero tolerance policy against the solicitation or acceptance of a street hail and the use taxicab stands;
- (7) With the exception of operators with a valid and current DCTC operator's license and S-tag, not be signed into the digital payment system (app) or provide private sedan service more than twenty (20) hours total and
- (8) Upon disaffiliation from, or suspension or termination by the **business**, or upon suspension, revocation, or non-renewal by the Office of his or her DCTC operator's license or his or her DCTC vehicle license:
 - (A) Immediately stop providing private sedan service;
 - (B) Return the DCTC vehicle decal and S-tag, as applicable, to the **business** or the Office within five (5) days; and
 - (C) Consent to the removal of the DCTC vehicle decal and S-tag, as applicable, by any District enforcement official in compliance with all applicable provisions of this title.

1710 OPERATORS AND VEHICLES – APPLICATION

1710.1 Each **business** applying for a license on behalf of an applicant shall file the following information and documentation with the Office:

- (a) The full name, home address, home telephone number, cellular telephone number, social security number, and date of birth of the applicant;
- (b) The make, model, year, and vehicle identification number (VIN) of the vehicle;
- (c) The vehicle's mileage at the time of application;
- (d) The date on which the vehicle was purchased or leased by the operator;
- (e) The date on which the applicant became associated with the **business**;
- (f) All information and documentation required by § 1707;
- (g) A statement executed by the **business** that the applicant and the vehicle meet all requirements for licensing under this chapter, and are ready and able to meet all requirements for the operation of a private sedan under this title and other applicable laws;
- (h) The original, fully-executed private sedan agreement; and
- (i) Such other information and documentation as the Office may deem necessary to determine that the operator and vehicle meet the applicable requirements for licensing in this title and other applicable laws.

1710.2 Each **business** applying for a license on behalf of an applicant for a private sedan operator license who does not have a current and valid DCTC operator's license shall, in addition to the information required under § 1710.1, file the following information and documentation with the Office:

- (a) A copy of the front and back of the applicant's personal driver's license;
- (b) A copy of the front and back of the insurance card for the personal motor vehicle insurance policy on the operator and vehicle; and
- (c) One (1) photograph of the operator that meets the requirements for a United States passport and which shall be the same photograph used on the **business**' app;

1710.3 Each **business** applying for a license on behalf of an applicant with a current and valid DCTC operator's license shall, in addition to the information required under § 1710.1, file the following information and documentation with the Office:

- (a) The DCTC operator's license number and the date of expiration;

- (b) If the operator and the vehicle will be covered by a commercial insurance policy pursuant to Chapter 9, a copy of the policy showing the insurance company expressly agrees to such coverage; and
- (c) If the commercial insurance policy does not cover providing private sedan service, a copy of the front and back of the insurance card for the personal motor vehicle insurance policy on the operator and vehicle;

1710.4 Each application filed pursuant to this section shall:

- (a) Be full and complete, including all required information and documentation, with no missing pages and no redactions;
- (b) Be provided under oath by the applicant;
- (c) Be accompanied by a certification from the **business** that the applicant and his or her vehicle meet the requirements for licensing, and certifications by the approved third parties that have completed the applicant screening and vehicle inspection requirements of § 1709.1; and
- (d) Be accompanied by an application fee as follows:
 - (1) If the applicant is applying for a private sedan operator's license, a fee of fifty dollars (\$50) for such license; and
 - (2) A fee of fifty dollars (\$50) for the DCTC private sedan vehicle license.

1711 OPERATORS AND VEHICLES – REVIEW OF APPLICATION AND DECISION ON LICENSING

1711.1 The Office shall deny an application where required by the Clean Hands Act.

1711.2 The Office shall obtain the complete driving record for each applicant applying for a private sedan operator's license, and shall deny the application if the applicant does not meet the requirements for licensing under § 1001.11.

1711.3 The Office shall grant or deny an application as to both the applicant and his or her vehicle. If an application is granted, the applicant and the vehicle shall be licensed as an operator-vehicle pair for purposes of enforcement and compliance with this title, including the inventory requirements of § 1707.2. No operator shall provide private sedan service with a vehicle other than his or her own licensed private sedan vehicle. No private sedan shall be used by an operator other than the operator licensed to provide service with that vehicle.

1711.4 The Office shall complete the review process and issue its decision to grant or deny an application within thirty (30) days after the application is filed.

1711.5 If the Office denies an application:

- (a) The Office shall state the reasons for its decision in writing; and
- (b) The **business** may appeal the decision on behalf of the applicant to the Chief of the Office within fifteen (15) calendar days, and otherwise, shall constitute a final decision of the Office. The Chief shall issue a decision on an appeal within thirty (30) days. A timely appeal of a denial shall extend an existing license pending the Chief's decision, so long as all insurance required by this chapter remains in effect. A decision of the Chief to affirm or reverse a denial shall constitute a final decision of the Office. A decision of the Chief to remand to the Office for further review of an application shall extend an existing license pending the final decision of the Office, so long as all insurance required by this chapter remains in effect.

1711.6 If the Office grants an application:

- (a) If the applicant is applying for a private sedan operator's license, he or she shall be granted such a license for a period of twelve (12) months from the date of the decision;
- (b) If the applicant holds a current and valid DCTC operator's license and meets the requirements of §§ 1706 and 1707 applicable to such operators, he or she shall be approved as a private sedan operator with no further licensing required;
- (c) A DCTC private sedan vehicle license shall be granted for the vehicle, allowing it to operate as a private sedan for a period of twelve (12) months from the date of the decision;
- (d) The Office shall promptly send the **business** a private sedan operator's license and a DCTC vehicle license decal, if applicable, which shall be clearly displayed on the vehicle at all times in a suitable location as directed by the Office; and
- (e) An approved vehicle operated by an operator with a current and valid DCTC operator's license shall be eligible to apply for an S-tag for his or her licensed private sedan vehicle, provided the vehicle meets all other applicable requirements for registration by the DMV.

1712

OPERATORS AND VEHICLES - RENEWAL OF LICENSES

- 1712.1 Each **business** shall apply for renewal of each private sedan operator's license and each DCTC private sedan vehicle license not later than sixty (60) days prior to the expiration date of such license.
- 1712.2 If a **business** fails to apply for renewal of an operator's private sedan license or vehicle license prior to the twenty ninth (29th) day prior to the expiration date of the existing license(s), the operator shall be required to surrender to the **business** at the end of the licensing period, his or her expired private sedan operator's license and expired DCTC private sedan vehicle decal, and the **business** may file a new application as provided in this chapter.
- 1712.3 An operator with a DCTC operator's license shall comply with renewal requirements of Chapter 10.
- 1712.4 Each applicant (including an applicant's vehicle) on whose behalf a **business** applies to renew a license, at the time the **business** files a renewal application, shall be in full compliance with this title and other applicable laws.
- 1712.5 Unless the Office provides otherwise in writing, all requirements for a new license shall apply to a renewed license.
- 1712.6 Each private sedan operator's license and each DCTC private sedan vehicle license shall continue in force and effect beyond its expiration period, during such time as an application for renewal of such license is pending, provided the application was timely filed and complies with §§ 1706 through 1710, and so long as all insurance required by this chapter remains in effect.
- 1712.7 Each licensed operator who replaces his or her vehicle licensed under this chapter shall apply to the **business** for a new license for the replacement vehicle.

1713 DRIVERS AND VEHICLES – OPERATING REQUIREMENTS

- 1713.1 Each operator shall complete the **business**'s new operator training program prior to being listed on the **business**'s inventory or providing service.
- 1713.2 Each operator with current and valid DCTC operator's license operating a licensed private sedan vehicle with a current and valid S-tag shall operate in compliance with the shift limits for taxicabs and luxury class service vehicles in §§ 822.12 and 822.13.
- 1713.2 Each operator shall at all times be in compliance with Chapter 14 and this chapter.

1714 PROHIBITIONS

- 1714.1 No **business** shall associate with a DDS that is not in compliance with Chapter 16.

- 1714.2 No **business** shall advertise or refer to its private sedan service as “ridesharing”.
- 1714.3 No **business** shall operate even momentarily if its insurance policy required by § 1706 is not in force and effect.
- 1714.4 No **business** shall maintain or enforce a **business** policy or practice which contradicts, or prevents operators or vehicles from complying with, the provisions of Chapter 14.
- 1714.5 No **business** shall knowingly allow an associated operator or vehicle to violate a provision of Chapter 14.
- 1714.6 No operator shall violate an applicable provision of this chapter or Chapter 14.

1715 PENALTIES

- 1715.1 Each violation of this chapter by a private sedan **business** shall subject the violator to:
- (a) A civil fine as established by a provision of this chapter;
 - (b) Suspension, which may include one or more conditions to be paid for by the violator and which the Office determines are related to the misconduct;
 - (c) Revocation, or non-renewal of the **business**'s license issued pursuant to this chapter; and
 - (d) A combination of the sanctions enumerated in (a) through (c) of this subsection.
- 1715.2 Penalties for each violation of this chapter by a private sedan operator shall be accordance with the penalties provisions of Chapter 14.
- 1715.3 Except where otherwise specified in this title or chapter, the following civil fines are established for violations of this chapter, which shall double for the second violation of the same provision, and triple for each violation of the same provision thereafter:
- (a) A civil fine of five hundred dollars (\$500) dollars where no civil fine is enumerated for a violation by a **business**; and
 - (b) A civil fine of two hundred fifty dollars (\$250) dollars where no civil fine is enumerated for a violation by an operator.
- 1715.4 The enforcement of any provision of this chapter shall be governed by the applicable enforcement procedures of Chapter 7 of this title.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Juanda Mixon, Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Juanda Mixon, Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Director of the District Department of Transportation, pursuant to the authority of Sections 3(b), 5(2)(L), 11b(1) and 11e(a) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b) (2012 Repl. & 2014 Supp.) and §§ 50-921.04(2)(L), 50-921.32(1) and 50-921.35(a) (2012 Repl.)); and Mayor's Order 2009-43, dated March 26, 2009, hereby gives notice of this proposed action to adopt rules that will modify Chapter 15 (DC Circulator) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The proposed regulations will establish new procedures for soliciting and evaluating public comment before any adjustments are made to Circulator fares, routes or hours of operation. The proposed regulations will also clarify fare categories to be consistent with District law codified at D.C. Official Code § 35-233, which establishes a separate fare category for students, and with WMATA bus fare categories.

Final rulemaking action shall not be taken in less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended as follows:

Chapter 15, DC CIRCULATOR, is amended as follows:

Section 1502 is amended to read as follows:

1502 FARES

1502.1 The fares to board a DC Circulator bus shall be as follows:

- (a) Persons between the ages of five (5) and sixty-four (64): One dollar (\$1.00);
- (b) Persons sixty-five (65) years of age and older, upon presenting the DC Circulator bus driver or fare collector with valid photo identification or a valid Medicare card: Fifty cents (50¢) (Half-fare);
- (c) Persons who present a valid Metro Access card: Free of charge;
- (d) Persons with disabilities who present a valid Metro Disability Identification Card or a valid Medicare card with a photo identification card: Fifty cents (50¢) (Half-fare);
- (e) Attendant of a Person with disability meeting the standards set forth in §1502.1 (d): Fifty cents (50¢) (Half-fare);

- (f) Up to three persons under the age of five (5), accompanied by a paying adult: Free of charge; and
- (g) Persons between the ages of five (5) and twenty-two (22) who attend kindergarten through 12th grade in the District, with a valid DC One Student Card, Monday through Friday from 5:30 a.m. to 9 a.m. and from 2 p.m. until 8 p.m. when school is in session: Free of charge.

1502.2 Passes that permit unlimited daily, three-day, weekly, monthly, or yearly use of the DC Circulator may be sold as follows:

- (a) Daily Pass \$ 3.00
- (b) Three-Day Pass \$ 7.00
- (c) WMATA 7-Day Pass \$ 11.00
- (d) Monthly Pass \$ 40.00
- (e) Yearly Pass \$ 450.00

1502.3 Except for children under the age of five (5) years old no person shall board a DC Circulator bus without:

- (a) Depositing the applicable fare into the bus fare box;
- (b) Touching the target point of the bus fare reader with a funded rechargeable fare card;
- (c) Presenting a valid DC Circulator pass;
- (d) Displaying a valid Metro Access Card or DC One Student Card; or
- (e) Displaying a transfer from a bus, train, or other vehicle upon the execution of an agreement between the Department and the owner or operator of such vehicle regarding the use of transfers.
- (f) [REPEALED]

A new Section 1503 is added to read as follows:

1503 FARE ADJUSTMENTS, SERVICE ADJUSTMENTS, AND PUBLIC PARTICIPATION

- 1503.1 DDOT shall adjust the Circulator fare (fare adjustment) or Circulator routes or hours of operation (service adjustment) pursuant to the process set forth in this section.
- 1503.2 Before implementing a fare adjustment or service adjustment, DDOT shall:
- (a) Prepare a fare adjustment or service adjustment plan, which shall include:
 - (1) A summary of the proposed fare adjustment or service adjustment;
 - (2) A proposed timeline for the implementation of the fare adjustment or service adjustment;
 - (3) An equity analysis illustrating any disparate impact of the proposed fare adjustment or service adjustment on populations protected under Title VI of the Civil Rights Act of 1964; and
 - (4) An explanation of the necessity of the fare adjustment or service adjustment and description of alternative fare or service scenarios examined.
 - (b) Publish a notice of proposed rulemaking to amend the Circulator fares set forth in § 1502, or routes and hours of operation set forth in § 1501 along with the fare adjustment or service adjustment plan or a website link to the plan in the *D.C. Register*, and post notification of the fare adjustment or service adjustment plan along with a website link to the plan on Circulator buses. Both the notice and notification shall set the date of the hearing required by paragraph (c) of this subsection, which date shall be not fewer than fifteen (15) days after the date the notice is published or the notification is posted and shall establish a public comment period, which shall be not fewer than thirty (30) days from publication of the notice;
 - (c) Hold at least one (1) public hearing on the fare adjustment or service adjustment plan; and
 - (d) If, after the public hearing and consideration of the comments received, DDOT determines to implement the proposed fare adjustment or service adjustment:
 - (1) Prepare an implementation plan outlining the agency's final timeline and plan of action to begin implementing the adjusted fare or service, which shall be published on the DDOT and Circulator websites. The implementation plan shall include a summary of the public comments received and DDOT's responses to the comments;

- (2) Issue a notice of final rulemaking amending § 1502 or § 1501 and setting forth the revised fares, routes, or hours of operation; and
- (3) Place notices of the adjusted fare or service on Circulator buses at least ten (10) **business** days before the fare adjustment or service adjustment is implemented.

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Samuel D. Zimbabwe, Associate Director, District Department of Transportation, 55 M Street, S.E., 5th Floor, Washington, D.C. 20003. An interested person may also send comments electronically to publicspace.policy@dc.gov. Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation's website at www.ddot.dc.gov.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2012 Repl. & 2014 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption, on an emergency basis, of an amendment to Section 1915, entitled “Host Home Services”, of Chapter 19 (Home and Community-Based Waiver Services for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These emergency and proposed rules establish standards governing reimbursement of host home services provided to participants in the Home and Community-Based Waiver Services for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver) and conditions of participation for providers.

The ID/DD Waiver was approved by the Council of the District of Columbia and renewed by the U.S Department of Health and Human Services, Centers for Medicaid and Medicare Services, for a five-year period beginning November 20, 2012. Host home without transportation services provide essential supports whereby a homeowner assists the person with multiple activities, including activities of daily living, to enable him/her to live successfully in the community. These rules amend the previously published final rules by increasing the rates, using the approved rate methodology, to reflect the increase in the D.C. Living Wage to comply with the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code §§ 2-220.01 *et seq.* (2012 Repl.)).

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of ID/DD Waiver participants who are in need of host home without transportation services. The ID/DD Waiver serves some of the District’s most vulnerable residents. The rate increase is necessary to ensure a stable workforce and provider base. In order to ensure that the residents’ health, safety, and welfare are not threatened, it is necessary that that these rules be published on an emergency basis.

The emergency rulemaking was adopted on September 12, 2014 and became effective on that date. The emergency rules shall remain in effect for one hundred and twenty (120) days until January 10, 2015, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director of DHCF also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Section 1915, HOST HOME, of Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND

DEVELOPMENTAL DISABILITIES, of Title 29, PUBLIC WELFARE, of the DCMR is amended to read as follows:

1915 HOST HOME WITHOUT TRANSPORTATION SERVICES

- 1915.1 The purpose of this section is to establish standards governing Medicaid eligibility for host home without transportation services under the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver), and to establish conditions of participation for providers of host home services.
- 1915.2 Host home without transportation services enable a person to retain or improve skills related to: health; activities of daily living; money management; community mobility; recreation; cooking; shopping; use of community resources; community safety; and to develop other adaptive skills needed to live in the community.
- 1915.3 To be eligible for Medicaid reimbursement of host home without transportation services, each person shall demonstrate a need for support for up to twenty-four (24) hours per day, and the services shall be:
- (a) Provided in a private home, referred to as “host home”, which may be leased or owned by the principal care provider; and
 - (b) Identified as a need in the person’s Individual Support Plan (ISP) and Plan of Care.
- 1915.4 The total number of persons living in the host home (including those served in the ID/DD Waiver), who are unrelated to the principal care provider cannot exceed three (3).
- 1915.5 In order to be reimbursed by Medicaid, the principal care provider shall:
- (a) Use the Department of Disabilities Services (“DDS”) approved person-centered thinking tools to develop an assessment that includes what is important to and for the person, within the first month of the person residing in the home;
 - (b) Participate in the development of the ISP and Plan of Care to ensure the ISP goals are clearly defined;
 - (c) Assist in the coordination of all services that a person may receive by ensuring that all recommended and accepted modifications to the ISP are included in the current ISP;
 - (d) Develop a support plan with measurable outcomes using the information from the DDS approved person-centered thinking tools, the ISP, Plan of

Care, and other information as appropriate to assist the person in achieving their goals; and

- (e) Review the person's ISP and Plan of Care goals, objectives, and activities at least quarterly, and more often as necessary, and submit quarterly reports to the person, family, as appropriate, guardian, and DDS Service Coordinator in accordance with the requirements described, under Section 1908 (Reporting Requirements) and Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 of the DCMR.

1915.6 In order to be reimbursed by Medicaid, the principal care provider shall provide personal supports and assistance to the person in the host home. These services shall include, but are not limited to, the following:

- (a) Room and board (not included in the ID/DD Waiver reimbursement rate);
- (b) Assistance with eating and food preparation;
- (c) Assistance with personal hygiene;
- (d) Assistance with dressing;
- (e) Assistance with monitoring the person's health and physical condition;
- (f) Assistance with the administration of medication;
- (g) Assistance with communication between the person and other health care providers;
- (h) Assistance with interpersonal and social skills;
- (i) Assistance with household chores;
- (j) Assistance with mobility;
- (k) Assistance with motor and perceptual skills;
- (l) Assistance with problem-solving and decision-making;
- (m) Maintenance of medical records;
- (n) Maintenance of financial records;
- (o) Assistance with attending health care appointments, by the coordination of transportation to and from the person's appointments;

- (p) Assistance with planning and attending events;
- (q) Habilitative support in activities of daily living and/or therapeutic goals and objectives as described in the ISP and Plan of Care;
- (r) Assistance with enhancing the person's opportunities for social, recreational, and religious activities utilizing community resources; and
- (s) Assistance with ensuring that the person's adaptive equipment is appropriate and functioning.

1915.7 In order to be reimbursed by Medicaid, the ID/DD Waiver provider shall coordinate the delivery of professional services to each person residing in a host home that may include, but are not limited to, the following disciplines or services:

- (a) Medical Care;
- (b) Dentistry;
- (c) Education;
- (d) Nutrition;
- (e) Nursing;
- (f) Occupational therapy;
- (g) Physical therapy;
- (h) Behavioral support;
- (i) Community supports;
- (j) Social work;
- (k) Speech, hearing and language therapy; and
- (l) Recreation.

1915.8 In order to be reimbursed by Medicaid, each ID/DD Waiver provider that oversees a person's host home placement shall:

- (a) Receive and review packets submitted by DDS requesting development of a host home for a particular applicant;
- (b) Respond to inquiries for host home development in a timely manner;

- (c) Recruit a principal care provider to deliver host home services;
- (d) Identify and develop on-going relationships with local medical professionals (*e.g.*, dentist, physician, psychiatrist, psychologist, occupational therapist, physical therapist, etc.);
- (e) Coordinate a minimum of one (1) visit by the person to the prospective principal care provider's home, one of which may be an overnight stay;
- (f) Coordinate transportation with the DDS Service Coordinator for visits to the prospective host home of the principal care provider;
- (g) Participate in a person centered planning process to develop the person's ISP and Plan of Care;
- (h) Arrange for essential supports, including training, supplies and equipment to be in place prior to the person's move into a host home setting;
- (i) Arrange for non-essential, but recommended and necessary supports to be put into place subsequent to a person's move into a host home setting; and
- (j) Provide information as needed to the person, the person's family or authorized representative, support team, DDS Service Coordinator, and the principal care provider.

1915.9

In order to be reimbursed by Medicaid, the ID/DD Waiver provider shall:

- (a) Coordinate the use of transportation for each person residing in a host home to their day programs, places of employment, and/or community outings as needed;
- (b) Coordinate general support monitoring at least twice per month to review conditions in the host home, the person's health status, implementation of the ISP, update activity schedules, review medical and other appointments, and draft progress notes;
- (c) Coordinate health care monitoring for each person residing in the host homes including, at a minimum, monitoring by a registered nurse at least every sixty (60) days for persons with no medications, and at least monthly for persons on medications; and complete monthly progress notes during each visit, as appropriate;
- (d) Provide respite to the principal care provider for up to a total of fourteen (14) days per year. If respite care and emergency support is provided in the host home, Medicaid reimbursement payments for host home services

shall continue for fourteen (14) days. If respite is provided in another location, the host home services percentage of the reimbursement rate shall be paid to the ID/DD Waiver provider;

- (e) Provide emergency support to the person enrolled in the ID/DD Waiver, in the event that an emergency renders a principal care provider unable to provide supports;
- (f) Coordinate compliance with DDS policies and procedures;
- (g) Provide training to ensure that the principal care provider is knowledgeable about DDS policies and procedures;
- (h) Ensure that the principal care provider is trained on medication administration; and
- (i) Accompany the person to annual review court hearings and provide reports to be utilized during court hearings.

1915.10 In order to be reimbursed by Medicaid, the principal care provider may be a family member who is not a parent, spouse or other legally responsible relative of the person enrolled in the ID/DD Waiver.

1915.11 In order to be reimbursed by Medicaid, the host home residence and the ID/DD Waiver provider shall meet the DDS Certification Standards as set forth in the Human Care Agreement between the principal care provider, the ID/DD Waiver provider, and DDS, if applicable.

1915.12 In order to be reimbursed by Medicaid, host home without transportation services shall be administered by supported living service providers or residential habilitation service providers, which in this section shall be referred to as the ID/DD Waiver provider.

1915.13 In order to be reimbursed by Medicaid, each ID/DD Waiver provider of host home services without transportation shall demonstrate verification of passing the DDS Provider Certification Review with experience providing In-Home Supports or Respite for at least three (3) years, unless waived by a designated DDA staff.

1915.14 In order to be reimbursed by Medicaid, each ID/DD Waiver provider of host home without transportation services shall agree to the following:

- (a) Be a member of the person's support team;
- (b) Comply with Sections 1904 (Provider Qualifications) and 1905 (Provider Enrollment) of Chapter 19 of Title 29 of the DCMR;

- (c) Maintain a signed, current Human Care Agreement with DDS when deemed necessary by DDS;
- (d) Demonstrate that the owner(s)/operator(s) has at least five (5) years of experience in a leadership role with a residential provider that support adults with an intellectual disability, unless waived by the DDS Director or Deputy Director or their designee.

1915.15 In order to be reimbursed by Medicaid, each host home residence and supporting ID/DD Waiver provider located out-of-state shall be licensed and/or certified in accordance with the host state's laws and regulations and/or consistent with the terms and conditions set forth in an agreement between the District of Columbia and the host state. Each out-of-state host home and ID/DD Waiver provider shall comply with the following additional requirements:

- (a) Remain in good standing in the jurisdiction where the program is located;
- (b) Submit a copy of the annual certification or survey performed by the host state and provider's corrective action to DDS;
- (c) Allow authorized agents of the District of Columbia government, federal government, and governmental officials of the host state full access to all sites and records for audits and other reviews; and
- (d) Successfully meet the certification review requirements of DDS.

1915.16 Each principal care provider and direct support professional (DSP) providing host home without transportation services shall meet all of the requirements in Section 1906 (Requirements for direct support professionals) of Chapter 19 of Title 29 of DCMR.

1915.17 In order to be reimbursed by Medicaid, each principal care provider providing host home services shall agree to cooperate and attend mandatory training sessions provided by DDS and the ID/DD Waiver provider, and to allow DDS Service Coordinator and other DDS employees' reasonable access to the Host Home.

1915.18 In order to be reimbursed by Medicaid, services shall be authorized for reimbursement in accordance with the following provider requirements:

- (a) DDS shall provide a written service authorization before the commencement of services;
- (b) The provider shall conduct an assessment and develop a host home assessment plan with training goals and techniques that will assist the principal care provider, within the first thirty (30) days of service delivery;

- (c) The service name and the ID/DD Waiver provider delivering services shall be identified in the ISP and Plan of Care;
- (d) The ISP, Plan of Care, and Summary of Supports and Services shall document the amount and frequency of services to be received; and
- (e) Services shall not conflict with the service limitations described under Subsection 1915.25.

1915.19 Each ID/DD Waiver provider of host home without transportation services shall maintain the following documents for monitoring and audit reviews:

- (a) Any documents required to be maintained under Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 of the DCMR;
- (b) A copy of the person's most recent DDS approved ISP and Plan of Care;
- (c) A current written staffing plan, if In-Home Supports are needed;
- (d) A written explanation of staffing responsibilities when the principal care provider is unavailable to provide support to the person enrolled in the ID/DD Waiver;
- (e) Current financial records of expenditures of public and private funds for each person;
- (f) The records of any nursing care provided pursuant to a physician ordered protocol and procedure, charting, and other supports provided in accordance with a physician's order relating to the development and management of the Health Management Care Plan.
- (g) The progress notes written by the principal care provider on a weekly basis and archived at the ID/DD Waiver provider's central office, which contain the following information:
 - (1) The progress in meeting each goal in the ISP;
 - (2) Any unusual health or behavioral events or change in status;
 - (3) A listing of all community activities attended by the person and for each, a response to the following questions: "What did the person like about the activity?" and "What did the person not like about the activity?"; and
 - (4) Any matter requiring follow-up on the part of the service provider or DDS.

- 1915.20 In order to be reimbursed by Medicaid, each ID/DD Waiver provider of host home without transportation services shall comply with Sections 1908 (Reporting Requirements) and 1911 (Individual Rights) of Chapter 19 of Title 29 of the DCMR.
- 1915.21 Host home without transportation services shall not be reimbursed by Medicaid if they are billed for the same day of service that the following ID/DD Waiver services are provided to the person:
- (a) Supported Living;
 - (b) Residential Habilitation;
 - (c) Personal Care;
 - (d) Skilled Nursing;
 - (e) Environmental Accessibility;
 - (f) Transportation;
 - (g) Respite;
 - (h) Personal Emergency Response System (PERS); and
 - (i) In-Home Supports.
- 1915.22 In order to be eligible for Medicaid reimbursement, host home without transportation services shall not include a day when the person is hospitalized, on vacation, or other days during which the person is not residing at the host home, with the exception of days when the person is on vacation with the principal care provider.
- 1915.23 In order to be eligible for Medicaid reimbursement, host home without transportation services shall not include a day when the person is not residing at the host home, with the exception of days when the person is temporarily residing in a hotel or other facility due to an emergency situation.
- 1915.24 The following individuals shall not be authorized to enroll as an ID/DD Waiver provider of host home without transportation services for the person:
- (a) The person's legal guardian;
 - (b) The person's parent; or

- (c) The person's spouse.

1915.25 Reimbursement for host home without transportation services shall not include:

- (a) Cost of room and board;
- (b) Cost of facility maintenance, upkeep, and improvement;
- (c) Activities for which payment is made by a source other than Medicaid; and
- (d) Time when the person is in school or employed.

1915.26 The reimbursement rate for host home without transportation services is a daily inclusive rate based on the person's acuity level. The acuity level shall be determined by DDS based on the results of the Level of Need Assessment and Screening Tool or as documented in the person's ISP.

1915.27 The basic support rate that Medicaid will reimburse shall be one hundred forty-two dollars (\$142.00) per day; the moderate support rate shall be one hundred sixty-one dollars (\$161.00) per day; and the intensive support rate shall be two hundred ten dollars (\$210.00) per day. The host home without transportation services reimbursement rate shall include:

- (a) All training for host home workers;
- (b) Programmatic supplies;
- (c) Oral/topical medication management;
- (d) General and administrative fees for ID/DD Waiver services;
- (e) Relief of the caregiver and emergency support;
- (f) All direct support costs based on the needs of the person; and
- (g) Additional supports provided by a DSP for up to twenty (20) hours per week.

1915.28 In the event that additional DSP supports are requested, the ID/DD Waiver provider shall submit to the DDS Service Coordinator, the following documents:

- (a) A written justification; and
- (b) A summary of the responsibilities of the DSP who is scheduled to provide the additional supports.

- 1915.29 Persons with extraordinary needs may be eligible to receive a specialized reimbursement rate not to exceed five hundred dollars (\$500.00) per day, subject to DDS approval.
- 1915.30 Forty (40) percent to fifty (50) percent of the daily reimbursement rate shall be paid to the host home by the ID/DD Waiver provider for support services. The remaining fifty (50) percent to sixty (60) percent of the daily reimbursement rate shall be retained by the ID/DD Waiver provider for training, additional in-home support services based on the needs of the person, medication management, general and administrative fees for ID/DD Waiver services, general supervision, and relief and emergency coverage. The actual percentage of the daily reimbursement rate allocated between the host home and the ID/DD Waiver provider shall be negotiated between the parties based on the specific support needs of the person.
- 1915.31 The person receiving host home services shall contribute an amount based on their Social Security benefits to the principal care provider to pay towards their room and board expenses.

Section 1999 (DEFINITIONS) is amended by adding the following:

Homeowner - A person(s) who is (are) the primary owner or renter of a residential property and who provides supports to assist the person enrolled in the ID/DD Waiver.

Host Home - The residence owned or leased by the homeowner or principal care provider who provides host home services to the person enrolled in the ID/DD Waiver.

Principal care provider- The person who owns and/or leases the host home and provides host home services and supports to the person enrolled in the ID/DD Waiver.

Comments on the emergency and proposed rule shall be submitted, in writing, to Claudia Schlosberg, Acting Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, NW, 9th Floor, Washington, D.C. 20001, via telephone on (202) 442-8742, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the emergency and proposed rule may be obtained from the above address.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2012 Repl. & 2014 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption, on an emergency basis, of an amendment to Section 1916, entitled “In-Home Supports”, of Chapter 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These emergency and proposed rules establish standards governing reimbursement of in-home supports provided to participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver) and conditions of participation for providers.

The ID/DD Waiver was approved by the Council of the District of Columbia and renewed by the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services, for a five-year period beginning November 20th, 2012. In-home supports services are essential to ensuring that persons enrolled in the Waiver continue to receive services and supports in the comfort of their own homes or family homes. These rules amend the previously published final rules by increasing the rates, using the approved rate methodology, to reflect the increase in the D.C. Living Wage to comply with the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code §§ 2-220.01 *et seq.* (2012 Repl.)).

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of ID/DD Waiver participants who are in need of in-home support services. The ID/DD Waiver serves some of the District’s most vulnerable residents. The rate increase is necessary to ensure a stable workforce and provider base. In order to ensure that the residents’ health, safety, and welfare are not threatened, it is necessary that that these rules be published on an emergency basis.

The emergency rulemaking was adopted on September 12, 2014 and became effective on that date. The emergency rules shall remain in effect for one hundred and twenty (120) days until January 10, 2015, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director of DHCF also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Section 1916, IN-HOME SUPPORTS, of Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29, PUBLIC WELFARE, of the DCMR is deleted in its entirety and amended to read as follows:

1916 IN-HOME SUPPORTS SERVICES

- 1916.1 The purpose of this section is to establish standards governing Medicaid eligibility for in-home supports services for persons enrolled in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (Waiver) and to establish conditions of participation for providers of these services.
- 1916.2 In-home supports are services provided to a person to allow him or her to reside successfully at home. In-home supports include activities in which the person is assisted by a Direct Support Professional (DSP) to achieve the goals set forth in the Individual Support Plan (ISP). Services may be provided in the home or community, with the place of residence as the primary setting.
- 1916.3 To be eligible for reimbursement, in-home supports services shall be:
- (a) Included in a person's Individual Support Plan (ISP) and Plan of Care;
 - (b) Habilitative in nature; and
 - (c) Provided to a person living in one of the following types of residences:
 - (1) The person's own home;
 - (2) The person's family home; or,
 - (3) The home of an unpaid caregiver.
- 1916.4 In-home supports services include a combination of hands-on care, habilitative supports, and assistance with activities of daily living. In-home supports services eligible for reimbursement shall include the following:
- (a) Training and support in activities of daily living and independent living skills;
 - (b) Training and support to enhance community integration by utilizing community resources, including management of financial and personal affairs and awareness of health and safety precaution;
 - (c) Training on, and assistance in the monitoring of health, nutrition, and physical condition;

- (d) Training and support to coordinate or manage tasks outlined in the Health Management Care Plan;
- (e) Assistance in performing personal care, household, and homemaking tasks that are specific to the needs of the person;
- (f) Assistance with developing the skills necessary to reduce or eliminate behavioral episodes by implementing a Behavioral Support Plan (BSP) or positive strategies;
- (g) Assistance with the acquisition of new skills or maintenance of existing skills based on individualized preferences and goals identified in the In-home Supports Plan, ISP, and Plan of Care; and
- (h) Coordinating transportation to participate in community events consistent with this service.

1916.5 Each provider rendering in-home supports services shall:

- (a) Be a Waiver provider agency; and
- (b) Comply with Sections 1904 (Provider Qualifications) and 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 DCMR.

1916.6 Each Direct Support Professional (DSP) rendering in-home supports services shall comply with Section 1906 (Requirements for Direct Support Professionals) of Chapter 19 of Title 29 of the DCMR.

1916.7 In-home support services shall be authorized in accordance with the following provider requirements:

- (a) The Department on Disability Services (DDS) shall provide a written service authorization before the commencement of services;
- (b) The service name and provider delivering services shall be identified in the ISP and Plan of Care;
- (c) The ISP and Plan of Care shall document the amount and frequency of services to be received;
- (d) The In-home Supports Plan, ISP, and Plan of Care shall be submitted to and authorized by DDS annually; and

- (e) The provider shall submit each quarterly review to the person's DDS Service Coordinator no later than seven (7) **business** days after the end of the first quarter, and each subsequent quarter thereafter.

1916.8 Each provider of in-home supports services shall maintain the following documents for monitoring and audit reviews:

- (a) The daily progress notes described in Section 1909 of Chapter 19 of Title 29 DCMR, which shall include the following:
 - (1) A listing of all community activities attended by the person and a response to the following questions: "What did the person like about the activity?" and "What did the person not like about the activity?";
 - (2) A listing of all habilitative supports provided in the home and a response to the following questions: "What supports worked well for the person?" and "What supports did not work well for the person?";
 - (3) Any special events attended, and any situation or event in the home that requires follow-up during the delivery of the in-home supports services; and
 - (4) The dates and times services are delivered.
- (b) The documents required to be maintained under Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 of the DCMR.

1916.9 Each provider shall comply with the requirements under Section 1908 (Reporting Requirements) of Chapter 19 of Title 29 DCMR and Section 1911 (Individual Rights) of Chapter 19 of Title 29 DCMR.

1916.10 Each DSP providing in-home support services shall assist each person in the acquisition, retention, and improvement of skills related to activities of daily living, such as personal grooming, household chores, eating and food preparation, and other social adaptive skills necessary to enable the person to reside in the community.

1916.11 Each DSP providing in-home supports services shall:

- (a) Be a member of the person's Support Team;
- (b) Assist with and actively participate in the development of the person's In-Home Supports Plan, ISP, and Plan of Care;

- (c) Record daily progress notes; and
 - (d) Review the person's In-home Supports Plan, ISP, and Plan of Care initially and at least quarterly, and more often as needed once the DSP initiates services.
- 1916.12 In-home supports services shall only be provided for eight (8) hours per day. DDS may authorize an increase in hours, for an additional eight (8) hours per day up to one hundred and eighty (180) days, in the event of a temporary emergency.
- 1916.13 In the event of a temporary emergency, a written justification for an increase in hours shall be submitted with the In-home Supports Plan, ISP, and Plan of Care by the provider to DDS. The written justification must include:
 - (a) An explanation of why no other resource is available;
 - (b) A description of the temporary emergency;
 - (c) An explanation of how the additional hours of in-home supports services will support the person's habilitative needs;
 - (d) A revised copy of the in-home Supports Plan, ISP, and Plan of Care reflecting the increase in habilitative supports to be provided; and
 - (e) The service authorization from the Medicaid Waiver Supervisor or other Department on Disability Services Administration designated staff.
- 1916.14 Payment for in-home supports services shall not be made for routine care and supervision that is normally provided by the family, legal guardian, or spouse.
- 1916.15 Family members who provide in-home supports services shall comply with Section 1906 (Requirements for Direct Support Professionals) of Chapter 19 of Title 29 of the DCMR.
- 1916.16 Family members who provide in-home supports services and reside in the same home as the person receiving services may only be paid for in home support services that are in accordance with the person's ISPs goals.
- 1916.17 In-home supports services shall not be provided to persons receiving the following residential services:
 - (a) Host Home;
 - (b) Shared Living;

- (c) Residential Habilitation; and
 - (d) Supported Living.
- 1916.18 In-home supports services may be used in combination with Medicaid State Plan Personal Care Aide (PCA) services or ID/DD PCA services, provided the services are not rendered at the same time.
- 1916.19 In-home supports services shall not be used to provide supports that are normally provided by medical professionals.
- 1916.20 In-home supports services shall be billed at the unit rate. The reimbursement rate shall be twenty-two dollars and seventy-two cents (\$22.72) per hour billable in units of fifteen (15) minutes at a rate of five dollars and sixty-eight cents (\$5.68), and shall not exceed eight (8) hours per twenty-four (24) hour day. A standard unit of fifteen (15) minutes requires a minimum of eight (8) minutes of continuous service to be billed. Reimbursement shall be limited to those time periods in which the provider is rendering services directly to the person.
- 1916.21 Reimbursement for in-home supports services shall not include:
- (a) Room and board costs;
 - (b) Routine care and general supervision normally provided by the family or unpaid individuals who provide supports;
 - (c) Services or costs for which payment is made by a source other than Medicaid;
 - (d) Travel or travel training to Supportive Employment, Day Habilitation, Individualized Day Supports, or Employment Readiness; and
 - (e) Costs associated with the DSP engaging in community activities with the individuals.

Section 1999 (DEFINITIONS) is amended by adding the following:

Medical Professionals- Individuals who are trained clinicians and deliver medical services.

Comments on the emergency and proposed rule shall be submitted, in writing, to Claudia Schlosberg, Acting Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, NW, 9th Floor, Washington, D.C. 20001, via telephone on (202) 442-8742, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the emergency and proposed rule may be obtained from the above address.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2012 Repl. & 2014 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption, on an emergency basis, of an amendment to Section 1919, entitled “Behavioral Support Services” of Chapter 19 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These emergency and proposed rules establish standards governing reimbursement of behavioral support services provided to participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (Waiver) and conditions of participation for providers.

The Waiver was approved by the Council of the District of Columbia and renewed by the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services for a five-year period beginning November 20, 2012. These rules amend the previously published final rules by increasing the rates, using the approved rate methodology, to reflect the increase in the D.C. Living Wage to comply with the Living Wage Act of 2006, effective June 8, 2008 (D.C. Law 16-118; D.C. Official Code §§ 2-220.01 *et. seq.* (2012 Repl.)).

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of ID/DD Waiver participants who are in need of behavioral support services. The ID/DD Waiver serves some of the District’s most vulnerable residents. The rate increase is necessary to ensure a stable workforce and provider base. In order to ensure that the residents’ health, safety, and welfare are not threatened, it is necessary that that these rules be published on an emergency basis.

The emergency rulemaking was adopted on September 12, 2014 and became effective on that date. The emergency rules shall remain in effect for one hundred and twenty (120) days until January 10, 2015, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director of DHCF also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Section 1919, BEHAVIORAL SUPPORT SERVICES, of Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29, PUBLIC WELFARE, of the DCMR is amended to read as follows:

1919 BEHAVIORAL SUPPORT SERVICES

- 1919.1 The purpose of this section is to establish standards governing Medicaid eligibility for behavioral support services for persons enrolled in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (Waiver), and to establish conditions of participation for providers of behavioral support services.
- 1919.2 Behavioral support services are designed to assist persons who exhibit behavior that is extremely challenging and frequently complicated by medical or mental health factors.
- 1919.3 To qualify for Medicaid reimbursable behavioral support services, the person shall have specific behavioral support needs that jeopardize their health, safety, and wellbeing and/or interfere with their ability to gain independence and acquire community living skills.
- 1919.4 Medicaid reimbursable behavioral support services shall:
- (a) Be recommended by the person's support team;
 - (b) Be identified in the person's ISP and Plan of Care;
 - (c) Be prior authorized by DDS before the commencement of services; and
 - (d) Be recommended by a physician or Advanced Practice Registered Nurse (APRN) if the services are one-to-one behavioral supports related to a medical condition.
- 1919.5 To qualify for Medicaid reimbursable one-to-one behavioral supports, a person shall meet one (1) of the following characteristics:
- (a) Exhibit elopement resulting in serious risk to the safety of self or others;
 - (b) Exhibit behavior that is life threatening to self and others;
 - (c) Exhibit destructive behavior causing serious property damage;
 - (d) Exhibit sexually predatory behavior; or
 - (e) Have a medical condition that requires one-to-one services.
- 1919.6 In order to be eligible for Medicaid reimbursement, a physician or APRN shall issue an order for one-to-one behavioral supports associated with a medical condition which shall meet the requirements of DDS's policies and procedures and shall include and not be limited to the following information::

- (a) A specific time period or duration for the delivery of services;
- (b) A description of the medical condition that causes the person’s health or safety to be at risk ; and
- (c) The responsibilities of each staff person delivering supports; and
- (d) A justification for the need for one-to-one behavioral supports.

1919.7 Medicaid reimbursable behavioral support services shall consist of the following activities:

- (a) Development of a Diagnostic Assessment Report (DAR) in accordance with the requirements described under Section 1919.16;
- (b) Development of a Behavior Support Plan (BSP) in accordance with the requirements described under Sections 1919.17 through 1919.19;
- (c) Implementation of positive behavioral support strategies and principles based on the DAR and BSP;
- (d) Training of the person, their family, and support team to implement the BSP;
- (e) Evaluation of the effectiveness of the BSP by monitoring the plan at least monthly, developing a system for collecting BSP-related data, and revising the BSP;
- (f) Counseling and consultation services for the person and their support team; and
- (g) Participating in the person’s quarterly medication review.

1919.8 Within ninety (90) days of service authorization, a provider of Medicaid reimbursable behavioral supports services shall:

- (a) Administer the diagnostic assessment;
- (b) Complete the DAR based on the results of the diagnostic assessment and the accompanying behavioral support referral worksheet (“worksheet”); and
- (c) Complete the BSP when recommended by the DAR.

1919.9 The DAR shall be effective for three (3) years except as indicated in Section 1919.10, or for persons receiving one-to-one behavioral supports, which shall be

updated annually. The behavioral supports provider shall submit a diagnostic update to amend the DAR and accompanying worksheet to the Department on Disability Services (DDS) Service Coordinator.

- 1919.10 When a person experiences changes in psychological or clinical functioning, the behavioral supports provider shall submit a diagnostic update to amend the DAR and accompanying worksheet to the DDS Service Coordinator at any time during the three (3) year period, upon the recommendation of the support team.
- 1919.11 The worksheet accompanying the DAR shall include the number of hours requested for professional and paraprofessional staff services to address recommendations in the DAR.
- 1919.12 The diagnostic update shall include a written clinical justification supporting the reauthorization of services.
- 1919.13 The diagnostic update shall be reviewed by the person and their support team in consultation with behavioral supports staff.
- 1919.14 The BSP shall be effective for one (1) calendar year which shall correspond with the person's ISP year, unless revised or updated in accordance with the recommendations of the DAR and accompanying worksheet.
- 1919.15 To be eligible for Medicaid reimbursement, the diagnostic assessment shall include the following activities:
- (a) Direct assessment techniques such as observation of the person in the setting in which target behaviors are exhibited, and documentation of the frequency, duration, and intensity of challenging behaviors;
 - (b) Indirect assessment techniques such as interviews with the person's family members and support team, written record reviews, and questionnaires; and
 - (c) A written evaluation of the correlation between the person's environmental, psychological, and medical influences and the occurrence of behavioral problems.
- 1919.16 To be eligible for Medicaid reimbursement, the DAR shall include the following:
- (a) The names of individuals to contact in the event of a crisis;
 - (b) A summary of the person's cognitive and adaptive functioning status;
 - (c) A full description of the person's behavior including background, and environmental contributors;

- (d) The counseling and problem-solving strategies used to address behavioral problems and their effectiveness;
- (e) A list of less restrictive interventions utilized, the results, and an explanation of why the interventions were unsuccessful;
- (f) A list of proposed goals for achieving changes in target behaviors; and
- (g) The recommendations to initiate, continue, or discontinue behavioral support services.

1919.17 In order to be eligible for Medicaid reimbursement, the BSP shall be developed utilizing the following activities:

- (a) Interviews with the person and their support team;
- (b) Observations of the person at his/her residence and in the community; and
- (c) Review of the person's medical and psychiatric history including laboratory and other diagnostic studies, and behavioral data.

1919.17 In order to be eligible for Medicaid reimbursement, the behavioral supports staff that develops the BSP shall be responsible for:

- (a) The coordination of the delivery of behavioral support services in the person's residential and day activity settings; and
- (b) Obtaining the person's written informed consent and the approval of the person's substitute decision-maker, the support team, the provider's human rights committee, and DDS, when required by DDS's policies and procedures.

1919.19 In order to be eligible for Medicaid reimbursement, the BSP shall include the following:

- (a) A clear description of the targeted behavior(s) that is consistent with the person's diagnosis;
- (b) The data reflecting the frequency of target behaviors;
- (c) A functional behavioral analysis of each target behavior;
- (d) A description of techniques for gathering information and collecting data;

- (e) The proactive strategies utilized to foster the person's positive behavioral support;
- (f) The measurable behavioral goals to assess the effectiveness of the BSP;
- (g) If restrictive techniques and procedures are included, the rationale for utilizing the procedures and the development of a fade-out plan; and
- (h) Training requirements for staff and other caregivers to implement the BSP.

1919.20 Each provider of behavioral support services shall comply with Sections 1904 (Provider Qualifications) and 1905 (Provider Enrollment) of Chapter 19 of Title 29 of the DCMR and consist of one (1) of the following provider types:

- (a) A professional service provider in private practice as an independent clinician, as described in Section 1904 (Provider Qualifications) of Chapter 19 of Title 29 DCMR;
- (b) A Mental Health Rehabilitation Services agency (MHRS) certified in accordance with the requirements of Chapter 34 of Title 22-A of the DCMR;
- (c) A home health agency as described in Section 1904 (Provider Qualifications), of Chapter 19 of Title 29 DCMR; or
- (d) A HCBS Provider, as described under Section 1904 (Provider Qualifications), of Chapter 19 of Title 29 DCMR.

1919.21 In order to be eligible for Medicaid reimbursement, each MHRS shall agency serve as a clinical home by providing a single point of access and accountability for the provision of behavioral support services and access to other needed services.

1919.21 Individuals authorized to provide professional behavioral support services without supervision shall consist of the following professionals:

- (a) Psychiatrist;
- (b) Psychologist;
- (c) APRN or Nurse-Practitioner (NP) ; and
- (d) Licensed Independent Clinical Social Worker (LICSW).

- 1919.23 Individuals authorized to provide paraprofessional behavioral support services under the supervision of qualified professionals described under Subsection 1919.22 shall consist of the following behavior management specialists:
- (a) Licensed Professional Counselor;
 - (b) Licensed Social Worker (LISW);
 - (c) Licensed Graduate Social Worker (LGSW);
 - (d) Board Certified Behavior Analyst;
 - (e) Board Certified Assistant Behavior Analyst; and
 - (f) Registered Nurse.
- 1919.24 In order to receive Medicaid reimbursement, the minimum qualifications to draft a BSP shall be master's level degree psychologist working under the supervision of a psychologist or a LICSW.
- 1919.25 In order to receive Medicaid reimbursement, the minimum qualifications for providing consultation are a master's level psychologist, APRN, LICSW, LGSW or licensed professional counselor, with at least one (1) year of experience in serving people with developmental disabilities. Knowledge and experience in behavioral analysis shall be preferred.
- 1919.26 In order to receive Medicaid reimbursement, a LGSW may provide counseling under the supervision of an LICSW or a LISW in accordance with the requirements set forth in Section 3413 of Chapter 34 of Title 22-A of the DCMR.
- 1919.27 In order to receive Medicaid reimbursement, each DSP providing behavioral support services and/or one-to-one behavioral supports shall meet the following requirements:
- (a) Comply with Section 1906 (Requirements for Persons Providing Direct Services) of Chapter 19 of Title 29 DCMR;
 - (b) Possess specialized training in physical management techniques where appropriate, positive behavioral support practices, and all other training required to implement the person's specific BSP; and
 - (c) When providing one-to-one supports, the DSP shall not be assigned other duties so that he/she can ensure the person's safety, health, and well-being.

- 1919.28 Each provider of Medicaid reimbursable behavioral support services shall meet the requirements established under Section 1908 (Reporting Requirements) and Section 1911 (Individual Rights) of Chapter 19 of Title 29 DCMR.
- 1919.29 In order to be eligible for Medicaid reimbursement, each provider of Medicaid reimbursable behavioral supports services shall maintain the following documents for monitoring and audit reviews:
- (a) A copy of the DARs and accompanying worksheets;
 - (b) A copy of the BSPs;
 - (c) A current copy of the behavioral support clinician's professional license to provide clinical services;
 - (d) The documentation and data collection related to the implementation of the BSP;
 - (e) The records demonstrating that the data was reviewed by appropriate staff; and
 - (f) The documents required to be maintained under Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 DCMR.
- 1919.30 Medicaid reimbursement for behavioral support services shall be limited on an annual basis as set forth below. Services provided that exceed the limitations shall not be reimbursed except as provided in Subsection 1919.31:
- (a) Development of a new BSP shall be limited to ten (10) hours;
 - (b) Reviewing and updating the existing BSP shall be limited to six (6) hours;
 - (c) Training of the person, their family, the support team, and residential and day staff, shall be limited to twelve (12) hours;
 - (d) On-site counseling, consultation and observations shall be limited to twenty-six (26) hours;
 - (e) Participation in behavioral review or treatment team meetings, delivering notes including emergency case conferences, hospital discharge meetings, interagency meetings, pre-ISP and ISP meetings, and human rights meetings shall be limited to twelve (12) hours;
 - (g) Quarterly medication reviews, reports and monthly data monitoring shall be limited to eight (8) hours; and

- (h) Participation in psychotropic medication review meetings to deliver notes shall be limited to three (3) hours.
- 1919.31 In order to be eligible for Medicaid reimbursement, requests for additional hours beyond the annual limits described in Subsection 1919.30 may be approved by the DDS upon the submission of a diagnostic update to amend the DAR and accompanying worksheet.
- 1919.32 In order to be eligible for Medicaid reimbursement, requests for counseling as a behavioral support service shall be approved by a DDS designated staff member and shall be limited to counseling services that are not available under the District of Columbia State Plan for Medical Assistance.
- 1919.33 Medicaid reimbursable one-to-one behavioral support services provided by a DSP shall not be provided concurrently with day habilitation one-to-one services.
- 1919.34 The Medicaid reimbursement rate for each diagnostic assessment shall be two-hundred and forty dollars (\$240.00) and shall be at least three (3) hours in duration, and include the development of the DAR and accompanying worksheet.
- 1919.35 The Medicaid reimbursement rate for behavioral support services provided by professionals identified in Subsection 1919.21 shall be one-hundred and three dollars and twenty cents (\$103.20) per hour. The billable unit for fifteen (15) minutes is twenty-five dollars and eighty cents (\$25.80) per fifteen (15) minute billable increment for at least eight (8) continuous minutes.
- 1919.36 The Medicaid reimbursement rate for behavioral support services provided by paraprofessionals identified in Subsection 1919.22 shall be sixty dollars (\$60.00) per hour. The billable unit for fifteen (15) minutes is fifteen dollars (\$15.00) for each fifteen (15) minute billable increment for at least eight (8) continuous minutes.
- 1919.37 The Medicaid reimbursement rate for one-to-one behavioral support services provided by DSPs shall be twenty-three dollars and seventy-six cents (\$23.76) per hour. The billable unit for fifteen (15) minutes is five dollars and ninety-four cents (\$5.94) per fifteen (15) minute billable increment for at least eight (8) continuous minutes.

Section 1999 (DEFINITIONS) is amended by adding the following:

Advance Practice Registered Nurse (APRN) or Nurse-Practitioner (NP) - An individual who is licensed to practice nursing pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1202 *et seq.*), or licensed to practice nursing in the jurisdiction where the services are being provided.

Behavior Management Specialist - An individual who has the training and experience in the theory and technique of changing the behavior of individuals to enhance their learning of life skills and adaptive behaviors, and to decrease maladaptive behaviors, and who works under the supervision of a licensed practitioner.

Board Certified Behavior Analyst - An individual with at least a Master's Degree and a certificate from the Behavioral Analyst Certification Board (BCABA), in the jurisdiction where the credential is accepted.

Board Certified Assistant Behavior Analyst - An individual with at least a Bachelor's Degree and a certificate from the Behavioral Analyst Certification Board (BCABA), in the jurisdiction where the credential is accepted.

Fade-out plan - A plan used by providers to ensure that the restrictive technique or processes utilized are gradually and ultimately eliminated in the person's plan of care.

Functional Behavioral Analysis – A comprehensive and individualized process for identifying events that precede and follow a target behavior in order to develop hypotheses regarding the purpose of the target behavior and identify positive changes to be made.

Licensed Independent Clinical Social Worker - An individual who is licensed to practice social work pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1208 *et seq.*) or licensed to practice social work in the jurisdiction where the services are being provided.

Licensed Graduate Social Worker - An individual who is licensed to practice social work pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1208 *et seq.*) or licensed to practice social work in the jurisdiction where the services are being provided.

Licensed Independent Social Worker - An individual who is licensed to practice social work pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1208 *et seq.*) or licensed to practice social work in the jurisdiction where the services are being provided.

Licensed Professional Counselor - An individual who is licensed to practice counseling pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C.

Official Code §§ 3-1207 *et seq.*) or licensed to practice counseling in the jurisdiction where the services are being provided.

Positive behavioral support strategies – An alternative to traditional or punitive approaches for managing challenging behaviors that focuses on changing the physical and interpersonal environment and increasing skills so that the person is able to get his/her needs met without having to resort to challenging behavior.

Proactive strategies – Specific interventions such as staff actions or environmental modifications that prevent the occurrence of target behaviors.

Psychiatrist - An individual licensed to practice psychiatry pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1202 *et seq.*) or licensed as a psychiatrist in the jurisdiction where the services are being provided.

Psychologist - An individual licensed to practice psychology pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1202 *et seq.*) or licensed as a psychologist in the jurisdiction where the services are being provided.

Registered Nurse- An individual who is licensed to practice nursing pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1202 *et seq.*), or licensed to practice nursing in the jurisdiction where the services are being provided.

Sensorimotor - Functioning in both sensory and motor aspects of bodily activity.

Target behavior - The challenging behaviors to be addressed by staff.

Comments on the emergency and proposed rule shall be submitted, in writing, to Claudia Schlosberg, Acting Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, NW, 9th Floor, Washington, D.C. 20001, via telephone on (202) 442-8742, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the emergency and proposed rule may be obtained from the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-219
September 23, 2014

SUBJECT: Delegation of Authority to the Director of the Department of General Services to convey an easement to the District of Columbia Water and Sewer Authority for use of the property located in Square 3854, Lot 0801 in the District of Columbia, also known as 901 Rhode Island Avenue NE, Washington, D.C.


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) (2012 Repl.), it is hereby **ORDERED** that:

1. The Director of the Department of General Services ("DGS") is delegated the authority to execute and convey an easement to the District of Columbia Water and Sewer Authority for use of the property located in Square 3854, Lot 0801 in the District of Columbia, which is also known as 901 Rhode Island Avenue NE, Washington, D.C. (the "Property") for the purpose of installing a subterranean tunnel, and all other documents necessary to effectuate the right to use the Property.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



 VINCENT C. GRAY
 MAYOR

ATTEST: 

 CYNTHIA BROCK-SMITH
 SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-220
September 23, 2014

SUBJECT: Delegation of Authority to the Director of the Department of General Services to convey an easement to the District of Columbia Water and Sewer Authority for use of the property located in Square 444N, Lot 800 in the District of Columbia, also known as Cooper Gordon Park


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) (2012 Repl.), it is hereby **ORDERED** that:

1. The Director of the Department of General Services ("DGS") is delegated the authority to execute and convey an easement to the District of Columbia Water and Sewer Authority for use of the property located in Square 444N, Lot 800 in the District of Columbia, which is also known as Cooper Gordon Park (the "Property") for the purpose of installing a subterranean tunnel, and all other documents necessary to effectuate the right to use the Property.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



 VINCENT C. GRAY
 MAYOR

ATTEST: 

 CYNTHIA BROCK-SMITH
 SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-221
September 23, 2014

SUBJECT: Appointment and Rescission – Interstate Commission on the Potomac River Basin


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) and (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(2) and (11) (2012 Repl.), and Article I of the Potomac River Basin Compact, approved September 25, 1970, 84 Stat. 856, Pub. L. 97-407, D.C. Official Code § 8-1602 (2012 Repl.), it is hereby **ORDERED** that:

1. **JOHN R. WENNERSTEN** is appointed as an alternate member of the Interstate Commission on the Potomac River Basin and shall serve in that capacity at the pleasure of the Mayor.
2. Mayor's Order 2006-43, dated April 5, 2006, is hereby rescinded in its entirety.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to April 5, 2006.



 VINCENT C. GRAY
 MAYOR

ATTEST: 

 CYNTHIA BROCK-SMITH
 SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2014-222
September 23, 2014

SUBJECT: Reappointment – Board of Audiology and Speech-Language Pathology


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with section 218 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1202.18 (2012 Repl. and 2014 Supp.), it is hereby **ORDERED** that:

1. **GABRIELE NICOLET** is reappointed as a practicing speech-language pathologist member of the Board of Audiology and Speech-Language Pathology, for a term to end September 15, 2016.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



 VINCENT C. GRAY
 MAYOR

ATTEST: 

 CYNTHIA BROCK-SMITH
 SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, OCTOBER 8, 2014
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson
Members: Nick Alberti, Donald Brooks, Herman Jones
Mike Silverstein, Hector Rodriguez, James Short

- Protest Hearing (Status)** **9:30 AM**
Case # 14-PRO-00061; After Peacock Room, Inc., t/a After Peacock Room
2622 P Street NW, License #95964, Retailer CR, ANC 2E
Application for a New License
- Protest Hearing (Status)** **9:30 AM**
Case # 14-PRO-00067; FR & LH, LLC, t/a To be Determined, 1515 Wisconsin
Ave NW, License #95966, Retailer CR, ANC 2E
Application for a New License
- Show Cause Hearing (Status)** **9:30 AM**
Case # 14-251-00217; 1720, I, LLC, t/a Café Asia, 1720 I Street NW, License
#86035, Retailer CN, ANC 2B
Follow-up To Summary Suspension Hearing on August 15, 2014
- Show Cause Hearing (Status)** **9:30 AM**
Case # 13-CC-00119; Chicago/Washington, DC, Inc., t/a Morton's The
Steakhouse, 3251 Prospect Street NW, License #3880, Retailer CR, ANC 2E
Interfered with an Investigation
- Fact Finding Hearing** **9:30 AM**
Pub Crawl; Applicant: Ryan C. Karp, Date of Event: October 18, 2014, Event:
United Social Sports, Neighborhood: Multiple Licensed Premises, Size of
Event:500-600. *The names of the establishments participating in the Pub
Crawl are available upon request.*
- Show Cause Hearing** **10:00 AM**
Case # 14-CMP-00111; JC 7, LLC, t/a NY NY Diva, 2406 18th Street NW
License #92380, Retailer CR, ANC 1C
**Violation of Settlement Agreement (three counts), Substantial Change In
Operation Without Board Approval**

Board's Calendar

October 8, 2014

Show Cause Hearing

10:15 AM

Case # 14-CMP-00117; JC 7, LLC, t/a NY NY Diva, 2406 18th Street NW

License #92380, Retailer CR, ANC 1C

Violation of Settlement Agreement

This Hearing has been continued to December 17, 2014 at 10:00 am.

Show Cause Hearing

10:30 AM

Case # 14-CMP-00118; JC 7, LLC, t/a NY NY Diva, 2406 18th Street NW

License #92380, Retailer CR, ANC 1C

Violation of Settlement Agreement

This Hearing has been continued to December 17, 2014 at 11:00 am.

Show Cause Hearing

11:00 AM

Case # 14-251-00044; Backdoor, Inc., t/a Bachelors Mill/Backdoor Pub

1104 8th Street SE, License #11277, Retailer CT, ANC 6B

Failed to Follow Security Plan, Allowed the Establishment to be Used for an Unlawful or Disorderly Purpose

Show Cause Hearing

11:30 AM

Case # 13-CMP-00525; Soo & Chan, Inc., t/a Georgia Avenue Food Barn

6205 Georgia Ave NW, License #71950, Retailer A, ANC 4B

Sold Go-Cups

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA

1:00 PM

Protest Hearing

1:30 PM

Case # 14-PRO-00007; Madam's Organ, t/a Madam's Organ, 2461 18th Street

NW, License #25273, Retailer CT, ANC 1C

Termination of Settlement Agreement

Protest Hearing

1:30 PM

Case # 13-PRO-00090; SJ Enterprises, LLC, t/a Cusbah, 1128 H Street NE

License #88779, Retailer CR, ANC 6A

Application to Renew the License

Protest Hearing

4:30 PM

Case # 14-PRO-00027; Terminal Alley, LLC, t/a Terminal Alley, 3701 Benning Road NE, License #93986, Retailer CT, ANC 7F

Application for a New License

***The Board will hold a closed meeting for purposes of deliberating these hearings pursuant to D.C. Official Code §2-574(b)(13).**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CANCELLATION AGENDA
WEDNESDAY, OCTOBER 8, 2014 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The Board will be cancelling the following license for the reasons outlined below.

ABRA- 085837 – *The Washington Post*- Retail - CX – 1150 15th Street, NW
[Licensee requested cancellation of license.]

ABRA- 019002 – *Westchester Dinning Room*- Retail - CR – 4000 Cathedral Avenue, NW
Unit A [Licensee requested cancellation of license.]

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, OCTOBER 8, 2014
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On October 8, 2014 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case#14-CC-00107 Tattoo, 1413 K ST NW Retailer C Nightclub, License#: ABRA-075156

2. Case#14-CC-00135 Brasserie Beck, 1101 K ST NW Retailer C Restaurant, License#: ABRA-076383

3. Case#14-CMP-00492 Dahlak Restaurant, 1771 U ST NW Retailer C Restaurant, License#: ABRA-074433

4. Case#14-251-00175 Cobalt/ 30 Degrees/Level One, 1639 - 1641 R ST NW Retailer C Tavern, License#: ABRA-071833

5. Case#14-CC-00115 Metro Supermarket, 2130 P ST NW Retailer B Retail - Grocery, License#: ABRA-074057

6. Case#14-CC-00114 Peacock Liquors, 1625 NEW YORK AVE NE Retailer A Retail - Liquor Store, License#: ABRA-078305

7. Case#14-CC-00176 Et Voila, 5120 MACARTHUR BLVD NW Retailer C Restaurant, License#: ABRA-078332

8. Case#14-CC-00152 Leopold's Kafe Konditorei/L2, 3315 Cady's Alley AL NW Retailer C Restaurant, License#: ABRA-025268

9. Case#14-CC-00147 King Convenience Store, 1535 U ST SE Retailer B Retail - Grocery, License#: ABRA-089932

10. Case#14-CC-00151 Etete Ethiopian Cuisine, 1942 9TH ST NW Retailer C Tavern, License#: ABRA-070728

11. Case#14-CC-00149 Buffalo Billiards Corporation, 1330 19TH ST NW Retailer C Tavern, License#: ABRA-020480

12. Case#14-CC-00153 The Dubliner, 4 F ST NW Retailer C Tavern, License#: ABRA-001330

13. Case#14-CC-00113 Irving Liquor, 3100 MT PLEASANT ST NW Retailer A Retail - Liquor Store, License#: ABRA-000301

14. Case#14-CC-00150 Watergate Wine and Beverage, 2544 VIRGINIA AVE NW Retailer A Retail - Liquor Store, License#: ABRA-078595

15. Case#14-CC-00117 Iron Horse, 507 7TH ST NW Retailer C Tavern, License#: ABRA-081525

16. Case#14-CC-00141 We, The Pizza, 305 PENNSYLVANIA AVE SE Retailer C Restaurant, License#: ABRA-082062

17. Case#14-CC-00144 Safeway, 1100 4TH ST SW Retailer B Retail - Grocery, License#: ABRA-082176

18. Case#14-CC-00155 Second State, 1831 M ST NW Retailer C Tavern, License#: ABRA-084184

19. Case#14-CC-00142 Tackle Box, 3245 M ST NW Retailer C Restaurant, License#: ABRA-084952
-
20. Case#14-CC-00116 Lincoln, 1110 VERMONT AVE NW Retailer C Restaurant, License#: ABRA-086125
-
21. Case#14-CC-00154 Ping Pong, 1 Dupont Circle CIR NW Retailer C Restaurant, License#: ABRA-086270
-
22. Case#14-CC-00143 Cafe Romeo's, 2132 WISCONSIN AVE NW Retailer D Restaurant, License#: ABRA-088282
-
23. Case#14-CC-00158 Brookland Market, 3736 10TH ST NE Retailer A Retail - Liquor Store, License#: ABRA-088495
-
24. Case#14-CC-00139 Rinconcito Tex-Mex Restaurant, 1326 PARK RD NW Retailer C Restaurant, License#: ABRA-089715
-
25. Case#14-PRO-00007 Madam's Organ, 2461 18TH ST NW Retailer C Tavern, License#: ABRA-025273
-
26. Case#14-PRO-00027 Terminal Alley, 3701 Benning RD NE B Retailer C Tavern, License#: ABRA-093986
-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, OCTOBER 8, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Motion for Reconsideration of Board Order Number 2014-258, dated September 11, 2014, submitted by Dominick Cardella, Abutting Property Owner. *Penn Quarter Sports Tavern*, 639 Indiana Avenue, NW, Retailer CT, License No.: 076039.

2. Review of Request for Reconsideration of Board Order Number 2014-258, dated September 15, 2014, submitted by ANC 2C. *Penn Quarter Sports Tavern*, 639 Indiana Avenue, NW, Retailer CT, License No.: 076039.

3. Review of Petition for Reconsideration and Clarification, dated September 19, 2014, submitted by Roberto Facundus, Esq. on behalf of Penn Quarter Sports Tavern. *Penn Quarter Sports Tavern*, 639 Indiana Avenue, NW, Retailer CT, License No.: 076039.

4. Review of Opposition to Petition for Reconsideration and Clarification, dated September 23, 2014, submitted by Dominick Cardella, Abutting Property Owner. *Penn Quarter Sports Tavern*, 639 Indiana Avenue, NW, Retailer CT, License No.: 076039.

5. Review of Settlement Agreement among ANC 2F, Amoruso Group and Cher Cher Ethiopian Restaurant. *Cher Cher Ethiopian Restaurant*, 1334 9th St., NW, Retailer CN, License No.: 090311.

6. Review of Settlement Agreement between ANC 4B and Cheerz. *Cheerz*, 7303 Georgia Avenue, NW, Retailer C, License No.: 095178.

7. Review of Petition to Unilaterally Amend or Terminate a Settlement Agreement. *Harris Teeter*, 1631 Kalorama Road, NW, Retailer B, License No.: 073993.

8. Review of Second Amendment to Settlement Agreement. *Harris Teeter*, 1631 Kalorama Road, NW, Retailer B, License No.: 073993.

9. Review of Motion to Declare Burden on Petitioner, dated September 26, 2014, submitted by Roderic Wilson, Esq. on behalf of Barcode. *Barcode*, 1701 L Street, NW, Retailer CT, License No.: 082039.

10. Review of Letter of Support for Terminal Alley, dated September 25, 2014, submitted by Councilwoman Alexander. *Terminal Alley*, 3701 Benning Rd., NE, Retailer C, License No.: 093986.*

*** In accordance with D.C. Official Code §2-574(b) Open Meetings Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, OCTOBER 8, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – 1st Request. ANC 6E. SMD 6E05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Cloakroom*, 476 K Street NW, Retailer CN, License No. 087875.

2. Review Application for Safekeeping of License – 1st Request. ANC 2F. SMD 2F05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Casa Blanca Restaurant*, 1014 Vermont Avenue NW, Retailer DR, License No. 020067.

3. Review Request for Extension of Safekeeping of License for up to 2 Years. Original Safekeeping Date: 9/23/2001. Extensions have been made on a regular basis approximately every 6 months since that time. ANC 3C. SMD 3C07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Shemali's*, 3306 Wisconsin Avenue NW, Retailer B Grocery, License No. 070233.

4. Review Request for Extension of Safekeeping of License for 1 Year. Original Safekeeping Date: 01/15/2013. ANC 2B. SMD 2B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Omega*, 2123 Twining Court NW, Retailer CR, License No. 000909.

5. Review Application for Class Change from CR to CT. ANC 2B. SMD 2B06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Recessions II*, 1823 L Street NW, Retailer CR, License No. 060567.

6. Review Request for Refund for Unused Brewpub Endorsement on CT License. ANC 5D. SMD 5D02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Bardo*, 1216 Bladensburg Road NE, Retailer CT, License No. 090430.
-

7. Review Application for Manager's License. *Tegist Monoyez* -ABRA 096792.
-

8. Review Application for Manager's License. *Brian P. Danko* -ABRA 096808.
-

***In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

**OFFICE OF THE CHIEF FINANCIAL OFFICER
Office of Revenue Analysis**

**NOTICE of STATUTORY and SPECIAL
REAL PROPERTY TAX RATES for TAX YEAR 2015**

I. Statutory Real Property Tax Rates for Tax Year 2015

<u>Real Property Tax Class</u>	<u>Statutory Tax Rates Per \$100 of Assessed Value</u>
Class One (residential property)	\$0.85
Class Two (commercial property)	
The first \$3 million in assessed value	\$1.65
The assessed value in excess of \$3 million	\$1.85
Class Three (indefinitely vacant buildings)	\$5.00
Class Four (blighted/condemned buildings)	\$10.00

II. Special Real Property Tax Rates for Tax Year 2015

**BOND ACT REQUIREMENT
Certification of Debt Service Requirement**

In Tax Year 2015, **thirteen and one half percent (13.50%)** of total real property tax collections, by class, shall be dedicated to the repayment of General Obligations Bonds. The recommended special real property tax rates by class for Tax Year 2015 are as follows:

<u>Real Property Tax Class</u>	<u>Special Tax Rates Per \$100 of Assessed Value</u>
Class One (residential property)	\$0.115
Class Two (commercial property)	
The first \$3 million in assessed value	\$0.223
The assessed value in excess of \$3 million	\$0.250
Class Three (indefinitely vacant buildings)	\$0.675
Class Four (blighted/condemned buildings)	\$1.350

COMMUNITY ACADEMY PUBLIC CHARTER SCHOOLS (CAPCS)**REQUEST FOR PROPOSALS****Educational Coaching & Consulting Services**

The Dorothy I. Height Community Academy Public Charter Schools (CAPCS) is soliciting proposals from qualified educational consultants with professional coaching certification and experience to provide up to 4 days per month of administrative/staff coaching & consultation specifically related to school leadership (individual and team), school climate and culture, community and team development, and principle-driven leadership. Services also include design and delivery of professional development based on and aligned with customized needs. Description of relevant experience, references and cost structure required. For further information, contact Dr. Jennifer Smith at jennifersmith@capcs.org. **Final proposals submitted electronically are due Friday, October 10, 2014.** CAPCS RESERVES THE RIGHT TO CANCEL THIS RFP AT ANY TIME.

DEPARTMENT OF EMPLOYMENT SERVICES

NOTICE OF FUNDS AVAILABILITY**Office of Workforce Development
Adult Training Program 2015****Addendum: This RFA will now be released on October 31, 2014.****The application submission deadline will now be December 1, 2014.**

The District of Columbia Department of Employment Services (DOES) is seeking grant applications to meet the workforce development needs of District residents by implementing a variety of occupational programs and/or postsecondary education classes. The goal of this grant opportunity is to accelerate the ability of District residents to earn nationally recognized credentials and college credits. Successful grantees will provide: (1) credit-bearing, high-demand occupational training, (2) nationally recognized credentials, and (3) academic courses which may lead to a degree.

Eligibility: Local educational agencies, training providers, universities, and colleges licensed by The DC Education Licensure Commission (ELC) are eligible to apply. The applications will be ranked based on the applicant's capacity and ability to demonstrate: 1) a record of success in implementing a variety of high-demand occupational training and academic courses; 2) a record of participants successfully completing a variety of high-demand occupational training and academic courses; and 3) a record of working collaboratively with and/or partnering with at least two (2) of the following: a) employers, b) education and training community, and c) non-profit organizations.

Length of Awards: The grant period will be for twelve (12) months from the date of execution of a Grant Agreement with DOES. At the discretion of DOES, a maximum of four (4) one-year option periods may be granted based on performance and the availability of funding. Option periods may consist of a year, a fraction thereof, or multiple successive fractions of a year.

Available Funding for Awards: The total amount of funding that DOES anticipates to be available for this award is approximately up to \$4,000,000 maximum, pending availability of funds. The funds for the Adult Training Program are made available through District of Columbia appropriations.

Anticipated Number of Awards: DOES anticipates making up to ten (10) awards depending on funding availability and responsiveness of applicants.

How to Obtain the RFA: The Request for Application (RFA) will be released on **Friday, October 31, 2014**. The RFA will be available on the following websites:

- DOES website: www.does.dc.gov
- OCP website: <http://ocp.dc.gov/service/ocp-solicitations>
- DC Grants Clearinghouse: <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>

For more information regarding this grant opportunity, applicants may contact the DOES Grants Office at doesgrants@dc.gov at 202-671-3100 or Eugenia Palmer, Program Manager for Local Initiatives, via email at eugenia.palmer@dc.gov or via phone at (202) 698-5861.

The deadline for online application submission is: Monday, December 1, 2014, no later than 2:00pm EST.

EXCEL ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Education Consulting****Transaction Overview**

Excel Academy PCS is seeking proposals for education consultation services to review our enrollment processes, academic programs, and to conduct an overall performance analysis and suggest areas of improvement.

Services Sought

Excel Academy PCS is seeking a company to:

- Review our current enrollment paperwork to ensure a clean enrollment audit by OSSE.
- Support our academic program through analysis and recommendations for improvement.
- Inform a comprehensive school improvement process to ensure Excel meets accountability goals and the goals of its charter
- Review curriculum, instruction, professional development, use of data/assessment, leadership, and HR/staffing.
- Examine the school's testing processes and PARCC preparation.
- Review the special education program and make recommendations to guide necessary revisions
- Review the operations and compliance systems to assess compliance with all PCSB and OSSE requirements
- Review the charter goals and Excel Academy's progress towards these goals.
- Collaborate to create a school improvement initiative to begin in Fall/Winter 2014.
- Support recruitment processes and placement of all open administrator positions for the 2014-15 and 2015-16 school years
- Conduct needs assessment, national sourcing, screening, and reference checks to facilitate the selection process of high level administration positions in collaboration with the Board and school leadership.

Proposals are due Friday, October 17, 2014 5pm EST at the school's office:

Attn: Katie Proch
Excel Academy Public Charter School
2501 Martin Luther King Jr. Ave. SE
Washington, DC 20020

Electronic submissions are encouraged and can be sent to kproch@excelpcs.org
For questions or more information, please send via email to kproch@excelpcs.org. No information about the RFP will be provided individually over the phone to bidders. All questions submitted will be answered and sent to all interested bidders with the identity of the questioner removed.

FRIENDSHIP PUBLIC CHARTER SCHOOL
NOTICE OF REQUEST FOR PROPOSAL FOR

Friendship Public Charter School is seeking bids from prospective candidates to provide

Uniform Vendor: Friendship Public Charter School is soliciting proposals from qualified vendors for **Uniform Vendor**. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>.

The deadline has been extended and proposals are due no later than 5:00 P.M., EST, October 10th, 2014. Questions can be addressed to ProcurementInquiry@friendshipschools.org. -- **All bids not addressing all areas as outlined in the RFP will not be considered.**

Bus Transportation Services: Friendship Public Charter School is seeking an experienced vendor /company to supply **Bus Transportation Services**. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>.

The deadline has been extended and proposals are due no later than 5:00 P.M., EST, October 3rd, 2014. Questions can be addressed to ProcurementInquiry@friendshipschools.org. -- **All bids not addressing all areas as outlined in the RFP will not be considered.**

Instructional Materials, Curriculum and Resources: Friendship Public Charter School is seeking an experienced vendor /company to supply Curriculum. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, October 10th, 2014. ProcurementInquiry@friendshipschools.org. -- **All bids not addressing all areas as outlined in the RFP will not be considered.**

Branding and Message Development Consultant: Friendship Public Charter School is seeking an experienced vendor /company to Photocopier Services. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, October 10th, 2014. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org. -- **All bids not addressing all areas as outlined in the RFP will not be considered.**

Financial Consultants: Friendship Public Charter School is seeking an experienced vendor /company to provide financial consultation. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, October 10th, 2014. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org. -- **All bids not addressing all areas as outlined in the RFP will not be considered.**

Temporary Staffing: Friendship Public Charter School is seeking an experienced vendor /company to provide Temporary Staffing. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, October 10th, 2014. No proposals will be accepted after the deadline. Questions

can be addressed to ProcurementInquiry@friendshipschools.org. -- **All bids not addressing all areas as outlined in the RFP will not be considered.**

Postage Service: Friendship Public Charter School is seeking an experienced vendor /company to provide Postage machine lease and postage. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, October 17th, 2014. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org. -- **All bids not addressing all areas as outlined in the RFP will not be considered.**

Legal Service: Friendship Public Charter School is seeking an experienced vendor /company to provide legal Services. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, October 10th, 2014. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org. -- **All bids not addressing all areas as outlined in the RFP will not be considered.**

Photocopier Machine Lease and Services: Friendship Public Charter School is seeking an experienced vendor /company to provide Photocopier Machine lease and Services. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, October 10th, 2014. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org. -- **All bids not addressing all areas as outlined in the RFP will not be considered.**

HEALTH BENEFIT EXCHANGE AUTHORITY**NOTICE OF PUBLIC MEETING****Executive Board of the Health Benefit Exchange Authority**

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be held at 1100 15th Street, NW, 8th Floor Conference Room on **Wednesday, October 8, 2014 at 5:30 pm**. The call in number is 1-877-668-4493, Access code 737 110 095.

The Executive Board meeting is open to the public.

If you have any questions, please contact Debra Curtis at (202) 741-0899.

**IDEA PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS**

Multiple

IDEA Public Charter School is soliciting multi-year BID proposals from qualified vendors to provide various services for the 2014-2015 school year. A synopsis of the services and products sought are provided below. The full RFP, containing guidelines for submission, applicable qualifications and bid specifications, can be obtained by visiting our website: www.ideapcs.org. The full RFP's will be available on the school website.

A Portable Document Format (pdf) electronic version of your proposal must be received by the school no later than 2:00 p.m. EST on October 11, 2014. Proposals should be emailed to: Ms. Nicole Seward, Vice President of Operations, sewardn@ideapcs.org

No phone calls submissions or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

Interested parties/vendors will state their credentials/qualifications and provide appropriate licenses, references, insurances, certifications, proposed costs, and work plan.

- A. **Music Services:** The vendor is responsible for teaching music Monday through Friday to grades 9-12.
- B. **Art Services:** The vendor is responsible for teaching art Monday through Friday to grades 9-12.

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****Masonry Point-up**

KIPP DC is soliciting proposals for Masonry Point-up Services. A detailed Request for Proposal can be found on KIPP DC's website at <http://www.kippdc.org/public-information/>. Proposals are due no later than 5:00 P.M., EST, October 10, 2014.

Lead Paint Abatement Services

KIPP DC is soliciting proposals for Lead Paint Abatement Services. A detailed Request for Proposal can be found on KIPP DC's website at <http://www.kippdc.org/public-information/>. Proposals are due no later than 5:00 P.M., EST, October 10, 2014.

Exterior Painting Services

KIPP DC is soliciting proposals for Exterior Painting Services. A detailed Request for Proposal can be found on KIPP DC's website at <http://www.kippdc.org/public-information/>. Proposals are due no later than 5:00 P.M., EST, October 10, 2014.

Network Equipment & Services

KIPP DC is soliciting proposals for Network Equipment & Services. A detailed Request for Proposal can be found on KIPP DC's website at <http://www.kippdc.org/public-information/>. Proposals are due no later than 5:00 P.M., EST, October 17, 2014.

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF AGENCY CHANGE OF USE AT OLD DUPONT CIRCLE STREETCAR
STATION**

Pursuant to D.C. Code § 1-309.10(b), the District hereby gives notice of a change of use of District owned real property located under Dupont Circle and known as the old Dupont Circle Streetcar Station (the “Property”)

The Property consists of approximately 75,000 square feet of subterranean space beneath the circular roadway encompassing Federal Reservation 60 (Square 114-E, Lot 800), the associated subterranean track tunnels north to R Street and south almost to N Street, the stairwells and access or egress associated with said subterranean space, and all improvements existing therein and the East Platform and the West Platform.

Pursuant to An Act to Authorize the Mayor of the District of Columbia to Permit the Use of Public Space Under Dupont Circle in the District of Columbia, effective May 22, 1975 (D.C. Law 1-4), the District of Columbia (“District”) intends to enter into a short term lease with the Arts Coalition for Dupont Underground to renovate the Property and create a public event and art exhibition space.

ANC 2B has been informed of the change of use for the Property.

OFFICE OF POLICE COMPLAINTS

NOTICE OF PUBLIC MEETING

POLICE COMPLAINTS BOARD MEETING

October 2, 2014

5:00 p.m.

1400 I St, Suite 700, Washington, DC, 20008

For additional information, contact Christian Klossner at 202-727-3838

AGENDA OF MEETING

- I. Call to Order
- II. Public Comment Period
- III. Executive Session
-discussion of executive director hiring

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF CHARTER AMENDMENT****AppleTree Early Learning Public Charter School**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated Tuesday, September 30, 2014, of AppleTree Early Learning Public Charter School’s request to amend its charter by increasing the enrollment ceiling. PCSB will hold a public hearing on the matter on Monday, November 17, 2014 during its regularly scheduled Board Meeting. PCSB will hold a vote on the matter during its regularly scheduled Board Meeting on December 15, 2014. For further information, please contact Ms. Laterica Quinn, Equity and Fidelity Specialist, at 202-328-2660. Please contact 202-328-2660 or email public.comment@dcpcsb.org to submit public comment.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF PETITION AMENDMENT****Children's Guild Public Charter School**

The District of Columbia Public Charter School Board ("PCSB") hereby gives notice, dated Tuesday, September 30, 2014, of Children's Guild Public Charter School's request to amend its conditionally approved petition by expanding to grades 9-12. PCSB will hold a public hearing on the matter on Monday, November 17, 2014 during its regularly scheduled Board Meeting. PCSB will hold a vote on the matter during its regularly scheduled Board Meeting on December 15, 2014. For further information, please contact Ms. Laterica Quinn, Equity and Fidelity Specialist, at 202-328-2660. Please contact 202-328-2660 or email public.comment@dcpcsb.org to submit public comment.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF CHARTER AMENDMENT****Creative Minds Public Charter School**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated Tuesday, September 30, 2014, of Creative Minds Public Charter School’s request to amend its charter by increasing the enrollment ceiling. PCSB will hold a public hearing on the matter on Monday, November 17, 2014 during its regularly scheduled Board Meeting. PCSB will hold a vote on the matter during its regularly scheduled Board Meeting on December 15, 2014. For further information, please contact Ms. Laterica Quinn, Equity and Fidelity Specialist, at 202-328-2660. Please contact 202-328-2660 or email public.comment@dcpesb.org to submit public comment.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF CHARTER AMENDMENT****DC Prep Public Charter School**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated Tuesday, September 30, 2014, of DC Prep Public Charter School’s request to amend its charter by increasing the enrollment ceiling. PCSB will hold a public hearing on the matter on Monday, November 17, 2014 during its regularly scheduled Board Meeting. PCSB will hold a vote on the matter during its regularly scheduled Board Meeting on December 15, 2014. For further information, please contact Ms. Laterica Quinn, Equity and Fidelity Specialist, at 202-328-2660. Please contact 202-328-2660 or email public.comment@dcpesb.org to submit public comment.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF CHARTER AMENDMENT****DC Scholars Public Charter School**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated Tuesday, September 30, 2014, of DC Scholars Public Charter School’s request to amend its charter by increasing the enrollment ceiling. PCSB will hold a public hearing on the matter on Monday, November 17, 2014 during its regularly scheduled Board Meeting. PCSB will hold a vote on the matter during its regularly scheduled Board Meeting on December 15, 2014. For further information, please contact Ms. Laterica Quinn, Equity and Fidelity Specialist, at 202-328-2660. Please contact 202-328-2660 or email public.comment@dpcsb.org to submit public comment.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF CHARTER AMENDMENT****Ingenuity Prep Public Charter School**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated Tuesday, September 30, 2014, of Ingenuity Prep Public Charter School’s request to amend its charter by increasing the enrollment ceiling. PCSB will hold a public hearing on the matter on Monday, November 17, 2014 during its regularly scheduled Board Meeting. PCSB will hold a vote on the matter during its regularly scheduled Board Meeting on December 15, 2014. For further information, please contact Ms. Laterica Quinn, Equity and Fidelity Specialist, at 202-328-2660. Please contact 202-328-2660 or email public.comment@dcpesb.org to submit public comment.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF CHARTER AMENDMENT****Next Step Public Charter School**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated Tuesday, September 30, 2014, of Next Step Public Charter School’s request to amend its charter by increasing the enrollment ceiling. PCSB will hold a public hearing on the matter on Monday, November 17, 2014 during its regularly scheduled Board Meeting. PCSB will hold a vote on the matter during its regularly scheduled Board Meeting on December 15, 2014. For further information, please contact Ms. Laterica Quinn, Equity and Fidelity Specialist, at 202-328-2660. Please contact 202-328-2660 or email public.comment@dcpesb.org to submit public comment.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF CHARTER AMENDMENT****Shining Stars Public Charter School**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated Tuesday, September 30, 2014, of Shining Stars Public Charter School’s request to amend its charter by increasing the enrollment ceiling. PCSB will hold a public hearing on the matter on Monday, November 17, 2014 during its regularly scheduled Board Meeting. PCSB will hold a vote on the matter during its regularly scheduled Board Meeting on December 15, 2014. For further information, please contact Ms. Laterica Quinn, Equity and Fidelity Specialist, at 202-328-2660. Please contact 202-328-2660 or email public.comment@dcpesb.org to submit public comment.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF CHARTER AMENDMENT****St. Coletta Public Charter School**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated Tuesday, September 30, 2014, of St. Coletta Public Charter School’s request to amend its charter’s goals and academic expectations. PCSB will hold a public hearing on the matter on Monday, November 17, 2014 during its regularly scheduled Board Meeting. PCSB will hold a vote on the matter during its regularly scheduled Board Meeting on December 15, 2014. For further information, please contact Ms. Laterica Quinn, Equity and Fidelity Specialist, at 202-328-2660. Please contact 202-328-2660 or email public.comment@dpcsb.org to submit public comment.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

PUBLIC NOTICE

FORMAL CASE NO. 1102, IN THE MATTER OF THE INVESTIGATION INTO THE CONTINUED USE OF VERIZON WASHINGTON, DC, INC.'S COPPER INFRASTRUCTURE TO PROVIDE TELECOMMUNICATIONS SERVICES

1. This Notice informs the public that the Public Service Commission of the District of Columbia (“Commission”) seeks input on its investigation regarding Verizon Washington, DC, Inc.’s (“Verizon DC”) continued use of its copper infrastructure for the provision of telecommunications services in the District of Columbia and whether, and under what circumstances, the Company plans to transition customers from the telecommunications services provided over copper facilities to telecommunications services provided over fiber facilities. On December 3 and 4, 2014, the Commission will hold an evidentiary hearing on the following nine (9) issues:

1. Are there services, capabilities and functionalities of voice telecommunications service provided within a wire center service area that can be provided by copper lines connected to TDM-based circuit switched equipment which cannot also be provided by fiber lines connected to TDM circuit switched equipment or to fiber lines connected to IP softswitch equipment? If yes, specify and explain the importance of such to residential and **business** customers.
2. Do voice telecommunications services provided within a wire center service area that utilize fiber lines connected to either TDM-based circuit switch equipment or to IP softswitch equipment provide the same or better call and response capabilities for emergency services (including: fire, police and medical emergency response services and Personal Emergency Response System services), crisis management, priority access and security services (including law enforcement call monitoring services) as are provided when copper lines connected to TDM circuit switches are utilized to provide such services? If the answer is no, what additional equipment or services are needed to achieve the same level of response capabilities as exist with copper facilities?
3. Are there significant differences between voice telecommunications services provided over: copper lines connected to TDM-based circuit switch equipment; fiber lines connected to TDM-based circuit switched equipment; fiber lines connected to IP softswitch equipment; and VoIP service utilizing fiber lines connected to the public Internet or to private Internet networks? If so, should each of these voice telecommunication

services be classified as separate types of voice telecommunications service and treated differently for regulatory purposes? If so, why?

4. Are there services, capabilities and functionalities of voice telecommunications service provided within a wire center service area that telecommunications service providers should be required to provide to customers irrespective of whether the carrier utilizes copper lines connected to TDM-based circuit switch equipment or fiber lines connected to TDM-based circuit switched equipment? If so, what are those services, capabilities and functionalities?
 5. What network reliability, public safety, and service quality standards should be applied to voice telecommunications services provided within an exchange area that utilize fiber lines connected to TDM-based circuit switched equipment?
 6. Are Verizon DC's circuit-switched fiber or FiOS voice services, technically structured and provisioned at the customer's premises and within Verizon's network in the District to be classified as Internet Protocol-enabled Service or Voice Over Internet Protocol Service as defined in D.C. Code § 34-2001(7A) or 34-2001(23)?
 7. Are there areas in the District where there are poorly performing copper-based facilities but no immediate plans to transition to fiber facilities? If so, what is the timeframe for Verizon DC's deployment of fiber-based facilities to these areas and what are the plans for maintaining adequate and safe voice service in these areas, including plans for deploying alternate facilities, if any?
 8. What information and disclosures should Verizon DC provide to District consumers about the features of voice service on fiber facilities before they switch from copper to fiber facilities, and what information and disclosures should Verizon DC provide to District consumers about the features of unregulated VoIP services before they may switch from regulated voice to unregulated VoIP services and why?
 9. Are District customers who want to retain or return to copper facilities being allowed to do so and if not, why not?¹
-

2. The Commission will convene a community hearing to receive comments from the public on these issues on the following date:

November 5, 2014 – 6 pm
Public Service Commission of the District of Columbia
Hearing Room
1333 H Street, NW, Suite 700
Washington, DC 20005

The Commission is currently in the process of finalizing the date and location for a second community hearing.

3. **Those who wish to testify at this community hearing should contact the Commission Secretary by the close of business on October 30, 2014 by contacting the Commission Secretary at (202) 626-5150 or Psc-commissionsecretary@psc.dc.gov.** Representatives of organizations shall be permitted a maximum of five (5) minutes for oral presentations. Individuals shall be permitted a maximum of three (3) minutes for oral presentations. If an organization or an individual is unable to offer comments at the community hearing, written statements may be submitted by **November 17, 2014, addressed to Brinda Westbrook-Sedgwick, Commission Secretary**, Public Service Commission of the District of Columbia, 1333 H Street, NW, Suite 200 West Tower, Washington DC 20005.

4. Any person who is deaf or hard-of-hearing, and cannot readily understand or communicate in spoken English, and persons with disabilities who need special accommodations in order to participate in the hearing, must contact the Commission Secretary by the close of **business** seven (7) days prior to the date of the community hearing. Persons who wish to testify in Spanish, Chinese, Amharic, or Korean must also contact the Commission Secretary by close of **business** three (3) **business** days before the date of the hearing. **The number to call to request special accommodations and interpretation services is (202) 626-5150.**

5. Copies of previously filed documents in this proceeding, *Formal Case No. 1102*, are available on the Commission's website (www.dcpssc.org) and inspection at the Commission's Office of the Commission Secretary, 1333 H Street, NW, Suite 200, West Tower, Washington DC 20005 between the hours of 9:00 a.m. through 5:30 p.m., Monday through Friday. Copies of any of the documents in this proceeding may be purchased at the Commission at a cost of \$0.10 per page, actual reproduction cost.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DC TAXICAB COMMISSION**

NOTICE OF GENERAL COMMISSION MEETING

The District of Columbia Taxicab Commission will hold its regularly scheduled General Commission Meeting on Wednesday, October 8, 2014 at 10:00 am. The meeting will be held in the Old Council Chambers at 441 4th Street, NW, Washington, DC 20001.

The final agenda will be posted no later than seven (7) days before the General Commission Meeting on the DCTC website at www.dctaxi.dc.gov.

Members of the public are invited to participate in the Public Comment Period. You may present a statement to the Commission on any issue of concern; the Commission generally does not answer questions. Statements are limited to five (5) minutes for registered speakers and two (2) minutes for non-registered speakers. To register, please call 202-645-6018 (ext. 4) no later than 3:30 pm on October 7, 2014. Registered speakers will be called first, in the order of registration. A fifteen (15) minute period will then be provided for **all** non-registered speakers. **Registered speakers must provide ten (10) printed copies of their typewritten statements to the Secretary to the Commission no later than the time they are called to the podium.**

DRAFT AGENDA

- I. Call to Order
- II. Commission Communication
- III. Commission Action Items
- IV. Government Communications and Presentations
- V. General Counsel's Report
- VI. Staff Reports
- VII. Public Comment Period
- VIII. Adjournment

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18770-A¹ of &pizza, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception to allow a fast food establishment (first floor) under section 733, and a variance from the rear yard requirements under section 774, for a one-story rear addition to an existing building in the CHC/C-2-A District at premises 405 8th Street, S.E. (Square 902, Lot 825).²

HEARING DATES: June 10, 2014, June 17, 2014, and September 9, 2014³

DECISION DATE: September 9, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 5 and 24.)

The Board of Zoning Adjustment ("Board") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission ("ANC") 6B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. Ultimately, the ANC submitted a letter in support of the application with conditions. At first, the ANC opposed the application, per its first letter report dated May 19, 2014, citing its concerns regarding how the collection and storage of trash would exacerbate an existing serious rodent problem in the neighborhood and asked for the Board to grant the Applicant's request for a postponement so the ANC and neighbors and the Applicant could resolve the outstanding issues. In this initial report the ANC stated that it believed the Applicant's operation would exacerbate the already existing serious rodent issue in the area. (Exhibit 26.) The Applicant, with the ANC's agreement, asked for a postponement in order to work with the ANC and neighbors on a solution.⁴ The Board granted the postponement. Subsequently, after extensive meetings and negotiations between the Applicant, the ANC and the neighbors, the Office of Planning ("OP"), the Department of Health, the District Department of Transportation ("DDOT"), and experts in the areas of noise mitigation, odor mitigation, rodentology, and trash containment procedures, the ANC submitted a second letter report, this time in support of the application and with a consolidated list of

¹ This is a corrected Order of a single typo in the original Order.

² The application was revised by the Applicant. (Exhibit 24.)

³ The application was postponed from the June 10th and June 17th public hearings at the Applicant's request.

⁴ In addition to the party status applications in opposition, almost 100 neighbors signed a petition opposing the project.

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conditions, including indoor trash, noise mitigation, and odor control, that would satisfy the ANC and the neighbors. The ANC's letter dated July 12, 2014, indicated that the ANC at a duly noticed, regularly scheduled public meeting on July 8, 2014, with a quorum present, the ANC voted 7-4-0 in support of the Applicant's variance request and 6:4:0 to support the Applicant's special exception request provided that the Board: (1) limit the grant of special exception to allow a fast food establishment on the first floor to a period of seven years; (2) approve the variance from the rear yard requirements for a one-story rear addition to the existing building; and (3) include in its order the enclosed list of conditions agreed to by the Applicant. (Exhibit 34.)

The Office of Planning ("OP") submitted a report in support of the application with conditions, including a 10-year period. (Exhibit 36.) OP submitted a supplemental report dated September 2, 2014, still in support of the application but revising some of the conditions to reflect the conditions agreed to by the Applicant and the ANC, but inadvertently omitted in the first OP report. (Exhibit 37.) The Department of Transportation ("DDOT") submitted a report and indicated it no objection to the application. (Exhibit 29.) Also according to the OP report, the Department of Health ("DOH") has no objection to taking the refuse through the breezeway to the street for collection. (Exhibit 36.)

A letter of support was submitted to the record by Chris Floyd, who resides in the neighborhood at 6th and South Carolina, S.E. (Exhibit 38.) He also testified in support of the application.

John West and Linda Elliot of 414 7th Street, S.E., each filed applications for party status in opposition to the application, which the Board granted. Ms. Elliot testified at the September 9th hearing about the process of how the neighbors and ANC went from their initial opposition and came to agreement with the Applicant on the application and developed the proposed conditions. Both Mr. West and Ms. Elliot withdrew their opposition and changed their position to one of support at the hearing on September 9th.

There was agreement between the ANC and neighbors and the Applicant as to all the conditions but for the term of approval. A representative of the ANC appeared at the September 9th hearing in support of the application and recommended a term of seven years. That ANC representative testified that the ANC had voted to reject a 10-year term. The ANC representative further testified that some of the ANC members had wanted even fewer years. Although the Applicant had requested a 10-year term and OP agreed to that term, the ANC did not and continued to recommend a seven-year term. Ultimately, based on the record submitted, a majority of the Board chose to grant its approval of the application with a seven-year term.

Variance Relief

The Board closed the record at the conclusion of the hearing. As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for a variance from the rear yard requirements under § 774, to allow a fast food establishment in the

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CHC/C-2-A District. As the parties in opposition had changed their opposition to support, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case together with the conditions listed therein, the Board concludes that in seeking a variance from § 774, the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception from the requirements under § 733 to allow a fast food establishment. As the parties in opposition had changed their opposition to support, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 733, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED THAT THIS APPLICATION IS HEREBY GRANTED SUBJECT TO THE PLANS AT EXHIBIT 40C AND WITH THE FOLLOWING CONDITIONS:**

1. Approval shall be for a period of **SEVEN (7) YEARS** from the effective date of this Order.
2. Hours of operation shall not exceed:
 - a. Sundays through Wednesdays, 10:00 a.m. to 11:00 p.m.;
 - b. Thursdays, 10:00 a.m. to midnight; and
 - c. Fridays and Saturdays, 10:00 a.m. to 2:00 a.m.

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3. Garbage shall be collected a minimum of six days per week, and recycling a minimum of five days per week, and adhere to the following conditions:
 - a. Collections shall not occur before 7:00 a.m.;
 - b. The Applicant shall provide the garbage and recycling companies with keys to the trash enclosure;
 - c. All receptacles shall be kept within the trash enclosure only, unless being hauled to or from sanitation trucks;
 - d. All receptacles shall be secured with lids, including while within the trash enclosure and while being hauled to and from sanitation trucks. Exterior doors to the trash enclosure shall remain closed unless refuse is being hauled to sanitation trucks;
 - e. Garbage and recyclables shall be placed within receptacles within the trash enclosure only;
 - f. Garbage and recycling spills shall be cleaned as they occur;
 - g. Daily, prior to opening, the Applicant shall ensure that no debris was left within the breezeway and that the trash enclosure doors are properly shut and secure.
 - h. The trash enclosure shall be power washed weekly or more often to prevent food or grease film on the floor of the enclosure, breezeway, and receptacles; and
 - i. The Applicant shall allow DPW, DCRA and Zoning Administrator inspectors to access the trash enclosure and breezeway.
4. The Applicant shall use vent-less oven systems and install a vent-less hood system over each oven. Exhaust through the front of the building shall be maintained to a minimum.
5. No vents shall be permitted on the roof or at the rear of the property.
6. No outdoor seating shall be permitted, including the rear yard and the roof. Employees shall not be permitted to take breaks within the rear yard or the breezeway.
7. The HVAC unit at the rear of the property shall be replaced with a new HVAC unit and be relocated to the roof, with soundproofing to meet the standards employed by ArtUSA (or similar noise control product **business**) at 413 8th Street, S.E. The condenser/AC unit to be installed atop the trash enclosure shall meet the same soundproof standard. No additional mechanical equipment shall be installed on the roof or at the rear of the property.
8. The trash enclosure (as depicted in the plans in Exhibit 40C) shall include a trash compactor, cardboard baler (as depicted in Exhibit 40E), and odor control unit to be constructed as proposed. The trash enclosure shall comply with the recommendations contained in the rodentologist report dated May 22, 2014, (Exhibit 40D), except for nos. 12, 15, and 16, which are not applicable to this site.

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9. Deliveries shall be made through the front only. No deliveries shall be made through the breezeway.
10. The Applicant shall frequently remove trash and debris from the sidewalk to the front of the property and power wash this area regularly.

VOTE: **4-1-0** (Lloyd J. Jordan, Marnique Y. Heath, S. Kathryn Allen, and Jeffrey L. Hinkle, to APPROVE; Marcie I. Cohen, opposed).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this summary order.

FINAL DATE OF ORDER: September 19, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, 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 § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, 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 § 3205, 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

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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. 18816 of Lawrence Hirsh and Joan Melner, pursuant to 11 DCMR § 3104.1, for a special exception to allow an accessory basement apartment within an existing one-family semi-detached dwelling under subsection 202.10, in the R-1-B District at premises 3307 Cleveland Avenue, N.W. (Square 2101, Lot 46).

HEARING DATE: September 16, 2014
DECISION DATE: September 16, 2014

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 3C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3C, which is automatically a party to this application. ANC 3C submitted a report expressing no objection to the application. (Exhibit 26.) The Office of Planning (“OP”) submitted a report recommending approval of the application. (Exhibit 28.) There were numerous emails and a petition of support submitted from neighbors. (Exhibit 13.)

The Board closed the record at the end of the hearing. As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception relief under § 202. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 202, that the requested relief can be granted, being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions

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of law. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 5.**

VOTE: 3-0-2 (Lloyd J. Jordan, Michael G. Turnbull, Jeffrey L. Hinkle to APPROVE; Marnique Y. Heath and S. Kathryn Allen not present, not voting.)

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: September 24, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, 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 § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, 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

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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. 18824 of Bryant Gardner, pursuant to 11 DCMR § 3103.2, for variances from the lot occupancy (section 403), rear yard (section 404), closed court (section 406) and nonconforming structure (subsection 2001.3) requirements to allow the construction of a one-story rear garage in the DC/R-5-B District at premises 1740 Church Street, N.W. (Square 156, Lot 312).

HEARING DATE: September 23, 2014

DECISION DATE: September 23, 2014

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 2B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. ANC 2B submitted a report in support of this application. (Exhibit 32.) The Office of Planning (“OP”) submitted a report expressing that it could not support the application, (Exhibit 33); however in testimony at the public hearing, OP revised its position and recommended approval, having found that the Applicant meets the requirements for variance relief based on information gathered during OP’s site visit and in the Applicant’s submissions to OP. The District Department of Transportation filed a report expressing no objection to the application. (Exhibit 34.) Also, there were several letters of support submitted from neighbors. (Exhibits 21, 25-28, 30, and 36.)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for variances from §§ 403, 404, 406, and 2001.3. The only parties to this case were the Applicant and ANC 2B which supported the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking variances from §§ 403, 404, 406, and 2001.3, the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief

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can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 5.**

VOTE: **4-0-1** (Lloyd J. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Anthony J. Hood to APPROVE; S. Kathryn Allen not present, not voting.)

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: September 29, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, 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 § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, 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

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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. 18832 of Nancy Herman, pursuant to 11 DCMR § 3104.1, for a special exception to allow a one-story rear addition to an existing one-family detached dwelling under § 223, not meeting the side yard (§ 405.8) requirements in the R-1-B District at premises 3403 Macomb Street, N.W. (Square 2078, Lot 42).

DECISION DATE: September 23, 2014 (Expedited Calendar).

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 6.)

Pursuant to 11 DCMR § 3181, this application was tentatively placed on the Board of Zoning Adjustment's expedited calendar for decision without hearing as a result of the Applicant's waiver of its right to a hearing.

The Board of Zoning Adjustment ("Board") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 3C, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3C, which is automatically a party to this application. ANC 3C submitted a letter in support of the application. The Office of Planning ("OP") submitted a report in support of the application. The Department of Transportation submitted a report of no objection. A letter of support was submitted for the record by a neighbor, N. S. Altman of 3401 Macomb Street, N.W.

No objections to expedited calendar consideration were made by any person or entity entitled to do so by §§ 2118.6 and 2118.7 and no requests for party status were received. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under § 223. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof,

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pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED THAT THIS APPLICATION IS HEARBY GRANTED SUBJECT TO THE PLANS AT EXHIBIT 8.**

VOTE: **4-0-1** (Lloyd J. Jordan, Marnique Y. Heath, Anthony J. Hood and Jeffrey L. Hinkle to APPROVE; S. Kathryn Allen, not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: September 24, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, 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 § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, 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.

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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. 18842 of Government of the District of Columbia, pursuant to 11 DCMR § 3104.1, for a special exception under § 2713.2(a), to allow the construction of a new 205-foot tall radio tower/monopole and associated equipment in the R-5-A District at premises 4650 Benning Road, S.E. (Fletcher Johnson School Site) (Square 5344, Lot 802).¹

HEARING DATE: September 23, 2014²
DECISION DATE: September 23, 2014

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated June 24, 2013, from the Zoning Administrator, which stated that Board of Zoning Adjustment (“Board” or “BZA”) approval is required for a special exception pursuant to § 2713.2(a). (Exhibit 7.)

The Board of Zoning Adjustment (“Board” or “BZA”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 7E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7E, which is automatically a party to this application. The ANC did not submit a resolution on the application nor did it testify at the public hearing. No party in opposition appeared at the public hearing.

The Office of Planning (“OP”) submitted a timely report on September 9, 2014, recommending approval of the application (Exhibit 34) and testified in support of the application at the hearing. OP also recommended an expedited hearing to avoid the unnecessary delay of this component of the District’s public safety radio system. The District Department of Transportation (“DDOT”) submitted a timely report of no objection to the application. (Exhibit 35.)

The Board closed the record at the end of the hearing. As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for special exceptions under § 2713(a), to allow the construction of a new 205-foot tall radio tower/monopole and associated equipment in the R-5-A District. No parties appeared at the public hearing in opposition to the

¹ The Board altered the relief granted by changing the height of the tower/monopole to 205 feet from the 200 feet requested. The caption has been amended accordingly.

² The Board waived the public hearing notice requirements for cause (public safety) and permitted an expedited hearing that was requested.

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application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 2713.2(a), and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED THAT THIS APPLICATION IS HEREBY GRANTED SUBJECT TO THE APPROVED PLANS IN THE RECORD AT EXHIBIT 2.**

VOTE: **4-0-1** (Lloyd J. Jordan, Anthony J. Hood, Marnique Y. Heath, and Jeffrey L. Hinkle to APPROVE; S. Kathryn Allen, not present or participating.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: September 24, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, 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 § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION

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THERE TO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR **BUSINESS**. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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