

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 25-102 to require health insurers to apply discounts and other out-of-pocket expense reductions when calculating a member’s coinsurance or copayment
- D.C. Council schedules a public hearing to consider Bill 25-33, Commission on Public Compensation Establishment Amendment Act of 2023
- D.C. Council schedules a public hearing to discuss requiring employers to pay the District minimum wage to employees that work at least two hours per week
- D.C. Council schedules a public hearing to discuss the roles and duties of school nurses in public schools
- D.C. Council schedules a public roundtable to discuss the Department of Employment Services’ First Source Program, Office of Youth Programs (OYP), and Unemployment Insurance
- Office of the Attorney General establishes guidelines for accessing public records in response to Freedom of Information Act requests
- Department of For-Hire Vehicles solicits applications for the FY23 Wheelchair Accessible Vehicle Repair Pilot Program that offers repair and maintenance subsidies to wheelchair accessible vehicle taxicab owners and operators
- Department of Licensing and Consumer Protection releases an Administrative Issuance on the Mobile Food Vending Pilot Program
- Department of Youth Rehabilitation Services solicits a partner to provide administrative oversight for programs offered at the Achievement Centers and another partner to train youth in the construction trades during the construction of the new outdoor environmental Oasis Reserve Campus

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 2-611 *et seq.* (2016 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative Issuances (1 DCMR §§300, *et seq.*). The Rules of the Office of Documents and Administrative Issuances are available online at dcregs.dc.gov. Rulemaking documents are also subject to the requirements of the *District of Columbia Administrative Procedure Act*, D.C. Official Code §§2-501 *et seq.* (2016 Repl.).

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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COUNCIL OF THE DISTRICT OF COLUMBIA

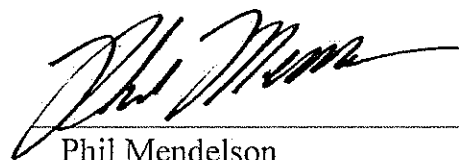
NOTICE

D.C. LAW 24-345

"Comprehensive Policing and Justice Reform Amendment Act of 2022"

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 24-320 on First Reading and Final Reading, on December 6, 2022, and December 20, 2022, respectively. Pursuant to Section 404(e) of the Charter, the bill became Act 24-781 and was published in the January 27, 2023 edition of the D.C. Register (Vol. 70, page 000953). Act 24-781 was transmitted to Congress on January 26, 2023 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act 24-781 is now D.C. Law 24-345, effective April 21, 2023.



Phil Mendelson
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

Month	Dates Counted
January	26,27,30,31
February	1,2,3,6,7,8,9,10,13,14,15,16,17,21,22,23,24,27,28
March	1,2,3,6,7,8,9,10,13,14,15,16,17,20,21,22,23,24,27,28,29,30,31
April	3,4,5,6,7,10,11,12,13,14,17,18,19,20

ENROLLED ORIGINAL

AN ACT
D.C. ACT 25-98

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To symbolically designate the 1400 block of Cedar Street, SE, as Davon T. McNeal, III Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Davon T. McNeal, III Way Designation Act of 2023".

Sec. 2. Pursuant to sections 401, 403a, and 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03a, and 9-204.23), the Council symbolically designates the 1400 block of Cedar Street, SE, as "Davon T. McNeal, III Way".

Sec. 3. Fiscal impact statement.

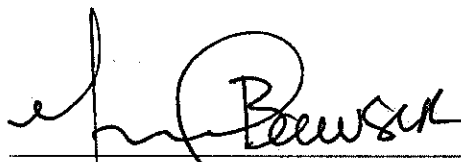
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
MAY 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-99

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To symbolically designate 10th Place, SE, between Mississippi Avenue, SE, and Savannah Street, SE, as Cassandra S. Pinkney Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Cassandra S. Pinkney Way Designation Act of 2023”.

Sec. 2. Pursuant to sections 401, 403a, and 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03a, and 9-204.23), the Council symbolically designates 10th Place, SE, between Mississippi Avenue, SE, and Savannah Street, SE, as “Cassandra S. Pinkney Way”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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
May 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-100

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To designate a portion of the public alley system within Square 3562, bounded by 3rd Street, NE, W Street, NE, 4th Street, NE, and V Street, NE, as Wooten Court.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Wooten Court Designation Act of 2023”.

Sec. 2. Pursuant to sections 401 and 403, and notwithstanding section 421, of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03, and 9-204.21), the Council designates a portion of the public alley system within Square 3562, bounded by 3rd Street, NE, W Street, NE, 4th Street, NE, and V Street, NE, as depicted on the plat in the committee report, as “Wooten Court”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

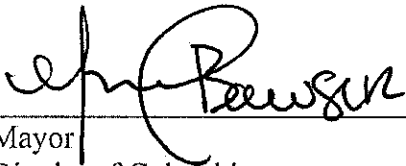
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
MAY 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-101

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To designate a portion of the public alley system within Square 4546, bounded by 17th Street, NE, E Street, NE, 18th Street, NE, and D Street, NE, as Rev. Lloyd Young Court.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Rev. Lloyd Young Court Designation Act of 2023”.

Sec. 2. Pursuant to sections 401 and 403, and notwithstanding section 421, of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03, and 9-204.21), the Council designates a portion of the public alley system within Square 4546, bounded by 17th Street, NE, E Street, NE, 18th Street, NE, and D Street, NE, as depicted on the plat in the committee report, as “Rev. Lloyd Young Court”.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.


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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
MAY 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-102

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To amend the Specialty Drug Copayment Limitation Act to require health insurers to apply discounts, financial assistance payments, product vouchers, or other reductions in out-of-pocket expenses made by or on behalf of a member when calculating the member's coinsurance, copayment, cost-sharing responsibility, deductible, or out-of-pocket maximum for prescription drugs.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Copay Accumulator Amendment Act of 2023."

Sec. 2. The Specialty Drug Copayment Limitation Act of 2016, effective April 7, 2017 (D.C. Law 21-248; D.C. Official Code § 48-855.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 48-855.01) is amended as follows:

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

"(3C) "Generic drug" means a chemically equivalent copy of a brand-name drug with an expired patent."

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

"(5A) "Interchangeable biological product" means a biological product that is licensed and determined by the Food and Drug Administration to meet the standards for interchangeability under 42 U.S.C. § 262(k)(4) or determined to be biosimilar to and interchangeable with a reference biological product as stated in the Lists of Licensed Biological Products with Reference Product Exclusivity and Biosimilarity or Interchangeability Evaluations, also known as the Purple Books."

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

"Sec. 3b. Calculation of member's contributions for a prescription drug covered under the health benefit plan.

"(a) Except as otherwise provided in subsection (b) of this section, when calculating a member's contribution to their coinsurance, copayment, cost-sharing responsibility, deductible, or out-of-pocket maximum under the member's health benefit plan, the health insurer shall include any discount, financial assistance payment, product voucher, or any other out-of-pocket

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expense made by or on behalf of the member for a prescription drug covered under the member's health benefit plan that:

“(1) Is without a generic drug equivalent or an interchangeable biological product preferred under the health benefit plan's formulary; or

“(2) Has a generic equivalent drug or an interchangeable biological product preferred under the health benefit plan's formulary where the member has obtained access to the drug through prior authorization, a step therapy protocol, or the exception or appeal process of the health insurer or pharmacy benefits manager.

“(b) Subsection (a) of this section shall not apply to a member covered by a high deductible health plan, as that term is defined under 26 U.S.C. § 223, until the member satisfies their minimum deductible; except, that subsection (a) of this section shall apply to contribution amounts made for preventative care, as that term is defined under 26 U.S.C. § 223(c)(2)(C).

“(c) This section shall apply to health benefit plans entered into, amended, extended, or renewed on or after January 1, 2025.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
May 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-103

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To designate Swann Street, NW, between 14th Street, NW, and 19th Street, NW, as Swann Street in honor of William Dorsey Swann.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “William Dorsey Swann Street Designation Act of 2023”.

Sec. 2. Pursuant to section 401, and notwithstanding section 421, of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.21), the Council designates Swann Street, NW, between 14th Street, NW, and 19th Street, NW, as “Swann Street” in honor of William Dorsey Swann.

Sec. 3. The Department of Parks and Recreation shall erect interpretive signage at the northern angle of Reservation 144 commemorating William Dorsey Swann and the redesignation contained in this act. Such signage shall be designed in consultation with the Advisory Neighborhood Commission 2B.

Sec. 4. Applicability.

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

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

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

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

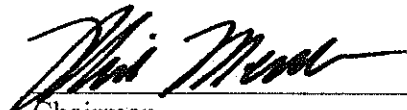
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Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
MAY 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-104

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To amend, on a temporary basis, An Act to provide for regulation of certain insurance rates in the District of Columbia, and for other purposes, to change the private passenger or non-commercial motor vehicle and homeowner insurance rate filing standard from file and use to prior approval with a 90-day review period, to require notice and opportunity for a hearing before a rate filing is determined to be excessive or unfairly discriminatory, and, beginning on September 1, 2023, to require an insurer to provide an insured written notice before renewal of a policy.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Motor Vehicle and Homeowner Insurance Prior Approval Rate Filing Temporary Amendment Act of 2023”.

Sec. 2. An Act To provide for regulation of certain insurance rates in the District of Columbia, and for other purposes, approved May 20, 1948 (62 Stat. 243; D.C. Official Code §§ 31-2701 *et seq.*), is amended follows:

(a) Section 3(f)(2) (D.C. Official Code § 31-2703(f)(2)) is amended to read as follows:

“(2)(A)(i) Every final rate or premium charge proposed to be used by any private passenger or non-commercial motor vehicle insurer or homeowner insurer shall be filed with the Commissioner and shall be adequate, not excessive, and not unfairly discriminatory. Before a private passenger or non-commercial motor vehicle or homeowner rate filing shall become effective, the Commissioner shall have the authority to determine within 90 days after the filing date that a rate is excessive if the rate is unreasonably high for the insurance provided and is not actuarially justified based on commonly accepted actuarial principles.

“(ii) In determining whether a rate complies with the standards under this subsection, due consideration shall be given to past and prospective loss experience within and outside the District, a reasonable margin for underwriting profit and contingencies, dividends, savings, or unabsorbed premium deposits allowed or returned by insurers to their policyholders or members or subscribers, past and prospective expenses, both nationwide and in the District, and investment income earned or realized by insurers both from their unearned premiums and from their loss reserve funds.

“(B)(i) If the Commissioner does not make a determination on a proposed rate within the 90-day period, the rate shall be deemed approved.

ENROLLED ORIGINAL

“(ii) If the Commissioner determines, within the 90-day review period, that a private passenger or non-commercial motor vehicle or homeowner rate may be excessive or unfairly discriminatory, the Commissioner shall provide the insurer with notice of the determination and the reasons for the determination and an opportunity for a hearing.

“(iii) A hearing must be requested by the insurer within 15 days after the notice is provided to the insurer by the Commissioner. A hearing shall be held by the Commissioner within 60 days after a written request is timely received from the insurer and the Commissioner shall issue a final order within 30 days after the close of the hearing record.

“(iv) The cost of the hearing shall be borne by the insurer requesting the rate increase.

“(C) Beginning on September 1, 2023, or such later date as determined by the Commissioner, the private passenger or non-commercial motor vehicle insurer or homeowner insurer shall provide the insured written notice at least 45 days, and not more than 90 days, before renewal of the policy. If the insurer fails to provide written notice at least 45 days before the end of the current term of the policyholder’s policy, the insurer shall wait until the end of the subsequent term of the policyholder’s policy to implement the rate or premium increase.”.

(b) Section 4(c)(2)(A)(ii) (D.C. Official Code § 31-2704(c)(2)(A)(ii)) is amended to read as follows:

“(ii) The order is made after the prescribed investigation and hearing and within 30 days after the filing of rates affected, except as otherwise permitted by § 3(f)(2) of the act.”

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

(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), and a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Code § 1-206(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
MAY 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-105

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To amend, on a temporary basis, the Migrant Services and Supports Temporary Amendment Act of 2022 to clarify eligibility requirements and services provided by the Office of Migrant Services; and to amend the Homeless Services Reform Act of 2005 to clarify eligibility for immigrant residents accessing homeless services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Migrant Services Eligibility Clarification Temporary Amendment Act of 2023”.

Sec. 2. Title I of the Migrant Services and Supports Temporary Amendment Act of 2022, effective December 21, 2022 (D.C. Law 24-234; D.C. Official Code § 4-773.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 4-773.01) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase “clothing, and” and inserting the phrase “clothing, baby supplies including formula, if formula is reasonably available for purchase in the District, and” in its place.

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

“(3) Temporary shelter which:

“(A) May be provided in a congregate setting; provided, that families with minor children shall be prioritized to be housed in non-congregate shelter units; and

“(B) Is maintained in a safe, clean, and sanitary condition that meets all applicable District health, sanitation, fire, building, and zoning codes for residential dwellings;”.

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

“(5) Relocation services, including:

“(A) Services associated with traveling to a secondary destination outside of the District; and

“(B) Services associated with settling recent immigrants in the District when a recent immigrant intends to make the District their permanent home.”.

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(b) Section 102(a) (D.C. Official Code § 4-773.02(a)) is amended to read as follows:

“(a) The Mayor shall establish and publish eligibility and termination criteria for services and supports funded pursuant to this act within 30 days after the effective date of the Migrant Services Eligibility Clarification Emergency Amendment Act of 2023, enacted April 24, 2023 (D.C. Act 25-69; 70 DCR 6115); provided, that the eligibility and termination criteria:

“(1) May include statutory, regulatory, or programmatic categories of immigration, means of entering the District, and length of time in the United States or the District;

“(2) Shall ensure individuals are provided with adequate written and oral notice when services are denied or terminated pursuant to the established eligibility criteria; provided, that individuals with limited or no English proficiency receive such notice in the individual’s primary language; and

“(3) Shall be published online in English and Spanish.”.

(c) Section 106 (D.C. Official Code § 4-773.06) is amended to read as follows:

“If the Mayor establishes an office pursuant to section 101 of this title, the Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title, which shall include the eligibility and termination criteria required by section 102(a) of this title.”.

Sec. 3. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. 91 Law 16-35; D.C. Official Code § 4-751 *et seq.*), is amended as follows:

(a) Section 2(32)(C)(ii) and (iii) (D.C. Official Code § 4-751.01(32)(C)(ii) and (iii)) are amended to read as follows:

“(ii) Was paroled into the United States after April 1, 2022, under section 212(d)(5) of the Immigration and Nationality Act, approved June 27, 1952 (66 Stat. 182; 8 U.S.C. § 1182(d)(5)), until the completion of their immigration proceedings, including any appeals, except for:

“(I) Individuals who entered the United States pursuant to a special parole program established by the federal government that is indicated on the parole or entry document; or

“(II) Individuals granted parole while residing outside of the United States; or

“(iii) Cannot demonstrate District residency prior to April 1, 2022, using proof of residency documents required under subparagraph (A)(iii) of this paragraph and has been issued after April 1, 2022, a notice to appear in a proceeding to be held under section 240 of the Immigration and Nationality Act, approved June 27, 1952 (66 Stat. 182; 8 U.S.C. § 1229a), until the completion of their immigration proceedings, including any appeals.”.

ENROLLED ORIGINAL

(b) Section (7)(c)(3)(B) (D.C. Official Code § 4-753.01(c)(3)(B)) is amended to read as follows:

“(B) The Mayor shall determine that a person seeking shelter by reason of domestic violence, sexual assault, human trafficking, refugee status, or asylum, is a resident of the District without receiving demonstration of District residency in accordance with section 2(32) of this act; except, that if the Mayor can demonstrate that a person seeking asylum is eligible for and will receive shelter under Title I of the Migrant Services and Supports Temporary Amendment Act of 2022, effective December 21, 2022 (D.C. Law 24-234; DC Official Code § 4-773.01 *et seq.*) (“Title I”), or any subsequently enacted law substantially similar to Title I, the Mayor may direct that person to the Office of Migrant Services to obtain shelter.”.

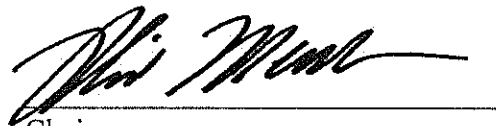
Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; 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
MAY 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-106

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To amend, on a temporary basis, the Historic Preservation of Derelict District Properties Act of 2016 to extend the completion date for rehabilitation of houses in Historic Anacostia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Historic Preservation of Derelict District Properties Extension Temporary Amendment Act of 2023”.

Sec. 2. Section 2 of the Historic Preservation of Derelict District Properties Act of 2016, effective March 11, 2017 (D.C. Law 21-223; 64 DCR 182), is amended as follows:

(a) Subsection (a) is amended by striking the phrase “2000 P Street, N.W., Suite 320, Washington, D.C. 20036” and inserting the phrase “1307 New Hampshire Avenue, NW, Suite 400, Washington, DC 20036”.

(b) Subsection (b) is amended by striking the phrase “5 years” and inserting the phrase “10 years” in its place.

Sec. 3. Applicability.

This act shall apply as of March 15, 2023.

Sec. 4. Fiscal impact statement.

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


Sec. 5. Effective date.

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


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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
May 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-107

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To amend, on a temporary basis, the Legalization of Marijuana for Medical Treatment Initiative of 1999 to provide a deadline date by which existing cultivation centers and dispensaries must file their applications with ABCA for additional medical cannabis facility licenses, to not allow a cultivation center to also hold an internet retailer license, to provide that the 2 cultivation center registration applicants that tied for second and received the same total score after submitting a medical cannabis facility registration application to the Alcoholic Beverage Control Board between November 29, 2021 and March 28, 2022, be awarded a cultivation center registration, to provide that other cultivation center and dispensary registration applicants that scored 150 points or more after submitting a medical cannabis facility registration application to the Alcoholic Beverage Control Board during the same open application period shall be considered for a cultivation center or retailer registration, and to allow a cultivation center and dispensary registration applicant that scored 150 points or more to change the location of its facility without otherwise affecting the status of its application.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Medical Cannabis Clarification Supplemental Temporary Amendment Act of 2023”.

Sec. 2. Section 7 of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-1671.06), is amended as follows:

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

(1) Paragraph (2) is amended by striking the phrase “retailer or online retailer license” and inserting the phrase “retailer license” in its place.

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

“(5) Applications for additional licenses pursuant to paragraphs (1) through (3) of this subsection shall be filed with ABCA by the existing cultivation center or dispensary by May 1, 2024.”.

ENROLLED ORIGINAL

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

(1) Subparagraph (F) is amended by striking the phrase “retailer or internet retailer license” and inserting the phrase “retailer license” in its place.

(2) A new subparagraph (G) is added to read as follows:

“(G) No licensee holding a cultivation center license shall hold an internet retailer license.”.

(c) New subsections (w) and (x) are added to read as follows:

“(w)(1) The 2 cultivation center registration applicants that submitted a medical cannabis facility registration application to the ABC Board between November 29, 2021 and March 28, 2022, that tied for second and received the same total score shall be awarded a cultivation center registration.

“(2) A cultivation center registration applicant not referenced in paragraph (1) of this subsection that scored 150 points or more during the same open application period shall be considered for a cultivation center registration after May 1, 2023; provided, that the applicant files a corrected application, including an application to change the facility location, with the ABC Board by May 1, 2024. An applicant that scored 150 points or higher shall be allowed to change the location of the cultivation center facility on its application by May 1, 2024, without negatively affecting the status of the application.

“(3) An applicant that filed more than one cultivation center registration application during the open application period with one or more of the same owners shall be considered for only one cultivation center registration under this subsection.

“(4) An initial application fee paid by a cultivation center registration applicant that scored 150 points or higher shall be credited by ABCA toward the entire cost of the applicant’s cultivation center application fee.

“(x)(1) A dispensary registration applicant that submitted a medical cannabis facility registration application to the ABC Board between November 29, 2021, and March 28, 2022, and received 150 points or more shall be considered for a retailer registration no earlier than 180 calendar days after March 22, 2023. An applicant shall be allowed to change the location of the retailer facility on its application by May 1, 2024, without negatively affecting the status of the application.

“(2) An applicant that filed more than one dispensary registration application during the open application period with one or more of the same owners shall be considered for only one retailer registration under this subsection.

“(3) An initial application fee paid by a dispensary registration applicant that scored 150 points or higher shall be credited by ABCA toward the entire cost of the applicant’s retailer application fee.

ENROLLED ORIGINAL

Sec. 3. Repealer.

The Medical Cannabis Clarification Temporary Amendment Act of 2023, enacted on March 24, 2023 (D.C. Act 25-63; 70 DCR 3838), is repealed.

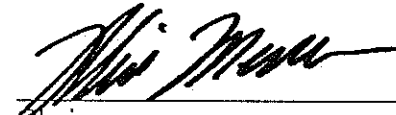
Sec. 4. Fiscal impact statement.

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

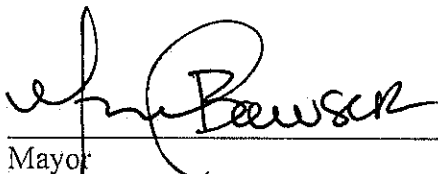
Sec. 5. Effective date.

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

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
MAY 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-108

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To amend, on an emergency basis, the Fair Meals Delivery Act of 2022 to prohibit a third-party meal delivery service from excluding any restaurant with whom the third-party meal delivery service has an agreement from a customer within 4 miles of a restaurant, to restrict third-party meal delivery services from reducing a restaurant's delivery radius below 4 miles based on the level or percentage of commissions paid, to restrict third-party meal delivery services from limiting driver availability based on the level or percentage of commissions paid, to require third-party meal delivery services to disclose, in plain language, all fees, commissions, and charges related to contracted services for covered restaurants, and to make other clarifying changes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Food Delivery Fees Transparency Emergency Amendment Act of 2023".

Sec. 2. The Fair Meals Delivery Act of 2022, effective March 10, 2023 (D.C. Law 24-292; D.C. Official Code § 48-651 *et seq.*), is amended as follows:

(a) The long title is amended by striking the word "platform" wherever it appears and inserting the word "service" in its place.

(b) Section 2 (D.C. Official Code § 48-651) is amended as follows:

(1) Paragraph (1) is amended by striking the word "platform" and inserting the word "service" in its place.

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

"(2) "Core delivery service" means a service that lists a restaurant and makes the restaurant discoverable on all third-party meal delivery platforms where a third-party meal delivery service lists restaurants and facilitates or performs the delivery through employees or independent contractors of the third-party meal delivery service of food or beverages from restaurants to customers. The term "core delivery service" does not include any other service that may be provided by a third-party meal delivery service to a restaurant, including advertising or other promotional services, search engine optimization, business consulting, or credit card processing."

ENROLLED ORIGINAL

(3) New paragraphs (2A) and (2B) are added to read as follows:

“(2A) “Covered restaurant” means a restaurant that elects to receive only core delivery service.

“(2B) “Delivery radius” means the circular delivery area from around a restaurant within which customers can search for and order from a restaurant.”.

(4) Paragraph (6) is amended by striking the phrase “by, and same-day delivery, and the” and inserting the phrase “by, and provides the” in its place.

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

“(6A) “Third-party meal delivery service” means a person that operates a third-party meal delivery platform.”.

(c) Section 3 (D.C. Official Code § 48-652) is amended as follows:

(1) The section heading is amended by striking the phrase “meals delivery platforms” and inserting the phrase “meal delivery services” in its place.

(2) Subsection (a) is amended by striking the word “platform” both times it appears and inserting the word “service” in its place.

(3) Subsection (b) is amended by striking the word “platform” both times it appears and inserting the word “service” in its place.

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

(A) Paragraph (1) is amended by striking the word “platform” and inserting the word “service” in its place.

(B) Paragraph (2) is amended by striking the word “platform” and inserting the word “service” in its place.

(5) Subsection (d) is amended by striking the phrase “platform that” and inserting the phrase “service that” in its place.

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

“(e) A third-party meal delivery service shall not exclude any restaurant with whom the third-party meal delivery service has an agreement from a customer within 4 miles of a restaurant.

“(f) A third-party meal delivery service shall not reduce the delivery radius of a covered restaurant below 4 miles, based on the level or percentage of commissions paid.

“(g) A third-party meal delivery service shall not reduce the availability of delivery drivers provided to a covered restaurant, based on the level or percentage of commissions paid; provided, that this subsection shall not be construed to restrict a third-party meal delivery service’s ability to use any method (that does not conflict with the restrictions in this subsection or any other applicable law) to offer expedited or priority driver services to a covered restaurant that pays for such services on a third-party meal delivery platform.”.

(d) Section 4 (D.C. Official Code § 48-653) is amended as follows:

(1) Strike the phrase “, the third-party meal delivery platform” and insert the phrase “, the third-party meal delivery service” in its place.

ENROLLED ORIGINAL

(2) Strike the phrase “platform (“charges”)” and insert the phrase “service (“charges”)” in its place.

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

“Sec. 4a. Restaurant disclosure requirement.

“A third-party meal delivery service shall:

“(1) Disclose to a covered restaurant, in plain language, the fees, commissions, and charges associated with the contracted services in the agreement; and

“(2) Maintain all contracts with covered restaurants in its records for 3 years after the date the agreement is executed.”.

(f) Section 5 (D.C. Official Code § 48-654) is amended as follows:

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

(A) Strike the phrase “third-party meal delivery platform” both times it appears and insert the phrase “third-party meal delivery service” in its place.

(B) Strike the phrase “platform does” and insert the phrase “third-party meal delivery service does” in its place.

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

(A) The lead-in language is amended by striking the word “platform” and inserting the word “service” in its place.

(B) Paragraph (2) is amended by striking the word “platform” and inserting the word “service” in its place.

(g) Section 6 (D.C. Official Code § 48-655) is amended to read as follows:

“Sec. 6. Third-party delivery platform; registration requirement.

“A third-party food delivery service operating in the District shall register with the Department of Licensing and Consumer Protection.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
May 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-109

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To authorize, on a temporary basis, the Deputy Mayor for Planning and Economic Development to issue a grant in Fiscal Year 2023 or 2024 to support renovations to the Ben's Chili Bowl U Street Location, and to issue a grant in Fiscal Year 2023 or 2024 to the African American Civil War Memorial Freedom Foundation, Inc. for the purpose of redeveloping the African American Civil War Museum; and to designate the Economic Development Special Account as the source of funds for the grants.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "African American Civil War Museum and Ben's Chili Bowl Limited Grant-Making Authority Temporary Amendment Act of 2023".

Sec. 2. Section 2032 of the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Code § 1-328.04), is amended by adding new subsections (ee) and (ff) to read as follows:

"(ee) Notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), the Deputy Mayor may make a grant in Fiscal Year 2023 or 2024 to support renovations to the Ben's Chili Bowl U Street NW location,

"(ff) Notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), the Deputy Mayor may make a grant in Fiscal Year 2023 or 2024 to the African American Civil War Memorial Freedom Foundation, Inc. for the purpose of redeveloping the African American Civil War Museum, located at 1925 Vermont Avenue, NW".

Sec. 3. Section 301 of the of the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008, effective March 26, 2008 (D.C. Law 17-138; D.C. Official Code § 2-1225.21), is amended by adding a new subsection (d-3) to read as follows:

"(d-3) Moneys credited to the Account may be used to provide grants authorized by sections 2032(ee) and (ff) of the Deputy Mayor for Planning and Economic Development

ENROLLED ORIGINAL

Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-328.04(ee) and (ff)).”.


Sec. 4. Fiscal impact statement.

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


Sec. 5. Effective date.

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

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
MAY 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-110

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To amend, on a temporary basis, the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001 to require the Criminal Justice Coordinating Council ("CJCC") to transmit a report on risk factors for youth involvement in future gun violence, to require that certain District agencies provide the CJCC with information necessary to complete the report, and to authorize the Department of Health Care Finance to disclose health and human services information to the CJCC for the purposes of research on and analysis of criminal justice and public safety issues; to amend the Data-Sharing and Information Coordination Amendment Act of 2010 to allow the disclosure of health and human services information to aid in the development of the report on risk factors for youth involvement in future gun violence; to amend the District of Columbia Mental Health Information Act of 1978 to authorize the disclosure of mental health information to aid in the development of the report on risk factors for youth involvement in future gun violence; and to amend the Fire and Police Medical Leave and Limited Duty Amendment Act of 2004 to provide that a member shall be presumed to have a performance-of-duty injury or illness if the member has been diagnosed with liver cancer.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Criminal Justice Coordinating Council Information Sharing Temporary Amendment Act of 2023".

Sec. 2. Section 1505 of the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234), is amended as follows:

(a) Subsection (a) is amended by adding a new paragraph (9) to read as follows:

"(9) Conduct research and analysis on matters affecting public safety and criminal justice, including research and analysis utilizing behavioral health, physical health, employment, and education data."

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

"(a-1) Agencies are authorized to provide personally identifying information to the Criminal Justice Coordinating Council to aid in the development of reports pursuant to this section."

ENROLLED ORIGINAL

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

“(d)(1) The CJCC shall conduct research and analysis, and develop reports, pertaining to childhood factors that increase the likelihood of future involvement in gun violence for young adults.

“(2) Upon request by the CJCC, and to aid in the development of reports produced pursuant to this section, the Department of Health Care Finance (“DHCF”) shall provide, or cause to be provided, the following information to the CJCC on adult individuals included in a given study sample for the period of time when the individuals were under 18 years of age, including any associated personal identifying information:

“(A) Demographic data, including:

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

“(ii) Sex;

“(iii) Gender;

“(iv) Race; and

“(v) Ethnicity;

“(B) Enrollment data, including:

“(i) Eligibility start date;

“(ii) Eligibility end date; and

“(iii) Eligibility basis;

“(C) Claims data with mental, behavioral, and neurodevelopmental disorder diagnoses; and

“(D) Claims data with mental health procedures.

“(3) Where necessitated by District or federal law or regulations, DHCF may enter into a Memorandum of Understanding with CJCC regarding the disclosure of data and other information pursuant to this section.”.

Sec. 3. Section 102(a)(5) of the Data-Sharing and Information Coordination Amendment Act of 2010, effective December 4, 2010 (D.C. Law 18-273; D.C. Official Code § 7-242(a)(5)), is amended by striking the phrase “report required by section 1505(b-3) of the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234(b-3))” and inserting the phrase “reports required by section 1505(b-3) and (d) of the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234(b-3) and (d))” in its place.

Sec. 4. Section 302 of the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1203.02), is amended by striking the phrase “section 1505(b-3) of the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234(b-3))” and inserting the phrase “section 1505(b-3) and (d) of the

ENROLLED ORIGINAL

Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234(b-3) and (d))” in its place.

Sec. 5. Section 653 of the Fire and Police Medical Leave and Limited Duty Amendment Act of 2004, effective May 1, 2013 (D.C. Law 19-311; D.C. Official Code § 5-653), is amended as follows:

(a) Subsection (a)(1) is amended by striking the phrase “rectal, testicular” and inserting the phrase “rectal, liver, testicular” in its place.

(b) Subsection (b)(1) is amended by striking the phrase “rectal, testicular” and inserting the phrase “rectal, liver, testicular” in its place.

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

(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 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
May 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-111

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To amend, on an emergency basis, the Historic Landmark and Historic District Protection Act of 1978 to make certain multifamily residential structures eligible for historic homeowner grants.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Targeted Historic Preservation Assistance Emergency Amendment Act of 2023”.

Sec. 2. Section 11b of the Historic Landmark and Historic District Protection Act of 1978, effective March 2, 2007 (D.C. Law 16-189; D.C. Official Code § 6-1110.02), is amended by adding a new subsection (g-1) to read as follows:

“(g-1)(1) A grant may be made to a qualified taxpayer under subsection (e)(1) of this section who owns a unit in a multifamily common interest community, as defined in section 2232(3) of the Common Interest Community Repairs Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-168, D.C. Official Code § 42-2071(3)) (“Common Interest Community Repairs Amendment Act”), located in Square 2594, for the cost of rehabilitation by the common interest community attributable to the taxpayer.

“(2) The Mayor shall ensure that all funds granted to a taxpayer who owns a unit in a common interest community are used to pay for the approved rehabilitation work.

“(3) If the grant is to be used for the cost of rehabilitation to common elements, as defined in section 2232(2) of the Common Interest Community Repairs Amendment Act, the preservation covenant required under subsection (i) of this section must be entered into by the unit owners’ association or, if applicable, the master association.”.

Sec. 3. Applicability.

This act shall apply as of August 5, 2021.

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
MAY 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-112

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To designate, on an emergency basis, Good Hope Road, SE, between Anacostia Drive, SE, and Alabama Avenue, SE, as Marion Barry Avenue, SE; to symbolically designate Marion Barry Avenue, SE, between the intersection of Naylor Road, SE, and 25th Street, SE, and Alabama Avenue, SE, as Good Hope Way; and to require the District to reissue certain documents to individuals and entities with new addresses on Marion Barry Avenue, SE.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Marion Barry Avenue Designation Emergency Act of 2023”.

Sec. 2. (a) Pursuant to section 401 and notwithstanding section 421 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.21), the Council designates Good Hope Road, SE, between Anacostia Drive, SE, and Alabama Avenue, SE, as depicted in the plat in the committee report for the Marion Barry Avenue Designation Act of 2023, enacted on April 26, 2023 (D.C. Act 25-81; 70 DCR _____), as “Marion Barry Avenue, SE”.

(b) Pursuant to section 401 and notwithstanding section 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.23), the Council symbolically designates the portion of the newly designated Marion Barry Avenue, SE, between the intersection of Naylor Road, SE, and 25th Street, SE, and Alabama Avenue, SE, as “Good Hope Way”.

Sec. 3. Notwithstanding any other provision of law, the District shall reissue at no charge the following documents to any individual or entity having an address on Good Hope Road, SE, as of July 1, 2023, to reflect the designation of Marion Barry Avenue, SE:

- (1) Business licenses issued by the Department of Licensing and Consumer Protection;
- (2) Professional licenses issued by the Department of Licensing and Consumer Protection;

ENROLLED ORIGINAL

(3) Driver's licenses and identification cards issued by the Department of Motor Vehicles; and

(4) Motor vehicle registrations issued by the Department of Motor Vehicles.

Sec. 4. The Deputy Mayor for Operations and Infrastructure, or other official or agency designated by the Mayor, shall timely notify residents and businesses of the name change and any need to apply for reissue of documents.

Sec. 5. Applicability.

This act shall apply as of July 1, 2023.

Sec. 6. Fiscal impact statement.

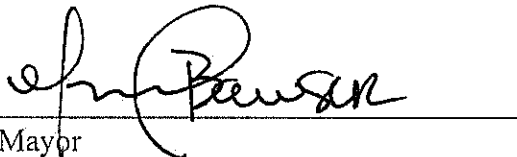
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
MAY 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-113

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To designate, on an emergency basis, a portion of the public alley system within Square 4546, bounded by 17th Street, NE, E Street, NE, 18th Street, NE and D Street, NE, as Rev. Lloyd Young Court, NE.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Rev. Lloyd Young Court Designation Emergency Act of 2023”.

Sec. 2. Pursuant to sections 401 and 403, and notwithstanding section 421, of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03, and 9-204.21), the Council designates the public alley within Square 4546, bounded by 17th Street, NE, E Street, NE, 18th Street, NE, and D Street, NE, as depicted on the plat in the committee report for the Rev. Lloyd Young Court Designation Act of 2023, passed on 2nd reading on May 2, 2023 (Enrolled version of Bill 25-111), as “Rev. Lloyd Young Court, NE”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

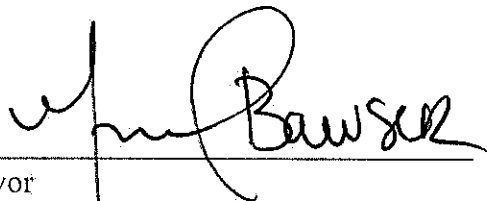
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-114

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To amend the District of Columbia Housing Authority Act of 1999 to clarify that the District of Columbia Housing Authority is subject to the District's procurement statutes; and to amend the Procurement Practices Reform Act of 2010 to make conforming changes.

BE IT ENACTED BY THE COUNCIL DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Housing Authority Procurement Clarification Emergency Amendment Act of 2023".

Sec. 2. Section 20 of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-219), is amended as follows:

(a) The existing text is designated as subsection (a).

(b) The newly designated subsection (a) is amended as follows:

(1) Strike the phrase, "Within 180 days of the effective date of this act, the" and insert the word "The".

(2) Strike the phrase "The Procurement Act shall not apply to contracts and contractors of the Authority, except that Title IX of the Procurement Act shall apply to contract protests, appeals, and claims arising from procurements of the Housing Authority."

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

"(b) Nothing in this section shall exempt the Board from compliance with section 451 of the Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), however, the Board may adopt rules governing procurements involving the expenditure of federal funds that are inconsistent with 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.*)".

Sec. 3. 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 105(c) (D.C. Official Code 2-351.05(c)) is amended by adding a new paragraph (16A) to read as follows:

"(16A) Procurements by the District of Columbia Housing Authority involving the expenditure of federal funds as provided for in section 20 of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code 6-219)."

ENROLLED ORIGINAL

(b) Section 201(b)(3) (D.C. Official Code 2-352.01(b)(3)) is amended to read as follows:
“(3) The District of Columbia Housing Authority, except as otherwise provided in section 20 of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code 6-219).”.

Sec. 4. Applicability.

This act shall apply as of April 8, 2011.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

UNSTIGNED

Mayor
District of Columbia
May 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-115

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To amend, on an emergency basis, the Office of Citizen Complaint Review Establishment Act of 1998 to expand the membership of the Police Complaints Board, and to allow the Office of Police Complaints' Executive Director to initiate their own complaint if they discover evidence of abuse or misuse of police powers that was not alleged in the original complaint, including the failure to intervene or report to a supervisor when another officer used excessive force, engaged in other forms of misconduct, or violated a rule or regulation; to amend the First Amendment Assemblies Act of 2004 to limit the use of riot gear at First Amendment assemblies, and to prohibit the use of chemical irritants and less-lethal projectiles to disperse First Amendment assemblies; and to amend Chapter 3 of Title 14 of the District of Columbia Official Code to clarify that certain provisions only apply to a victim who is under the age of 18.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Comprehensive Policing and Justice Reform Technical Emergency Amendment Act of 2023".

Sec. 2. The Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1101 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 5-1103) is amended by adding a new paragraph (3B) to read as follows:

"(3B) "MPD" means the Metropolitan Police Department."

(b) Section 5(a) (D.C. Official Code § 5-1104(a)) is amended by striking the phrase "There is established a Police Complaints Board ("Board"). The Board shall be composed of 5 members, one of whom shall be a member of the MPD, and 4 of whom shall have no current affiliation with any law enforcement agency." and inserting the phrase "There is established a Police Complaints Board. The Board shall be composed of 9 members, which shall include one member from each Ward and one at-large member, none of whom, after the expiration of the term of the currently serving member of the MPD, shall be affiliated with any law enforcement agency." in its place.

(c) Section 8 (D.C. Official Code § 5-1107) is amended as follows:

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

ENROLLED ORIGINAL

“(g-1)(1) If the Executive Director discovers evidence of abuse or misuse of police powers that was not alleged by the complainant in the complaint, the Executive Director may:

“(A) Initiate the Executive Director’s own complaint against the subject police officer; and

“(B) Take any of the actions described in subsection (g)(2) through (6) of this section.

“(2) The authority granted pursuant to paragraph (1) of this subsection shall include circumstances in which the subject police officer failed to:

“(A) Intervene in or subsequently report any use of force incident in which the subject police officer observed another law enforcement officer, including an MPD officer, utilizing excessive force or engaging in any type of misconduct, pursuant to MPD General Order 901.07, its successor directive, or a similar local or federal directive; or

“(B) Immediately report to their supervisor any violations of the rules and regulations of the MPD committed by any other MPD officer, and each instance of their use of force or a use of force committed by another MPD officer, pursuant to MPD General Order 201.26, or any successor directive.”

(2) Subsection (h) is amended by striking the phrase “subsection (g)” and inserting the phrase “subsection (g) or (g-1)” in its place.

Sec. 3. The First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 5-331.02) is amended as follows:

(1) Paragraphs (1) and (2) are redesignated as paragraphs (2) and (4) respectively.

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

“(1) “Chemical irritant” means tear gas or any chemical that can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure, or any substance prohibited by the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, effective April 29, 1997.”

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

“(3) “Less-lethal projectiles” means any munition that may cause bodily injury or death through the transfer of kinetic energy and blunt force trauma. The term “less-lethal projectiles” includes rubber or foam-covered bullets and stun grenades.”

(b) Section 116 (D.C. Official Code § 5-331.16) is amended to read as follows:

“Sec. 116. Use of riot gear and riot tactics at First Amendment assemblies.

“(a)(1) No officers in riot gear may be deployed in response to a First Amendment assembly unless there is an immediate risk to officers of significant bodily injury. Any deployment of officers in riot gear:

“(A) Shall be consistent with the District’s policy on First Amendment assemblies; and

ENROLLED ORIGINAL

“(B) May not be used as a tactic to disperse a First Amendment assembly.

“(2) Following any deployment of officers in riot gear in response to a First Amendment assembly, the commander at the scene shall make a written report to the Chief of Police within 48 hours, and that report shall be available to the public.

“(b)(1) Chemical irritants shall not be used by MPD to disperse a First Amendment assembly.

“(2) The Mayor shall request that any federal law enforcement agency operating in the District refrain from the use of chemical irritants to disperse a First Amendment assembly.

“(c)(1) Less-lethal projectiles shall not be used by MPD to disperse a First Amendment assembly.

“(2) The Mayor shall request that any federal law enforcement agency operating in the District refrain from the use of less-lethal projectiles to disperse a First Amendment assembly.”.

Sec. 4. Chapter 3 of Title 14 of the District of Columbia Official Code is amended as follows:

(a) Section 14-310(b)(4) is amended as follows:

(1) Subparagraph (B) is amended by striking the phrase “whom the victim has” and inserting the phrase “whom a victim under 18 years of age has” in its place.

(2) Subparagraph (C) is amended by striking the phrase “the victim” and inserting the phrase “a victim who is under 18 years of age” in its place.

(b) Section 14-311(b)(4) is amended as follows:

(1) Subparagraph (B) is amended by striking the phrase “with whom the victim has” and inserting the phrase “with whom a victim under 18 years of age has” in its place.

(2) Subparagraph (C) is amended by striking the phrase “the victim” and inserting the phrase “a victim who is under 18 years of age” in its place.

(c) Section 14-312(b)(4) is amended as follows:

(1) Subparagraph (B) is amended by striking the phrase “with whom the victim has” and inserting the phrase “with whom a sexual assault victim under 18 years of age has” in its place.

(2) Subparagraph (C) is amended by striking the phrase “the sexual assault victim” and inserting the phrase “a sexual assault victim who is under 18 years of age” in its place.

Sec. 5. Applicability.

(a) Section 2 shall expire on the applicability date of section 105 of the Comprehensive Policing and Justice Reform Amendment Act of 2022, effective April 21, 2023 (D.C. Law 24-345; 70 DCR 953).

(b) Section 3 shall expire on October 1, 2023.

ENROLLED ORIGINAL

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
May 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-116

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To approve, on an emergency basis, Modification Nos. M0015 and M0019 to Contract No. DCRL-2020-C-0105 with Georgia Avenue Family Support Collaborative to provide community-based child welfare service delivery systems, and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification Nos. 15, 15a, 18 and 19 to Contract No. DCRL-2020-C-0105 with Georgia Avenue Family Support Collaborative Approval and Payment Authorization Emergency Act of 2023”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. M0015 and M0019 to Contract No. DCRL-2020-C-0105 with Georgia Avenue Family Support Collaborative to provide community-based child welfare service delivery systems and authorizes payment in the not-to-exceed amount of \$1,687,746.07 for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
May 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-117

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To approve, on an emergency basis, Modification Nos. 3 and 4 to Contract No. CW93294 with IMA Professional Services of DC, PC to conduct medical record reviews and consultative exams for claimants that are either currently receiving Social Security Supplemental Security income or applying for a disability determination with the Social Security Administration, and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. CW93294 with IMA Professional Services of DC, PC Approval and Payment Authorization Emergency Act of 2023”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 3 and 4 to Contract No. CW93294 with IMA Professional Services of DC, PC to conduct medical record reviews and consultative exams for claimants that are either currently receiving Social Security Supplemental Security income or applying for a disability determination with the Social Security Administration and authorizes payment in the not-to-exceed amount \$4,235,648.90 for the goods and services received and to be received under the contract for the period March 1, 2023, through February 29, 2024.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

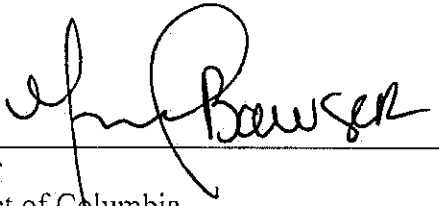
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

ENROLLED ORIGINAL

90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
May 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-118

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To approve, on an emergency basis, Contract No. DCHBX-2023-E-0001 with Experian Consumer Services to provide DC Health Link customers with identity and credit monitoring protection, and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as “Contract No. DCHBX-2023-E-0001 with Experian Consumer Services Approval and Payment Authorization Emergency Act of 2023”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. DCHBX-2023-E-0001 with Experian Consumer Services to provide DC Health Link customers with identity and credit monitoring protection and authorizes payment in the not-to-exceed amount of \$3.4 million for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
May 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-119

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To approve, on an emergency basis, Modification Nos. 6, 7, 8, 9, and 10 to Contract No. CW92057 with American Medical Response Mid-Atlantic, Inc. to provide supplemental pre-hospital medical care and transportation and dispatch services to the Fire and Emergency Medical Services Department and the Office of Unified Communications, and to authorize payment for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. CW92057 with American Medical Response Mid-Atlantic, Inc. Approval and Payment Authorization Emergency Act of 2023”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 6, 7, 8, 9, and 10 to Contract No. CW92057 with American Medical Response Mid-Atlantic, Inc. to provide supplemental pre-hospital medical care, transportation, and dispatch services to the Fire and Emergency Medical Services Department and the Office of Unified Communications and authorizes payment in the not-to-exceed amount of \$14,562,011.04 for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
May 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-120

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To approve, on an emergency basis, Contract No. NFPHCNUR-19-C-003 Modifications 7 and 8 between the Not-for-Profit Hospital Corporation, commonly known as United Medical Center, and Contemporary Nursing Solutions Inc. to provide specialty and non-specialty temporary assignment nurses, and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Contract No. NFPHCNUR-19-C-003 Modifications 7 and 8 between Not-for-Profit Hospital Corporation and Contemporary Nursing Solutions Inc., Approval and Payment Authorization Emergency Act of 2023”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. NFPHCNUR-19-C-003 Modifications 7 and 8 between the Not-for-Profit Hospital Corporation and Contemporary Nursing Solutions Inc. to provide specialty and non-specialty temporary assignment nurses and authorizes payment in the not-to-exceed amount of \$1.6 million for the services received and to be received under the Contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
MAY 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-121

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To approve, on an emergency basis, Human Care Agreement No. CW100513 with N Street Village, Inc., and Modification Nos. 1, 2, 3, and 4 thereto, to provide permanent supportive housing case management services, utility assistance, and financial assistance to highly vulnerable individuals and families experiencing homelessness, and to authorize payment for the goods and services received and to be received under the human care agreement and modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Human Care Agreement No. CW100513 with N Street Village, Inc. Approval and Payment Authorization Emergency Act of 2023”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Human Care Agreement No. CW100513 with N Street Village, Inc., and Modification Nos. 1, 2, 3, and 4 thereto, to provide permanent supportive housing case management services, utility assistance, and financial assistance to highly vulnerable individuals and families experiencing homelessness and authorizes payment in the not-to-exceed amount of \$1,107,885.76 for the goods and services received and to be received under the human care agreement and modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
MAY 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-122

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To approve, on an emergency basis, Human Care Agreement No. CW100362 with DC Doors, Inc., and Modification Nos. 1, 2, 3, and 4 thereto, to provide permanent supportive housing case management services, utility assistance, and financial assistance to highly vulnerable individuals and families experiencing homelessness, and to authorize payment for the goods and services received and to be received under the human care agreement and modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Human Care Agreement No. CW100362 with DC Doors, Inc. Approval and Payment Authorization Emergency Act of 2023”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Human Care Agreement No. CW100362 with DC Doors, Inc., and Modification Nos. 1, 2, 3, and 4 thereto, to provide permanent supportive housing case management services, utility assistance, and financial assistance to highly vulnerable individuals and families experiencing homelessness and authorizes payment in the not-to-exceed amount of \$2,556,925.19 for the goods and services received and to be received under the human care agreement and modifications.

Sec. 3. Fiscal impact statement.

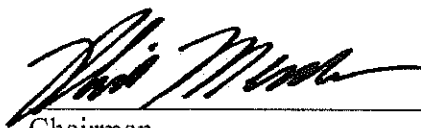
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

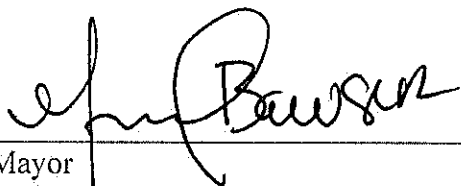
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
MAY 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-123

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To approve, on an emergency basis, Human Care Agreement No. CW100360 with CORE DC, LLC, and Modification Nos. 1, 2, 3, 4, and 5 thereto, to provide permanent supportive housing case management services, utility assistance, and financial assistance to highly vulnerable individuals and families experiencing homelessness, and to authorize payment for the goods and services received and to be received under the human care agreement and modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Human Care Agreement No. CW100360 with CORE DC, LLC Approval and Payment Authorization Emergency Act of 2023”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Human Care Agreement No. CW100360 with CORE DC, LLC, and Modification Nos. 1, 2, 3, 4, and 5 thereto, to provide permanent supportive housing case management services, utility assistance, and financial assistance to highly vulnerable individuals and families experiencing homelessness and authorizes payment in the not-to-exceed amount of \$2,728,664.55 for the goods and services received and to be received under the human care agreement and modifications.

Sec. 3. Fiscal impact statement.

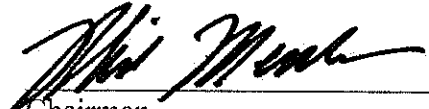
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

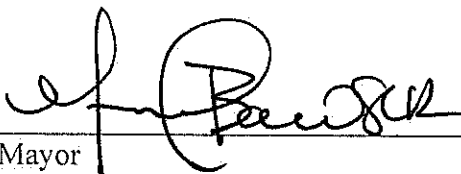
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
MAY 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-124

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To approve, on an emergency basis, Human Care Agreement No. CW100401 with Wheeler Creek Community Development Corporation, and Modification Nos. 1, 2, 3, and 4 thereto, to provide permanent supportive housing case management services, utility assistance, and financial assistance to highly vulnerable individuals and families experiencing homelessness, and to authorize payment for the goods and services received and to be received under the human care agreement and modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Human Care Agreement No. CW100401 with Wheeler Creek Community Development Corporation Approval and Payment Authorization Emergency Act of 2023”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Human Care Agreement No. CW100401 with Wheeler Creek Community Development Corporation, and Modification Nos. 1, 2, 3, and 4 thereto, to provide permanent supportive housing case management services, utility assistance, and financial assistance to highly vulnerable individuals and families experiencing homelessness and authorizes payment in the not-to-exceed amount of \$2,334,500.05 for the goods and services received and to be received under the human care agreement and modifications.

Sec. 3. Fiscal impact statement.

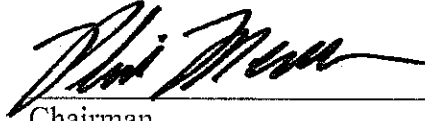
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

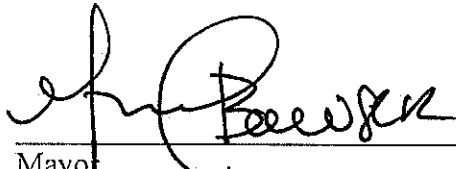
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
MAY 24, 2023

ENROLLED ORIGINAL

AN ACT

D.C. ACT 25-125

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 24, 2023

To approve, on an emergency basis, Contract No. CW100309 with The National Center for Children and Families, and Modification Nos. 1, 2, 3, and 4 thereto, to provide Permanent Supportive Housing III program case management services to residents experiencing homelessness, and to authorize payment for the goods and services received and to be received under the human care agreement and modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Contract No. CW100309 with The National Center for Children and Families Approval and Payment Authorization Emergency Act of 2023”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. CW100309 with The National Center for Children and Families, and Modification Nos. 1, 2, 3, and 4 thereto, to provide Permanent Supportive Housing III program case management services to residents experiencing homelessness and authorizes payment in the total not-to-exceed contract amount of \$2,070,892.51, for the goods and services received and to be received under the human care agreement and modifications.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

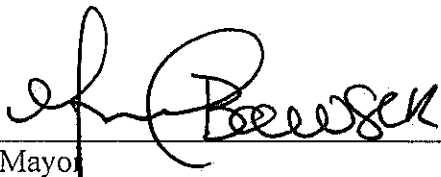
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
MAY 24, 2023

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON EXECUTIVE ADMINISTRATION & LABOR
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON EXECUTIVE ADMINISTRATION AND LABOR

ANNOUNCES A PUBLIC HEARING

on the matter of

B25-0033 – Commission on Public Compensation Establishment Amendment Act of 2023

B25-0130 – Short-Term Disability Insurance Benefit Protection Clarification Amendment Act of 2023

B25-0134 – Minimum Wage Clarification Amendment Act of 2023

on

Wednesday, June 28, 2023, at 10:00 AM

Via Zoom

<https://dccouncil-us.zoom.us/j/82713927105?pwd=VmNIU3pTVmtKTThGRjBNMUt5UGIxdz09>

On Wednesday, June 28, 2023, Councilmember Anita Bonds will hold a public hearing to discuss B25-0033, the “Commission on Public Compensation Establishment Amendment Act of 2023,” B25-0130, the “Short-Term Disability Insurance Benefit Protection Clarification Amendment Act of 2023,” and B25-0134, the “Minimum Wage Clarification Amendment Act of 2023.”

B25-0033, the “Commission on Public Compensation Establishment Amendment Act of 2023,” was introduced by Councilmembers Henderson, McDuffie, Gray, Lewis George, Parker, Frumin, Nadeau, and Pinto, and co-introduced by Councilmember Bonds, on January 13, 2023. This legislation would amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to repeal the inactive Mayor and Council Compensation Advisory Commission, and establish a Commission on Public Compensation in its place. The Commission would review the compensation and stipend levels for members of various public commissions and boards, as well as for the Councilmembers, the Mayor, the Attorney General, and members of the State Board of Education.

B25-0130, the “Short-Term Disability Insurance Benefit Protection Clarification Amendment Act of 2023,” was introduced by Councilmembers Lewis George, Bonds, R. White, Nadeau, Parker, Allen, and Gray on February 8, 2023. This legislation would amend the Universal Paid Leave Amendment Act of 2023 to prohibit private disability insurance providers from reducing short-term disability benefits based on the paid leave benefits offered by the District’s universal paid leave program.

B25-0134, the “Minimum Wage Clarification Amendment Act of 2023,” was introduced by Councilmembers Lewis George, Bonds, R. White, Henderson, Pinto, Nadeau, Parker, and Gray, and

co-introduced by Councilmember Frumin, on February 8, 2023. This legislation would amend the Minimum Wage Act Revision Act of 1992 to require employers to pay at least the District minimum wage for hours worked in the District of Columbia to employees that perform at least two hours of work in the District within one week.

Persons who wish to testify are requested to either email the Committee at ceal@dccouncil.gov or telephone the Committee at (202) 724-8198, at least two business days before the hearing and provide their name, address, telephone number, email address, organizational affiliation and title, if any. Each witness will receive an individual Zoom invitation for the hearing in a separate e-mail. Witnesses are encouraged to submit an electronic version of their testimony to ceal@dccouncil.gov. Oral testimony will be limited to 5 minutes for those testifying on behalf of an organization and 3 minutes for those testifying on behalf of themselves.

All Councilmembers will receive an individual Zoom invitation for the hearing in a separate email. The hearing can be viewed on www.dccouncil.gov and www.entertainment.dc.gov, and on the Committee on Executive Administration and Labor YouTube (www.youtube.com/channel/UCgy5EojaMYGtwicWSfg9NeA).

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

If someone is unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Executive Administration and Labor, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 116, Washington, D.C. 20004 or by email at ceal@dccouncil.gov. The record will close at 5:00 p.m. on Saturday, July 8, 2023.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Bill 25-145, “Opening of Streets and Designation of Opened Streets in Square S-5868, S.O. 22-01486, Act of 2023

on

Monday, June 26, 2023 at Noon

Live via Zoom Video Conference Broadcast (Track B)
Chairman’s Website (www.ChairmanMendelson.com/live)
DC Council Website (www.dccouncil.gov)

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on **Bill 25-145**, the “Opening of Streets and Designation of Opened Streets in Square S-5868, S.O. 22-01486, Act of 2023.” The hearing will be held at **Noon on Monday, June 26, 2023**.

The stated purpose of Bill 25-145 is to order the opening of streets in Square S-5868, and to designate the opened streets as Cypress Street, S.E., Poplar Street, S.E., Sycamore Drive, S.E., and Oak Drive, S.E., in Ward 8. The streets that will be opened and designated pursuant to Bill 25-145 are part of the redevelopment at the St. Elizabeth’s Campus. Designation of the streets will facilitate residents in the lots adjacent to the streets to receive District services.

Those who wish to testify must register using the Council’s Hearing Management System at <https://lims.dccouncil.gov/hearings> by **5:00 p.m. on Monday, June 22, 2023**.¹ **Testimony is limited to four minutes.** Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding by emailing cow@dccouncil.gov. We will make every effort to fulfill timely requests, although alternatives may be offered. Requests received in less than five business days may not be fulfilled. Witnesses will receive instructions on how to participate by Zoom prior to the hearing. If you have additional questions, please contact Blaine Stum, Senior Policy Advisor, at (202) 724-8092 or cow@dccouncil.gov.

Public witnesses will participate virtually via the Internet on the Zoom Video Conference platform. Testimony should be submitted through the Council’s Hearing Management System in advance of the hearing. Testimony will be publicly accessible upon Committee review. If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Statements for the record should be submitted through the Hearing Management System or left by voicemail by calling (202) 430-6948 (up to 3 minutes which will be transcribed). The record will close at 5:00pm on Monday, July 10, 2023.

¹ The Council’s Hearing Management System (HMS) is a new method for managing hearings that the Committee of the Whole is piloting.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

“School Nurses”

and

Bill 25-278, “School Student Vaccination Amendment Act of 2023”

on

Thursday, June 22, 2023 at 10:00 a.m.

Hearing Room 412, John A. Wilson Building (Track B)

DC Council Website (www.dccouncil.us)
Council Channel 13 (Cable Television Providers)
Chairman’s Website (www.ChairmanMendelson.com/live)

Council Chairman Phil Mendelson announces a public hearing of the Committee of the Whole on the provision of school nursing services, generally, and **Bill 25-278**, “*School Student Vaccination Amendment Act of 2023*.” The hearing will be held on **Thursday, June 22, 2023 at 10:00 a.m.**

The purpose of this oversight hearing is to discuss the roles and duties of school nurses in public schools. Due to the severe national nursing shortage, 40% of health suites in DC public schools do not have full-time in person coverage. As a result, the District is shifting to zone coverage, also referred to as “team-based care.” Schools are grouped into clusters of four and nurses would supervise these clusters of schools. This hearing will also consider Bill 25-278. The stated purpose of Bill 25-278 is to remove the requirement that students in the District of Columbia are vaccinated against COVID-19 in order to attend school.

Those who wish to testify must register using the Council’s Hearing Management System¹ at <https://lims.dccouncil.gov/hearings> by 5:00 p.m. on Tuesday, June 20, 2023. **Testimony is limited to four minutes.** Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding by emailing cow@dccouncil.gov. We will make every effort to fulfill timely requests, although alternatives may be offered. Requests received in less than five business days may not be fulfilled. Witnesses will receive instructions on how to participate by Zoom prior to the hearing. If you have additional questions, please email cow@dccouncil.us or contact Raleigh Lancaster, Senior Legislative Counsel, at (202) 724-7130.

Public witnesses will participate virtually via the Internet on the Zoom Video Conference platform. Testimony should be submitted through the Council’s Hearing Management System in advance of the hearing. Testimony will be publicly accessible upon Committee review. If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Statements for the record should be submitted through the Hearing Management System or left by voicemail by calling (202) 430-6948 (up to 3 minutes which will be transcribed). The record will close at 5:00pm on Thursday, July 6, 2023.

¹ The Council’s Hearing Management System (HMS) is a new method for managing hearings that the Committee of the Whole is piloting.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON EXECUTIVE ADMINISTRATION AND LABOR
NOTICE OF PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON EXECUTIVE ADMINISTRATION AND LABOR

ANNOUNCES A PUBLIC ROUNDTABLE

on the matter of

Department of Employment Services

on

Thursday, June 22, 2023, at 10:00 AM
John A. Wilson Building, Room 412
Via Zoom

On Thursday, June 22, 2023, Councilmember Anita Bonds will hold a public roundtable to discuss First Source, Office of Youth Programs, and Unemployment Insurance matters within the Department of Employment Services (DOES). The roundtable will be held on Thursday, June 22, 2023, at 10:00 a.m. in-person and virtually via Zoom.

The objective of this roundtable is to receive testimony from government and public witnesses regarding three topics within the Department of Employment Services (DOES), First Source, Office of Youth Programs (OYP), and Unemployment Insurance. The DOES's First Source program ensures that D.C. residents receive priority consideration for new jobs created by local government-assisted projects or contracts. This roundtable will evaluate the effectiveness of DOES's First Source programming, as the District seeks to recover from the COVID-19 pandemic. Additionally, the roundtable will examine DOES's OYP. Lastly, this roundtable will review performance of the Unemployment Insurance program.

Persons who wish to testify are requested to either email the Committee at ceal@dccouncil.gov or telephone the Committee at (202) 724-8198 at least two business days before the hearing and provide their name, address, telephone number, email address, organizational affiliation, and title. Each witness will receive an individual Zoom invitation for the hearing in a separate e-mail. Witnesses are encouraged to submit an electronic version of their testimony to ceal@dccouncil.gov. Oral testimony will be limited to 5 minutes for those testifying on behalf of an organization and 3 minutes for those testifying on behalf of themselves.

All Councilmembers will receive an individual Zoom invitation for the hearing in a separate email. If a Councilmember does not have a separate link for each, please contact Amanda Chulick at achulick@dccouncil.gov.

The hearing can be viewed on the following platforms:

- YouTube (youtube.com/@EALCommittee/streams)
- DC Council's Website (www.dccouncil.gov)
- Office of Cable Television's Website (www.entertainment.dc.gov)

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

If someone is unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Executive Administration and Labor, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 116, Washington, D.C. 20004 or by email at ceal@dccouncil.gov. The record will close at 5:00 p.m. on Sunday, July 2, 2023.

COUNCIL OF THE DISTRICT OF COLUMBIA
The Wilson Building

NOTICE OF CONTRACT APPROVAL RESOLUTION

The Council of the District of Columbia gives notice that the resolution listed below to disapprove CA 25-164, proposed contract with Guidehouse, Inc. in the amount of \$4,553,770.00 shall continue to provide Merchant Processing Services on behalf of the District of Columbia's Office of Finance and Treasury was filed in the Office of the Secretary on May 12, 2023.

A copy of the approval resolution or the proposed contract is available in the Council's Legislative Services, Room 10, John A. Wilson Building. Telephone: 724-8050. Comments on the proposed contract can be addressed to the Secretary to the Council, Room 5.

PR 25-243: Proposed Contract No. CFOPD-23-C-028 Approval Resolution of 2023

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

Pursuant to DC Official Code Sec 47-361 et seq. of the Reprogramming Policy Act of 1990, the Council of the District of Columbia gives notice that the Mayor has transmitted the following reprogramming request(s).

A reprogramming will become effective on the 15th day after official receipt unless a Member of the Council files a notice of disapproval of the request which extends the Council's review period to 30 days. If such notice is given, a reprogramming will become effective on the 31st day after its official receipt unless a resolution of approval or disapproval is adopted by the Council prior to that time.

Comments should be addressed to the Secretary to the Council, John A. Wilson Building, 1350 Pennsylvania Avenue, NW, and Room 5 Washington, D.C. 20004. Copies of reprogramming's are available in Legislative Services, Room 10.
Telephone: 724-8050

Reprog. 25-0033: Request to reprogram Fiscal Year 2023 Local funds budget authority in the amount of \$1,765,932 within the DC Housing Authority Subsidy (DCHA) was filed in the Office of the Secretary on Wednesday, May 24, 2023. Funds are needed to support sponsor-based housing vouchers for Permanent Supportive Housing for housing projects at Hill East and Community Hope.

RECEIVED: 14-day review begins May 25, 2023

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: June 2, 2023
Protest Petition Deadline: July 17, 2023
Roll Call Hearing Date: August 7, 2023
Protest Hearing Date: September 27, 2023

License No.: ABRA-124890
Licensee: Aurora Enterprises LLC
Trade Name: Aurora Market II
License Class: Retailer's Class "B" Beer and Wine Store
Address: 2006 Rhode Island Avenue, N.E.
Contact: Jeff Jackson: (202) 251-1566,
jjharlem112@gmail.com

WARD 5

ANC 5B

SMD 5B06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 7, 2023 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abra.legal@dc.gov on or before the Petition deadline. The **Protest Hearing date** is scheduled on **September 27, 2023 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer's Class "B" Beer and Wine Store license.

HOURS OF OPERATION

Sunday through Saturday 8am – 12am

HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 10am – 12am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Placard Posting Date: June 2, 2023
Protest Petition Deadline: July 17, 2023
Roll Call Hearing Date: August 7, 2023
Protest Hearing Date: September 27, 2023

License No.: ABRA-124717
Licensee: Balos LLC
Trade Name: Balos Estiatorio (Balos Restaurant)
License Class: Retailer's Class "C" Restaurant
Address: 1900 N Street, N.W., Suite 10
Contact: Andreas Akaras: (301) 656-2707, aakar@bregmanlaw.com

WARD 2

ANC 2B

SMD 2B06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 7, 2023 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abra.legal@dc.gov on or before the Petition deadline. The **Protest Hearing date** is scheduled on **September 27, 2023 at 1:30 p.m.**

NATURE OF OPERATION

A restaurant offering Greek and Mediterranean-inspired cuisine with 178 seats with a Total Occupancy Load of 178. Sidewalk Café with 32 seats. Entertainment Endorsement to provide live entertainment indoors only.

HOURS OF OPERATION, ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION. AND LIVE ENTERTAINMENT FOR INSIDE PREMISES

Sunday through Saturday 11 am – 1 am

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALK CAFÉ

Sunday through Saturday 11 am – 12 am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: June 2, 2023
Protest Petition Deadline: July 17, 2023
Roll Call Hearing Date: August 7, 2023

License No.: ABRA-121029
Licensee: Prosperity DC, LLC
Trade Name: DÉJÀ VU DC LOUNGE
License Class: Retailer's Class "C" Restaurant
Address: 2020 9th Street, N.W.
Contact: Adanech Gebremeskel: (240) 491-1145,
adiworku349@gmail.com

WARD 1

ANC 1B

SMD 1B02

Notice is hereby given that this licensee has requested to transfer their license to a new location under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 7, 2023, at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abra.legal@dc.gov on or before the Petition deadline.

NATURE OF OPERATION

Applicant requests to Transfer License from 1307 H Street, N.E. to a new location at 2020 9th Street, N.W. Licensee is a Class "C" Restaurant serving Ethiopian cuisine with a Total Occupancy Load of 149 with 99 seats. Licensee currently holds an Entertainment Endorsement to provide live entertainment.

HOURS OF OPERATION, ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION, AND LIVE ENTERTAINMENT

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

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

****READVERTISEMENT**

Placard Posting Date: **June 2, 2023
Protest Petition Deadline: **July 17, 2023
Roll Call Hearing Date: **August 7, 2023
Protest Hearing Date: **September 27, 2023

License No.: ABRA-124598
Licensee: Thompson Tap Room LLC
Trade Name: Makers Union Wharf
License Class: Retailer's Class "C" Restaurant
Address: **664 Maine Avenue, S.W. #720
Contact: Deidre Hall: (571) 830-5553, deidre.hall@thompsonhospitality.com

WARD 6

ANC 6D

SMD 6D01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on **August 7, 2023 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abra.legal@dc.gov on or before the Petition deadline. The **Protest Hearing date** is scheduled on ****September 27, 2023 at 1:30 p.m.**

****NATURE OF OPERATION**

New Class C Restaurant with a Seating Capacity of 112, an outdoor Summer Garden with 16 seats, and a Total Occupancy Load of 173. Entertainment Endorsement to provide live entertainment both indoors and outdoors.

****HOURS OF OPERATION. ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION, AND LIVE ENTERTAINMENT FOR INSIDE PREMISES**

Sunday 10am – 2am, Monday through Thursday 11am – 2am, Friday 11am – 3am,
Saturday 10am – 3am

****HOURS OF OPERATION, ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION, AND LIVE ENTERTAINMENT OUTSIDE IN THE SUMMER GARDEN**

Sunday 10am – 12am, Monday through Friday 11am – 12am, Saturday 10am – 12am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: **May 19, 2023
Protest Petition Deadline: **July 3, 2023
Roll Call Hearing Date: **July 24, 2023
Protest Hearing Date: **September 13, 2023

License No.: ABRA-124598
Licensee: Thompson Tap Room LLC
Trade Name: Makers Union Wharf
License Class: Retailer’s Class “C” Restaurant
Address: 676 Maine Avenue, S.W. #720
Contact: Deidre Hall: (571) 830-5553, deidre.hall@thompsonhospitality.com

WARD 6

ANC 6D

SMD 6D01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on **July 24, 2023 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abra.legal@dc.gov on or before the Petition deadline. The **Protest Hearing date** is scheduled on ****September 13, 2023 at 1:30 p.m.**

****NATURE OF OPERATION**

New Class C Restaurant with a Seating Capacity of 112, Total Occupancy Load of 112, and an outdoor Sidewalk Cafe with 16 seats.

****HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES AND SIDEWALK CAFÉ**

Sunday 10am – 9pm, Monday through Friday 11am – 11pm, Saturday 10am – 12am

OFFICE OF THE ATTORNEY GENERAL

NOTICE OF FINAL RULEMAKING

The Attorney General for the District of Columbia, pursuant to the authority set forth in Section 202 of the District of Columbia Administrative Procedures Act, approved March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-532), hereby gives notice of the addition of a new Chapter 13 (Freedom of Information Act Requests to the Office of the Attorney General) to Title 1 (Mayor and Executive Agencies), of the District of Columbia Municipal Regulations (DCMR).

This new chapter establishes the time and place of access to public records and establish fees for searching for, reviewing, redacting, and making copies of records in response to public records requests.

A Notice of Proposed Rulemaking (NOPR) was published in the *District of Columbia Register* on April 21, 2023, at 70 DCR 005891. No public comments were received in response to the NOPR. Therefore, this Notice of Final Rulemaking adopts the NOPR with additional technical changes. The Attorney General adopted this final rulemaking on May 24, 2023, and the rules shall become effective upon the date of publication of this notice in the *District of Columbia Register*.

A new Chapter 13, FREEDOM OF INFORMATION ACT REQUESTS TO THE OFFICE OF THE ATTORNEY GENERAL, of Title 1, MAYOR AND EXECUTIVE AGENCIES, is added to read as follows:

CHAPTER 13 FREEDOM OF INFORMATION ACT REQUESTS TO THE OFFICE OF THE ATTORNEY GENERAL

- 1300 PURPOSE AND APPLICABILITY**
- 1301 [RESERVED]**
- 1302 REQUESTS FOR RECORDS**
- 1303 [RESERVED]**
- 1304 [RESERVED]**
- 1305 [RESERVED]**
- 1306 [RESERVED]**
- 1307 [RESERVED]**
- 1308 FEES**
- 1399 DEFINITIONS**

1300 PURPOSE AND APPLICABILITY

1300.1 This chapter contains the rules and procedures to be followed by the Office of the Attorney General and all persons requesting records from the Office pursuant to the Freedom of Information Act of 1976, effective March 25, 1977, D.C. Law 1-96, 23 DCR 3744 (1977) (Act).

1300.2 Employees may continue to furnish to the public, informally and without compliance with these procedures, information and records that they customarily furnish in the regular performance of their duties.

1300.3 The policy of the Office of the Attorney General is one of full and responsible disclosure of its identifiable records consistent with the provisions of D.C. Law 1-96. All records that are responsive to a request and that are not exempt from disclosure shall be made available to the requester. Moreover, records exempt from mandatory disclosure may be made available as a matter of discretion when disclosure is permitted by law and in the public interest.

1301 [RESERVED]

1302 REQUESTS FOR RECORDS

1302.1 Unless agreed to in advance and confirmed in writing by the Office's Freedom of Information Act Officer, or the Chief Deputy Attorney General in the absence of a designated Freedom of Information Act Officer, a request for a record shall be made in writing.

1302.2 A written request may be mailed or e-mailed to the Office's Freedom of Information Act Officer, as identified on Office's website, or the Chief Deputy Attorney General in the absence of a designated Freedom of Information Act Officer. The outside of the envelope or the subject line of the e-mail shall state: "Freedom of Information Act Request" or "FOIA Request". In addition, a request shall include a daytime telephone number, e-mail address, and mailing address for the requester.

1302.3 A written request may also be made online using the District of Columbia Freedom of Information Act Public Access Portal.

1302.4 A request shall reasonably describe the desired record(s). Where possible, specific information regarding names, places, events, subjects, dates, files, titles, file designation, or other identifying information shall be supplied.

1302.5 Where the information the requester supplies is not sufficient to permit the Office to identify and locate the record without an unreasonable effort, the Office shall contact the requester and ask the requester to supplement the request with the necessary information. The Office shall make every reasonable effort to assist in the identification and location of requested records.

1302.6 With respect to any request for which the information supplied is not sufficient to permit the Office to identify and locate the record without unreasonable effort, the Office shall consider such request to have been withdrawn and shall administratively close such request if the requester fails to provide the necessary information within sixty (60) days of the Office's request for additional information. If a request has been administratively closed, a requester must submit a new request using the procedures described in this subchapter to obtain the records.

1303 [RESERVED]

1304 [RESERVED]

1305 [RESERVED]

1306 [RESERVED]

1307 [RESERVED]

1308 FEES

1308.1 The Office shall determine charges for search and review of documents and records conducted in response to public records requests based on the salary of the employee who conducts the search or review, calculated using Step 5 of the employee’s grade level.

- (a) The rates per quarter hour after the 1st hour for search and review conducted by non-attorney personnel in the Office are as follows:

Grade	Fee Per Quarter Hour
DS1	\$3.74
DS2	\$4.05
DS3	\$4.41
DS4	\$4.61
DS5	\$5.00
DS6	\$5.54
DS7	\$6.14
DS8	\$6.68
DS9 and Above	\$7.34

- (b) The rates per quarter hour after the 1st hour for search and review conducted by attorney personnel in the Office are as follows:

Grade	Fee Per Quarter Hour
LS9	\$8.61
LS10	\$9.48
LS11	\$10.42
LS12	\$12.48
LS13	\$14.85
LS14	\$17.54
LS15	\$20.67

- (c) The rate per quarter hour after the 1st hour for search and review conducted by supervisory attorneys (LX1 to LX3) is \$19.41.

1308.2 Charges for duplicating documents shall be \$0.25 per page.

- 1308.3 When a response to a request requires services or materials for which no fee has been established, the direct cost of the services or materials to the government may be charged, but only if the requester has been notified of the cost before it is incurred.
- 1308.4 Where an extensive number of documents are identified and collected in response to a request and the requester has not indicated in advance his or her willingness to pay fees as high as are anticipated for duplication of the documents, the Office shall inform the requester that the documents are available for inspection and for subsequent duplication at the established rate.
- 1308.5 A charge of one dollar (\$1) shall be made for each certification of true copies of agency records.
- 1308.6 Search costs for each request may be imposed even if the requested records cannot be located after a thorough, good-faith search.
- 1308.7 The Office may require that fees as prescribed by these rules be paid in full prior to issuance of requested copies if the requester has previously failed to pay fees in a timely fashion, or if the Office determines that the fee will exceed \$250.
- 1308.8 Remittances shall be in the form either of a personal check, a bank draft on a bank in the United States, or a postal money order. Remittance shall be made payable to the order of the D.C. Treasurer and mailed or otherwise delivered to the Freedom of Information Act Officer as identified on the Office's website, or the Chief Deputy Attorney General in the absence of a designated Freedom of Information Act Officer.
- 1308.9 A receipt for fees paid shall be given only upon request. No refund shall be made for services rendered.
- 1308.10 The Office may waive all or part of any fee when it is deemed to be either in the Office's interest or in the interest of the public.
- 1308.11 A requester seeking a waiver or reduction of fees shall provide a statement in his or her request letter explaining how furnishing the requested records will primarily benefit the general public. The explanation must address how the requested records are likely to contribute significantly to public understanding of the operations or activities of the government.
- 1308.12 With respect to any request for which payment of fees in advance is required, the Office shall consider such request to have been withdrawn and shall administratively close such request if the requester has not paid the required fee within sixty (60) days of when the requester is informed of the fee. If a request has been administratively closed, a requester must submit a new request using the procedures described in subchapter 1302 to obtain the information.

- 1308.13 In accordance with applicable law:
- (a) Fees shall be limited to reasonable standard charges for document search, duplication, and review when records are requested for commercial use;
 - (b) Fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by an educational or non-commercial scientific institution for scholarly or scientific research or a representative of the news media;
 - (c) For any request for records not described in paragraphs (a) or (b) of this subsection, fees shall be limited to reasonable standard charges for document search and duplication; and
 - (d) Only the direct costs of search, duplication, or review may be recovered.

1399 DEFINITIONS

- 1399.1 “Act” means the Freedom of Information Act, D.C. Law 1-96, 23 DCR 3744 (1977).
- 1399.2 “Office” means the Office of the Attorney General.
- 1399.3 “Searching” means looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents, and examining documents to determine whether they are within the scope of the request.
- 1399.4 “Requester” means any person requesting records pursuant to the Freedom of Information Act, D.C. Law 1-96, 23 DCR 3744 (1977).
- 1399.5 “Review” means the initial process of examining records located in response to a request in order to determine whether any portion of any document falls under one of the exemptions listed in Section 204 of the Act (D.C. Official Code § 2-534), as well as the processing of any documents for disclosure, such as redacting exempt portions of requested documents and otherwise preparing documents for release. Review does not include time spent resolving general legal or policy issues regarding exemptions, including any legal research on exemptions.

OFFICE OF TAX AND REVENUE

NOTICE OF FINAL RULEMAKING

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR) of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code §§ 47-874 and 47-1335 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub. L. 109-356; D.C. Official Code § 1-204.24d (2019 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of the adoption of the following amendments to Chapter 3 (Real Property Taxes), of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR).

The amendment to Section 316 amends a subsection clarifying the timing of and amounts listed on a bill for subsequent taxes.

A Notice of Proposed Rulemaking was published in the *District of Columbia Register* on April 14, 2023 (70 DCR 004382). No public comments were received, and no changes have been made to the text of the rules as proposed. This rule was adopted as final on May 18, 2023, and will become effective upon publication of this notice in the *District of Columbia Register*.

Chapter 3, REAL PROPERTY TAXES, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

Section 316, REAL PROPERTY TAX SALE REDEMPTION AND TAX DEED ISSUANCE RULES, Subsection 316.5(e), is amended to read as follows:

316.5

...

- (e) If a tax bill is requested to pay subsequent taxes and the request is made on or after February 1 (during the 1st half real property tax installment period), or on or after August 1 (during the 2nd half real property tax installment period), the installment attributable to such period may be included on the bill, and if so, shall be required to be paid. Interest attributable to such installment payment is only payable to the purchaser as collected by OTR.

DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY**NOTICE OF PROPOSED RULEMAKING**

The Board of Directors of the District of Columbia Housing Finance Agency (Agency), pursuant to Section 306 of the District of Columbia Housing Finance Agency Act of 1979, effective March 3, 1979, (D.C. Law 2-135; D.C. Official Code § 42-2703.06 (2012 Repl.)) (Act), and 10-B DCMR § 3508.1, hereby gives notice of its intent to adopt the following amendments to Chapter 35 (Housing Finance Agency) of Subtitle B (Planning and Development) of Title 10 (Planning and Development) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendments modify Chapter 35 to change the requirements for the day and time of the Agency's monthly and annual meetings, to permit the use of teleconference and other electronic means to conduct meetings, and to conform with current notice requirements.

The Board of Directors intends to take final rulemaking action in not less than thirty (30) days from the date of publication of this notice in the *District of Columbia Register*.

Title 10-B, PLANNING AND DEVELOPMENT, of the District of Columbia Municipal Regulations is amended as follows:

Section 3502, MEETINGS OF THE BOARD OF DIRECTORS, of Chapter 35, HOUSING FINANCE AGENCY, is renamed and amended to read as follows:

3502 MEETING OF THE BOARD OF DIRECTORS

- 3502.1 The Board of Directors shall have a regular meeting on the second (2nd) and fourth (4th) Tuesday of each month at 5:30 p.m. in the principal office of the Agency, or, if such day, time, or location is not practicable, at such other day, hour, and/or location as may be established by the Board of Directors; provided, that if the day of the regular meeting falls on a holiday, the meeting shall be held on the next succeeding business day. Notice of each regular meeting shall be provided in accordance with applicable District of Columbia open meeting law.
- 3502.2 Other meetings of the Board of Directors may be held upon the call of the Chairperson, Secretary, or of a majority of the incumbent members of the Board. Notice of each other meeting shall be provided in accordance with applicable District of Columbia open meeting law.
- 3502.3 Special meetings shall be held at the principal office of the Agency, or at such locations as may be established by the Board of Directors. Notice of each special meeting shall be provided in accordance with applicable District of Columbia open meeting law.
- 3502.4 The annual meeting of the Board shall be held on the second (2nd) Tuesday of January of each year at 5:30 p.m. at the principal office of the Agency, or at such other day, time, and/or location as may be established by the Board of Directors; provided, that if the date falls on a holiday, the annual meeting shall be held on

the next succeeding business day. Notice of each annual meeting shall be provided in accordance with applicable District of Columbia open meeting law.

- 3502.5 Except as provided in Section 3503 of this chapter, each meeting of the Board shall be open to the public.
- 3502.6 No person or representative of any person or group shall have the right to be heard or to present oral or written evidence at a meeting of the Board without permission of the presiding officer of the meeting. The presiding officer may impose reasonable conditions in granting permission.
- 3502.7 Meetings of the Board may be conducted through the use of teleconference, videoconference, or other electronic means by which all persons participating in the meeting can hear each other, and the public can hear those participating in the meeting. Participation by such electronic means by a Board member shall constitute attendance at the meeting for all quorum and voting purposes.
- 3502.8 Notice of all meetings shall be provided in accordance with the applicable laws of the District of Columbia.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*. Comments should be filed with Christopher Donald, Executive Director and CEO, who can be reached at 815 Florida Avenue, N.W., Washington, D.C. 20001, (202) 777-1600 or info@dchfa.org. Copies of these proposed rules may be obtained at cost at the address listed above.

DEPARTMENT OF LICENSING AND CONSUMER PROTECTION

NOTICE OF AMENDED PROPOSED RULEMAKING

The Interim Director of the Department of Licensing and Consumer Protection, pursuant to the authority set forth in D.C. Official Code §§ 47-2853.10(a)(11) and (12); Mayor's Order 2000-70, dated May 2, 2000; and Mayor's Order 2022-149, dated September 29, 2022, hereby gives notice of the intent to adopt the following amendments to Chapter 23 (Real Estate Appraisers) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations ("DCMR"). This notice of amended proposed rulemaking amends and supersedes the prior notice of proposed rulemaking published in the *District of Columbia Register* at 70 DCR 006430 (May 5, 2023), pursuant to 1 DCMR Chapter 3, Sections 309.5 and 309.7 (regarding republication of proposed rulemakings).

This proposed rulemaking amends prelicensure experience requirements for real estate appraisers in the District of Columbia. Specifically, the proposed amendment allows applicants to fulfill certain experience requirements for licensure by participating in a Practical Applications of Real Estate Appraisal ("PAREA") program approved by the Appraisal Qualifications Board ("AQB").

This rulemaking is necessitated by AQB's updates to the Real Property Appraiser Qualification Criteria ("Criteria"). Under the provisions of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, effective August 9, 1989 (103 Stat. 183; 12 U.S.C. §§ 3331-3351), state appraiser regulatory agencies are required to implement real property appraiser licensing and certification requirements that are no less stringent than those issued by the AQB. The District of Columbia Board of Real Estate Appraisers adheres to the AQB's Criteria in issuing licenses to real estate appraisers.

Effective January 1, 2021, the AQB adopted the PAREA criteria. The new criteria were designed to address the shortage of supervisory appraisers willing to take on new trainees. The AQB-approved PAREA programs provide applicants who have the prerequisite educational qualifications with an alternative method of fulfilling the experience requirements through simulated training. In addition to following uniform content criteria outlined by the AQB, a PAREA program provider must utilize a state-certified appraiser to act as a mentor to program participants.

The Interim Director hereby gives notice of the intent to take final rulemaking action to adopt these rules as final in not less than thirty (30) days after the publication of this notice in the *District of Columbia Register*. Directions for submitting comments are provided at the end of this notice.

Chapter 23, REAL ESTATE APPRAISERS, of Title 17, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, of the District of Columbia Municipal Regulations is amended as follows:

Section 2304, PRELICENSURE EXPERIENCE REQUIREMENTS, is amended as follows:

New subsections 2304.16, 2304.17, and 2304.18 are added to read as follows:

- 2304.16 Applicants may demonstrate completion of the appraisal experience requirements of this section by obtaining a valid certificate of completion from a Practical Applications of Real Estate Appraisal (“PAREA”) program approved by the Appraisal Qualifications Board (“AQB”), subject to the limits set forth in subsection 2304.18.
- 2304.17 Applicants who receive a valid certificate of completion from an AQB-approved PAREA program shall be deemed to have obtained the number of hours of appraisal experience approved by AQB for the program.
- 2304.18 The number of hours of prelicensure appraisal experience obtained through a PAREA program by an applicant that may be credited toward the prelicensure appraisal experience requirements set forth in this section shall be limited as follows:
- (a) For an applicant for the Licensed Real Property Appraiser classification, all of the one thousand (1000) hours of appraisal experience required by subsection 2304.2 may be obtained through a PAREA program.
 - (b) For an applicant for the Certified Residential Real Property Appraiser classification, all of the fifteen hundred (1500) hours of appraisal experience required by subsection 2304.3 may be obtained through a PAREA program.
 - (c) For an applicant for the Certified General Real Property Appraiser classification, up to fifteen hundred (1500) hours of the three thousand (3000) hours of appraisal experience required by subsection 2304.4 may be obtained through a PAREA program.

All persons desiring to comment on the subject matter of these proposed regulations should submit comments in writing to the Department of Licensing and Consumer Protection by email to Aimellia.Siemson@dc.gov not later than thirty (30) days after publication of this notice in the *District of Columbia Register*. Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 406-0819. Copies of the proposed regulations can be obtained at www.dcregs.dc.gov.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF THIRD EMERGENCY RULEMAKING

The Director of the Department of Human Services (Department), pursuant to the authority set forth in Section 31 of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-756.02) (HSRA), and Mayor's Order 2006-20, dated February 13, 2006, gives notice of the Department's adoption, on an emergency basis, of the following new Chapter 74 (Housing Supportive Services and Provider Certification Standards) and to amend Chapter 25 (Shelter and Supportive Housing for Individuals and Families) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR), to become effective immediately.

These emergency rules establish standards to administer the new 1915(i) State Plan Home and Community-Based Services (HCBS) Housing Supportive Services (HSS) benefit and conditions of participation for entities delivering these services. HSS are services that focus on helping District Medicaid individuals who are homeless or at risk of homelessness find and maintain permanent housing in the community, build independent living and tenancy skills, and connect them to community resources. The benefit will be targeted to people with disabilities or complex health needs, who often experience significant barriers to accessing care and housing.

The Department will operate the new HSS benefit in conjunction with the Department of Health Care Finance (DHCF) in accordance with a Fiscal Year 2022 Memorandum of Understanding between DHS and DHCF. DHCF has proposed adoption of corresponding rules in Chapter 103 (Medicaid Reimbursement for Housing Supportive Services) of Title 29 (Public Welfare) of the DCMR. These rules establish HSS eligibility, enrollment procedures, provider requirements, provider certification procedures, and rates for provider reimbursement under the District's Medicaid program. In addition, for the purpose of maintaining uniform housing-related supportive services standards between HSS and Permanent Supportive Housing (PSH) programs, these rules also establish reimbursement rates for PSH services in Chapter 25.

Emergency action is necessary to promote the immediate preservation of the health, safety, and welfare of District residents who are at risk of experiencing homelessness. HSS services are vital to health and safety of medically vulnerable District residents and without these rules there will be no standards or criteria in place for maintaining the services under the Program for Medicaid reimbursement.

Identical rules were first adopted by the Department Director on March 2, 2022, pursuant to a Notice of Emergency and Proposed Rulemaking published in the *District of Columbia Register* on June 17, 2022, at 69 DCR 007181. A second emergency rulemaking was subsequently published on August 5, 2022, at 69 DCR 010060. This third emergency rulemaking is necessary to maintain the rules in effect during the public notice and comment period and the Council's review of proposed final rules under section 31 of the HSRA (D.C. Law 16-35; D.C. Official Code § 4-756.02).

These emergency rules were adopted on October 14, 2022, went into effect at that time, and shall remain in effect for not longer than one hundred and twenty (120) days from the adoption date (i.e., until February 11, 2023) unless superseded by publication of a Notice of Final Rulemaking in the *District of Columbia Register*.

A new Chapter 74, HOUSING SUPPORTIVE SERVICES AND PROVIDER CERTIFICATION STANDARDS, of Title 29 DCMR, is added to read as follows:

**CHAPTER 74 HOUSING SUPPORTIVE SERVICES AND PROVIDER
CERTIFICATION STANDARDS**

7400 GENERAL PROVISIONS

- 7400.1 The mission of the Department of Human Services (Department) is to empower every District resident to reach their full potential by providing meaningful connections to work opportunities, economic assistance and supportive services. The Economic Security Administration is the administration within the Department that is responsible for making eligibility determinations for federally and locally funded public assistance programs in the District, including Medicaid, the Supplemental Nutrition Assistance Program, and the Temporary Assistance for Needy Families program. The Family Services Administration is the administration within the Department that is responsible for providing homeless services such as shelter and homelessness prevention, to meet the needs of vulnerable adults and families to help reduce risk and promote self- sufficiency.
- 7400.2 The purpose of this Chapter is to establish standards for the Housing Supportive Services (HSS) benefit, including eligibility criteria, service standards, HSS provider certification requirements, and which services shall be reimbursed through Medicaid.
- 7400.3 HSS are Medicaid-reimbursable activities that include a range of flexible housing-related services and supports for adults at risk of or experiencing chronic homelessness and who have a disability or disabling condition that interferes with or limits their capacity to maintain housing stability.
- 7400.4 Permanent supportive housing (PSH) programs provide services similar to HSS but are funded through the District's local budget for adults who are ineligible for Medicaid enrollment. PSH services are also available to children and youth residing in the home of an adult who is receiving the HSS benefit.
- 7400.5 As provided in this Chapter, an individual is eligible to receive services through the HSS benefit if they are eligible for the District's PSH program and enrolled in the District's Medicaid program.
- 7400.6 An HSS Provider may also provide PSH services. Services and supports that do not qualify for HSS Medicaid reimbursement as described in this Chapter but that

qualify as PSH services will generally be eligible for reimbursement by the Department through the PSH program, pursuant to the PSH program rules.

7400.7 The HSS benefit described in this Chapter has been designed to comply with requirements established in federal home and community-based services regulations (42 CFR § 441.710) and clarified by informational bulletins published by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), Center for Medicaid and CHIP Services.

7400.8 Each Department-certified HSS provider shall meet and adhere to the terms and conditions of its PSH Human Care Agreement (HCA) with the Department.

7401 ELIGIBLE CONSUMERS

7401.1 To be determined eligible for HSS, an individual shall:

- (a) Be eighteen (18) years of age or older;
- (b) Be enrolled in Medicaid or meet the criteria described at § 7404.1;
- (c) Be a resident of the District as defined in section 2(32) of the Homeless Services Reform Act of 2005, as amended (D.C. Official Code §4-751.01(32));
- (d) Have a documented disability or disabling condition;
- (e) Be experiencing housing instability as evidenced by one of the following risk factors:
 - (1) Chronic homelessness;
 - (2) At risk of chronic homelessness; or
 - (3) History of chronic homelessness and for whom providing HSS will prevent a return to homelessness; and
- (f) Be determined eligible for PSH services through the District's Coordinated Assessment Housing Placement system.

7401.2 An individual who is seventeen (17) years old or younger who lives in the household of an adult participating in the HSS benefit may qualify for PSH services.

7401.3 An HSS Provider shall not receive Medicaid reimbursement under this Chapter for supportive services provided to an individual who does not meet the eligibility requirements set forth in subsection 7401.1.

- 7401.4 For individuals seeking enrollment in the District's Medicaid program or whose Medicaid coverage has lapsed:
- (a) There is an eligibility grace period of ninety (90) calendar days from the date of first service for new enrollees, or from the date of eligibility expiration for enrollees who have a lapse in Medicaid coverage, until the date the Department's ESA makes an eligibility or renewal determination;
 - (b) If the individual appeals a denial of eligibility or renewal by the Department, the Director of the Department (Director) may extend the ninety (90) calendar day eligibility grace period until the appeal has been exhausted. The ninety (90) calendar day eligibility grace period may also be extended at the discretion of the Director for other good cause shown;
 - (c) Upon expiration of the eligibility grace period, HSS provided to the individual are no longer reimbursable by Medicaid; and
 - (d) Nothing in this section alters the District's timely-filing requirements for claim submissions described at 29 DCMR § 900.

7402 HSS – GENERAL

- 7402.1 HSS are wrap-around services rendered by Department-certified HSS Providers to eligible individuals who require home and community-based services to assist with achieving and maintaining housing.
- 7402.2 HSS shall assist an individual in mitigating their barriers to securing and maintaining housing and support the individual in achieving their housing-related goals.
- 7402.3 HSS are activities that:
- (a) Support an individual's preparation to secure housing, known as Housing Navigation; and
 - (b) Assist with an individual's tenancy in housing, known as Housing Stabilization.
- 7402.4 HSS shall be undertaken as a partnership between the HSS Provider, the individual, and, as appropriate, other providers and agencies.
- 7402.5 HSS providers are entities certified in compliance with the standards set forth in this Chapter.

- 7402.6 As set forth at 42 CFR § 441.700 to § 441.745, an individual participating or seeking enrollment in the HSS benefit shall receive a conflict-free assessment of their functional needs and service plan development. The person that completes the assessment and develops the service plan with the individual shall not be employed by the same organization that will deliver HSS to the individual.
- 7402.7 As further set forth at 42 CFR § 441.725(a)(6), individuals that receive HSS have the right to choose their HSS provider.
- 7402.8 HSS coverage limitations are set forth in § 7405. Coverage for any HSS is contingent on whether all the following criteria are met:
- (a) The service shall be delivered to or on behalf of a person that meets HSS eligibility criteria for HHS, as described at § 7401;
 - (b) The service shall be delivered through a Department-certified HSS provider;
 - (c) The service shall be rendered pursuant to the applicable service-specific standards set forth in this Chapter; and
 - (d) The service shall be delivered in accordance with an approved individual service plan.
- 7402.9 The service-specific standards described in this Chapter apply to the HSS offered by each HSS provider and reimbursed by the District in accordance with this Chapter.

7403 HOUSING NAVIGATION SERVICES

- 7403.1 Housing Navigation Services help an individual plan for, find, and move to housing of their own in the community.
- 7403.2 Housing Navigation Services include assisting the individual to:
- (a) Obtain key documents needed for the housing application process;
 - (b) Complete the housing application process, including following up with key partners (such as landlords and government agencies) to ensure receipt and processing of documents;
 - (c) Complete the housing search process, including helping the individual identify neighborhood and unit needs and preferences, potential barriers (to avoid applying for units for which they will be screened out), helping identify possible units, and assisting the individual to view units as needed;

- (d) Identify resources to cover expenses such as security deposit, moving costs, furnishings, adaptive aids, environmental modifications, moving costs, and other one-time expenses not covered by Medicaid;
- (e) Coordinate a unit inspection with the DC Housing Authority and the housing provider or landlord to ensure a unit is safe and ready for habitation;
- (f) Arrange for and support the details of the move;
- (g) Develop a housing support crisis plan that includes prevention and early intervention services when housing is jeopardized; and
- (h) Complete an application for a Home Health Aide, if needed.

7404 HOUSING STABILIZATION SERVICES

7404.1 After the individual has executed a rental lease agreement with the landlord of a housing unit, and moved into that unit, the individual enters the Housing Stabilization phase.

7404.2 Housing Stabilization Services help an individual sustain living in their own housing in the community. They include assisting the individual to:

- (a) Identify and build on strengths that are important to maintain housing in the community;
- (b) Obtain early identification of and intervention for behaviors that may jeopardize housing;
- (c) Obtain education and training on the roles, rights, and responsibilities of the tenant and landlord;
- (d) Develop and maintain key relationships with the individual's landlord, with a goal of fostering successful tenancy;
- (e) Resolve disputes with landlords and/or neighbors to reduce risk of eviction or other adverse action;
- (f) Prepare a household budget;
- (g) Enroll and obtain public benefits for which the individual is eligible for (e.g., SNAP benefits, Veterans Affairs benefits, etc.);
- (h) Identify and leverage natural community supports (e.g., family, friends, recreational clubs, support groups, etc.);

- (i) Learn independent living skills and activities of daily living (e.g., cooking, housekeeping, basic finances, shopping, etc.);
- (j) Navigate the District's housing voucher recertification process;
- (k) Review, update and modify their housing support and crisis plan on a regular basis to reflect current needs and address existing or recurring housing retention barriers;
- (l) Advocate for and access community resources to prevent eviction; and
- (m) Help re-locate to another housing unit, if warranted.

7404.3 Housing Stabilization Services also include assisting an individual to:

- (a) Identify and access available community resources (e.g., food, toiletries, household supplies, or transportation assistance);
- (b) Identify and leverage natural community supports (e.g., family, friends, recreational clubs, or support groups);
- (c) Connect to employment, education, volunteering, and/or other community programming and resources (e.g., recreation centers, public libraries, recreational clubs, or support groups) to help prevent social isolation;
- (d) Identify and leverage family, friends, and other natural community supports that support the individual's tenancy; and
- (e) Access somatic health, mental health, and substance use services, including assistance with:
 - (1) Scheduling appointments, writing directions, or scheduling transportation; and
 - (2) Following up post appointment to ensure the individual understands their services and when their next appointments are scheduled.

7405 CONSUMER ENROLLMENT INTO HSS

7405.1 The process used to enroll individuals into the HSS benefit shall:

- (a) Effectively engage and offer support to individuals with disabilities or disabling conditions experiencing chronic homelessness, who often experience significant barriers to accessing care and housing;

- (b) Align with the District’s Coordinated Assessment and Housing Placement (CAHP) system for housing assistance for people experiencing homelessness; and
- (c) Meet federal requirements related to Medicaid home and community-based services (HCBS), set forth at 42 CFR § 441.710 (as may be amended).

7405.2 Enrollment into the Medicaid HSS benefit will follow two (2) distinct processes depending on whether the individual to be enrolled is a participant in the PSH program before or after the HSS benefit was established in the District.

7406 INDIVIDUAL ENROLLMENT INTO HSS FOR PERSONS MATCHED TO PSH PROGRAM AFTER HSS BENEFIT IMPLEMENTATION

7406.1 The Department will deploy an HSS enrollment process for individuals determined eligible for the PSH program through the CAHP system after the implementation of the HSS benefit.

7406.2 This HSS benefit enrollment process for individuals shall follow the process described at § 7406.3 through § 7406.17.

7406.3 The individual shall first undergo homeless services screening, which is the process to determine an individual’s eligibility to receive HSS. The process begins with a homeless services provider, as defined at § 2(30) of the Act, or the Department, engaging individuals who are either experiencing homelessness or at risk of homelessness.

7406.4 The provider or the Department shall use a standardized screening tool, approved by the Department, to interview an individual and evaluate whether the individual meets the individual eligibility criteria described at § 7401. The screening tool used to inform an HSS eligibility determination shall consider an individual’s evidence of needs related to HCBS aimed to assist with achieving and maintaining housing, with questions in certain domains, including:

- (a) Housing and homelessness, including duration of current or recent episodes of homelessness;
- (b) Risks, including recent utilization of hospital emergency department or inpatient care, crisis services, self-harm or exposure to violence, or risks of exploitation;
- (c) Socialization and daily functioning, including the need for money management or assistance with self-care, lack of meaningful daily activities, and unhealthy or abusive relationships that are a factor resulting in homelessness; and

(d) Health and wellness, including chronic health conditions, physical disabilities that limit access to housing or ability to live independently, problematic drinking or drug use, mental health disorders or cognitive impairments, and co-occurring health, mental health and substance use disorders.

7406.5 After the provider or the Department completes the homeless services screening, the results of the evaluation shall be reviewed, as well as additional information obtained from the individual or his or her current service providers, to make a preliminary eligibility determination for HSS.

7406.6 Responses to questions within each of the assessment domains listed at § 7406.4 are scored to provide a total cumulative measure of risk/vulnerability. This cumulative score, in addition to any other information gathered about the individual's physical and behavioral health conditions or disabilities or needs related to daily functioning and self-care, will be factored into the preliminary eligibility determination.

7406.7 After a preliminary eligibility determination is made, the Department will verify that the determination of the individual's eligibility for the HSS benefit has been completed and make a final eligibility determination based on results of the standardized screening tool and additional information gathered through the CAHP system.

7406.8 After the evaluation and final determination of eligibility for HSS is complete, the Department shall refer the individual to CAHP for placement with a PSH provider.

7406.9 The Department will assess and develop a person-centered service plan with an individual determined eligible for the HSS benefit using a standardized assessment tool approved by the Department. The Department will conduct face-to-face assessments in a range of settings, including locations where people who are experiencing homelessness are staying or accessing services, or they may conduct assessments using telehealth (e.g., telephone or video meeting) to ensure this process can be completed as safely and quickly as possible, and to minimize disruption for the individual.

7406.10 In addition to conducting the assessment, the Department may also meet with the individual's current service provider(s), or other persons who have been identified by the individual and may review existing records or information records to draw valid conclusions about their support needs.

7406.11 The Department and the individual, in consultation with others chosen by the individual, will develop a person-centered service plan that reflects their needs, preferences, and strengths. This plan may be updated or revised by the individual and their HSS provider, as needed.

- 7406.12 At least annually, the Department will meet with the HSS individual to conduct an assessment and update their person-centered service plan.
- 7406.13 After a person-centered service plan has been developed for the individual, the Department will provide a list of available Department-certified HSS providers to the individual and assist the individual in selecting an HSS provider.
- 7406.14 Information offered for each HSS provider shall include:
- (a) Name, location, and contact information for the HSS provider;
 - (b) Length of time that the entity has been certified as an HSS provider; and
 - (c) Additional information regarding the HSS provider's capacity to address client support needs, including services available in other languages, accommodations or expertise in addressing specific types of disabilities or needs, and information about other relevant services and supports that may be offered by the HSS provider or its community partners.
- 7406.15 An individual may request to change their HSS provider during their annual re-evaluation, verbally or in writing, to Department staff completing the annual re-evaluation.
- 7406.16 When an individual asks to change their HSS provider mid-year, the Department will review the request and documentation regarding the individual's needs and preferences and attempt to mediate.
- 7406.17 If the individual would still like to change their HSS provider after consultation with the Department, the Department will assist the individual with selecting a new HSS provider, notify the individual's current and newly selected HSS providers of the individual's request, and notate who the new HSS provider will be and when the re-assignment to the new HSS provider will be effective in the Department's case note system. The Department will also host a case conference between the existing and new HSS providers to review the individual's transition plan.
- 7406.18 After the individual selects their HSS provider, the Department will formally assign the selected HSS provider to the individual by updating the individual's profile in the Department's case note system. This pairing shall prompt the HSS provider to begin efforts to engage the individual and begin the provision of HSS.

7407 INDIVIDUAL ENROLLMENT INTO HSS FOR PERSONS MATCHED TO PSH PROGRAM BEFORE HSS BENEFIT IMPLEMENTATION

- 7407.1 The Department will deploy an HSS enrollment process for individuals determined eligible for the PSH program through the CAHP system prior to the start of the HSS benefit. This section applies to individuals who are receiving services from a PSH

Provider.

- 7407.2 This HSS benefit enrollment shall include the steps described at § 7407.3 through § 7407.14.
- 7407.3 The Department shall confirm the individual is receiving PSH services. The Department shall compile a list of all individuals enrolled in the PSH program (PSH Program Participant List). This list shall indicate the PSH Provider and Medicaid enrollment status for each individual included.
- 7407.4 The Department shall update and finalize the PSH Program Participant List with information presented by the PSH Provider, through correspondence with each PSH Provider included on this list.
- 7407.5 After the PSH Program Participant list is confirmed, the Department shall assess each PSH consumer. The Department will contact each consumer on the PSH Program Participant List to select a time to conduct a functional assessment. The Department may request assistance from the consumer's PSH Provider and other trusted supportive entities to engage and confirm a time for the assessment.
- 7407.6 The Department shall establish a mechanism to conduct assessments with PSH consumers outside of standard business hours or on a limited ad hoc basis to accommodate PSH consumers that are only available to meet in the evenings or on weekends, or in instances when pre-scheduling an assessment time is challenging.
- 7407.7 After a time for conducting the functional assessment and person-centered service plan has been determined, the Department shall:
- (a) Jointly complete a face-to-face functional assessment with the PSH consumer;
 - (b) Provide information to the PSH consumer to facilitate their choice of HSS Provider; and
 - (c) Update the PSH consumer's existing person-centered service plan.
- 7407.8 When needed, the Department will work closely with the PSH consumer's PSH Provider and other trusted entities to complete the person-centered service plan.
- 7407.9 The Department may use telehealth (e.g., telephone or video meeting) to meet with the PSH consumer, and with the PSH consumer's consent, this may include their current service provider or a trusted support person.
- 7407.10 After the Department completes the functional assessment with the PSH consumer and updates the PSH consumer's person-centered service plan, as needed, the PSH consumer may receive HSS services and be considered an HSS individual.

- 7407.11 The Department shall support the HSS individual's choice to continue to receive services from their existing PSH provider, if that entity is also a HSS provider, or to select a new HSS provider. The Department shall provide HSS individuals with a list of providers certified to provide HSS. Information offered for each HSS provider shall include:
- (a) Name, location, and contact info for the HSS provider;
 - (b) Length of time that the entity has been certified as a HSS provider; and
 - (c) Information regarding each HSS provider's capacity to address consumer's support needs, including services available in other languages, accommodations, or expertise in addressing specific types of disabilities or needs, and information about other relevant services and supports that may be offered by the HSS Provider or its community partners.
- 7407.12 If the HSS individual selects an HSS provider that is also the current PSH provider, the Department shall confirm that the HSS individual is linked to the HSS provider in the Department's case note system.
- 7407.13 If the HSS individual selects an HSS provider that is not the current PSH provider, the Department shall notify the HSS individual's current PSH provider and newly selected HSS provider of the choice made, confirm the individual's transition plan with their current PSH provider and new HSS provider, and then notate the individual's chosen HSS provider and transition date in the Department's case note system.
- 7407.14 If the HSS individual chooses to receive services from an HSS provider that is different than their current provider, the current provider shall develop a transition plan that supports the individual's successful transition to the new HSS provider.
- 7407.15 An HSS individual's transition date from one HSS provider to another HSS provider shall be the first day of the month following the date in which the individual's request to transition is received by the Department.
- 7407.16 The HSS provider shall continue to deliver services to the HSS individual, if the HSS provider was already previously delivering services to the individual as a PSH provider. If the HSS provider has no immediate historical relationship with the HSS individual as a PSH provider, the HSS provider shall initiate services to their newly enrolled HSS individual.

7408 INDIVIDUAL SERVICE PLAN DEVELOPMENT

7408.1 As part of the HSS benefit enrollment process described at §§ 7406 and 7407, the Department shall develop an Individual Service Plan (ISP) for, and in collaboration with, the individual, using a person-centric, strengths-based approach.

7408.2 The ISP shall:

- (a) Reflect priorities important to the individual;
- (b) Consider the individual's beliefs, values, and cultural norms in how, what, and by whom HSS are to be provided;
- (c) List appropriate and measurable goals and objectives related to the individual's desired housing-related outcomes;
- (d) Describe recommended service interventions that will address the individual's needs; and
- (e) Serve as written guidance the individual may use in moving toward housing stability.

7408.3 The ISP shall include the following elements:

- (a) Overall goal statement that captures the individual's short- and long-term goals for the future, ideally written in first-person language. This shall include the individual's self-identified housing-related goals;
- (b) List or statement of individual or family strengths that support goal(s) accomplishment. These include abilities, talents, accomplishments, and resources;
- (c) List or statement of barriers that pose obstacles to the individual's or family's ability to accomplish the stated goal(s). These include symptoms, functional impairments, lack of resources, consequences of behavioral health issues, and other challenges; and
- (d) Statement of objectives that identify the short-term individual or family changes in behavior, function, or status that can help overcome the identified barriers to housing stability. Objective statements describe outcomes that are measurable and include individualized target dates to be accomplished within the scope of the plan.

7409 HSS PROVIDER REQUIREMENTS - GENERAL

7409.1 Each HSS provider shall:

- (a) Comply with all related federal and local confidentiality laws;

- (b) Comply with all provisions of the Homeless Services Reform Act of 2005 (HSRA or Act), as amended, D.C. Law 16-35; D.C. Official Code § 4-756.02 and corresponding regulations;
- (c) Have and maintain a PSH Human Care Agreement (HCA) with the Department and comply with the requirements stated in their PSH HCA;
- (d) Enroll and maintain enrollment in the District's Medicaid program as an HSS provider:
- (e) Enroll eligible individuals into the Medicaid benefit and maintain monthly enrollment of all individuals;
- (f) Submit all requested program and financial information to the Department for evaluation and auditing purposes; and
- (g) Provide clinical management for its enrolled individuals.

7409.2 Each HSS provider shall satisfy the minimum staffing requirements set forth in this section and § 7411.

7409.3 Each HSS provider shall comply with the certification standards described in this Chapter.

7409.4 Each HSS provider shall provide to the District information that the District determines is reasonably necessary to:

- (a) Monitor and evaluate the HSS provider's compliance with the terms of its HCA with the Department and Medicaid Provider Agreement, including: conducting claims audits, Medicaid compliance reviews, quality reviews, and any other program integrity function to ensure the quality, effectiveness, and efficiency of services and ensuring the accuracy of claims submitted for reimbursement under this agreement; and
- (b) Verify the costs of services required in the HCA, including all administrative, direct, and indirect costs.

7409.5 Each HSS provider shall have an annual audit by an independent certified public accountant or a certified public accounting firm in accordance with generally accepted auditing standards. The resulting financial audit report shall be consistent with formats recommended by the American Institute of Public Accountants. The HSS provider shall submit a copy of their financial audit report to the Department within one hundred and twenty (120) calendar days after the end of the provider's fiscal year.

- 7409.6 Each HSS provider shall document all notes describing individual engagement activities in the Department's web-based case note platform. All case notes shall be documented using the Data Assessment and Plan (DAP) format unless otherwise indicated by the Department.
- 7409.7 Each HSS provider shall document each activity provided in each individual's record in the Department's web-based case note platform to include, at minimum:
- (a) A description of the specific activity rendered and whether it should be categorized as supporting the consumer's Housing Navigation or Housing Stabilization;
 - (b) The date and time the service(s) were rendered;
 - (c) The HSS provider staff member who provided the services;
 - (d) The setting in which the service(s) were rendered; and
 - (e) The individual's person-centered plan of care provisions related to the service(s) provided.
- 7409.8 Each HSS Provider shall have the capacity to receive and review information from the District's Health Information Exchange (DC HIE) that states, at minimum, the dates and times individuals on the HSS provider's caseload are admitted to a hospital, discharged from a hospital, or transferred between departments within a hospital. Information that the HSS provider receives from the DC HIE will be emailed to the provider in a CSV (comma-separated values) format, such as Microsoft Excel, or uploaded to the provider's electronic health record system (as applicable).
- 7409.9 Each HSS provider shall report any suspicion of abuse, neglect, self-neglect, and/or exploitation of individuals to the Adult Protective Services Hotline. The HSS provider shall also notify the Department in writing no later than the next business day following the suspicion.

7410 HSS PROVIDER REQUIREMENTS – ISP IMPLEMENTATION

- 7410.1 The HSS provider shall monitor the individual's progress towards meeting their ISP goals. The ISP shall be reviewed with the individual, as needed or at a minimum frequency defined in the HSS provider's HCA with the Department.
- 7410.2 The HSS provider shall make person-centered and strengths-based updates to an individual's ISP as needed. Updates shall be made regarding the individual's needs and shall reflect priorities important to the individual. Any updates establish or further already established appropriate and measurable goals and objectives, desired outcomes, and recommended service interventions that will address the

individual's needs and assist the individual in moving toward self-sufficiency and housing stability.

- 7410.3 The HSS provider shall make referrals to and partner with other agencies, as necessary and appropriate, to support individual's supportive needs, including behavioral health (e.g., mental health, substance abuse), educational, technical and trade supports, parenting skills and support, legal, financial, family and child support, early intervention, and senior and disability supports.
- 7410.4 The HSS provider shall establish referral and follow-up procedures to confirm and track participation in all referrals made to other agencies. Documentation of referrals made, and referral confirmation shall be documented in the Department's case note system.
- 7410.5 The HSS provider shall document in the individual's record, existing in the Department's case note system, whether an individual's court-appointed guardian, family, or significant others participated in the development of the ISP.
- 7410.6 In situations where the individual does not demonstrate the capacity to sign or does not sign their ISP, the reasons the individual does not sign shall be recorded in the individual's record, existing in the Department's case note system, including each date when obtaining a signature was attempted.

7411 HSS PROVIDER REQUIREMENTS - PERSONNEL

- 7411.1 The HSS provider shall employ the key personnel described in this Chapter, all of whom shall meet the described requirements listed in the HSS provider's HCA with the Department.
- 7411.2 Key personnel include persons that fill the following positions:
- (a) Program Director (or equivalent);
 - (b) Case Manager Supervisor; and
 - (c) Case Manager (or equivalent).
- 7411.3 General responsibilities of the Program Director (or equivalent) shall include:
- (a) Facilitate mediation with individuals and case managers;
 - (b) Develop tracking systems to allow for accurate reporting;
 - (c) Identify training needs and assist with training staff;
 - (d) Participate in monthly District/Provider meetings;

- (e) Collaborate with the Department in the development and maintenance of inter- and intra-agency relationships in support of the continuum of services to individuals;
- (f) Act as a liaison with landlords and other community organizations to build relationships and to promote the success of PSH Program;
- (g) Maintain knowledge regarding community resources for marginalized communities;
- (h) Ensure their Agency is following all District policies and procedures related to homeless service programming;
- (i) Coordinate and conduct intake meetings/trainings with new program staff to explain the HSS benefit;
- (j) Develop and implement quality control and quality improvement strategies;
- (k) Review applicable databases (e.g., the Department's web-based case note platform and the Homeless Management Information System (HMIS)) for data quality and completeness; and
- (l) Conduct monitoring of program performance on a regular basis.

7411.4 General responsibilities of the Case Manager Supervisor shall include, but not be limited to:

- (a) Provide clinical oversight;
- (b) Monitor and track case manager engagement with individuals;
- (c) Review case notes through the lens of quality of information captured and accuracy of case notes, clinical lenses;
- (d) Review, evaluate, and approve participant case plans for quality and effectiveness;
- (e) Meet individually with case managers to plan and review cases, discuss engagement strategies and evaluates the effectiveness of the case manager and services;
- (f) Review and approve all notices issued to individuals for accuracy and completion;

- (g) Engage in case conferences with the Department to discuss cases that may need to include more intensive case management or transfers; and
- (h) Meet requirements included in the provider's HCA with the Department.

7411.5

General responsibilities of the Case Manager shall include:

- (a) Serve as the case manager and service coordinator for assigned individuals;
- (b) Build rapport with the individual;
- (c) Assess the individual's strengths, needs, and preferences;
- (d) Assist the individual in specifying and articulating their goals and developing their plan to reach them;
- (e) Meet with the individual, including engaging with the individual in the home setting;
- (f) Develop and support the individual in achieving the goals included in their ISP;
- (g) Facilitate and ensure connection to needed community services and work in collaboration with community agencies to ensure effective communication and individual engagement;
- (h) Connect assigned individuals to, and ensure their engagement in, needed supportive services that will address barriers and challenges they face;
- (i) Track individuals engagement/participation in supportive services, workforce development, employment training;
- (j) Complete all required case notes, housing stabilization plans, documents, files, and assigned reports related to individual/case activity;
- (k) Develop and maintain individual's records/files that comply with all federal laws, requirements established in this Chapter, and standards set forth in the HSS provider's HCA with the Department;
- (l) Complete comprehensive monthly budgets with individuals;
- (m) Input individual data and program activities into designated software database as assigned;
- (n) Prepare and issue all Notices to individuals (i.e., Exit, Termination, Extension Notices);

(o) Enter individual housing information into HMIS and the Department's web-based case note platform; and

(p) Fulfill requirements included in the provider's HCA with the Department.

7411.6 If more than one person employed by the HSS provider will be performing case management tasks, the HSS provider shall identify a primary case manager responsible for coordinating and documenting the service delivery for the individual and document the rationale.

7411.7 The HSS provider shall fill a vacant key personnel position within sixty (60) business days of vacancy, or within the timeframe established in the provider's HCA with the Department, whichever is shorter.

7411.8 The Department reserves the right to review the resumes of the HSS provider's staff upon request.

7411.9 The Department will monitor compliance with the staffing requirements for all staff through periodic audits and reserves the right to change or remove any HSS provider or sub-provider staff based on qualifications of personnel not meeting the requirements.

7411.10 The Department reserves the right to change or remove any HSS provider or sub-provider staff based on unsatisfactory performance at no additional cost to the District.

7411.11 Each HSS provider's key personnel shall comply with training requirements established in its HCA with the Department.

7412 HSS PROVIDER REQUIREMENTS – HOUSING NAVIGATION SERVICES

7412.1 When delivering Housing Navigation Services, the HSS provider shall:

(a) Initiate and sustain engagement with the individual that facilitates the creation of rapport with the individual; and

(b) Leverage its rapport with the individual to provide Housing Navigation Services geared toward supporting the individual's lease-up to a housing unit.

7412.2 The HSS provider shall use multiple approaches to contact and engage with the individual. In-person and telephonic outreach attempts should be made at varying times of day, at varying locations where the individual is known to sometimes be found and shall be proactive in nature.

- 7412.3 In addition to the document requirements listed in this Chapter, documentation of outreach attempts shall clearly note type of attempt, and information or notes left behind for the individual. Examples of outreach attempts include:
- (a) Attempting to locate the individual through outreach conducted via a Homeless Outreach Provider Team, State Opioid Response Team, or the DC Department of Behavioral Health Critical Response Team;
 - (b) Traveling to the site/location listed on the individual's most current District-approved standardized screening tool or listed in HMIS;
 - (c) Visiting area homeless shelter(s) to locate the individual; and
 - (d) Attempting to locate the individual by attending a CAHP meeting attended by other homeless services providers who may have information about the individual.
- 7412.4 While the individual is in the Housing Navigation phase, the HSS provider shall engage with the individual at the frequency established in the HSS provider's HCA, but at least one time per week, with a minimum of two (2) face-to-face contacts each month.
- 7412.5 The HSS provider must document each Housing Navigation engagement with the individual. The documentation shall describe, at minimum, the date and time of the engagement, and include the individual's housing barrier(s) addressed (lack of vital documents, criminal history, poor credit, or past evictions). The Department may require additional documentation for each engagement with the individual.
- 7412.6 The HSS provider shall ensure case managers build rapport with the individuals and their landlords during Housing Navigation.
- 7412.7 In addition to the required minimal face-to-face frequency of engagement with individuals in the Housing Navigation phase, the HSS provider may maintain connection with the individual via email, text, telephone, video phone or other secure methods depending on the individual's preference.
- 7413 HSS PROVIDER REQUIREMENTS – HOUSING STABILIZATION SERVICES**
- 7413.1 After the individual has executed a rental lease agreement with the landlord of a housing unit, and moved into that unit, the individual enters the Housing Stabilization phase.
- 7413.2 The HSS provider shall ensure continuity and effectiveness of service delivery. The HSS provider shall have regular contact with individuals.

- 7413.3 The HSS provider shall have a minimum of two (2) contacts with an individual per month, where at least one of these contacts shall be face-to-face with the individual. The other contact may be accomplished through other interactive methods. Examples include email, text, telephone, video phone, or other secure methods, depending on the individual's preference, needs, and abilities.
- 7413.4 The provider shall exert concerted and deliberate efforts to meet with the individual face-to-face in their home. The home environment is a critical factor in the individual's housing stability, particularly in the areas of physical and behavioral health status, economic security, self-sufficiency, and compliance with lease requirements.
- 7413.5 The HSS provider must document each Housing Stabilization engagement with the individual. The documentation shall describe, at minimum, the date and time of the engagement and outline goals, meeting purpose, and service(s) provided.
- 7413.6 The HSS provider shall take the lead to schedule all meetings with the individual at a mutually agreeable time that does not conflict with an individual's work schedule, medical appointments, school events, or other appointments that are part of their ISP.

7414 HSS PROVIDER QUALIFICATIONS

- 7414.1 The HSS provider shall be established as a legally recognized entity in the District of Columbia and qualified to conduct business in the District. A certificate of good standing and valid basic business license, both issued by the District of Columbia Department of Consumer and Regulatory Affairs, shall be evidence of qualification to conduct business.
- 7414.2 The HSS provider shall:
- (a) Have a governing body with oversight responsibility for administrative and programmatic policy development, monitoring and implementation;
 - (b) Comply with all applicable Federal and District laws and regulations;
 - (c) Hire personnel with the qualifications necessary to provide HSS and to meet the needs of its enrolled consumers, as described at § 7411;
 - (d) Ensure that independently licensed qualified practitioners are available to provide appropriate and adequate supervision of all clinical activities; and
 - (e) Employ qualified practitioners that meet all professional requirements as defined by the applicable licensing, certification, and registration laws and regulations of the District or the jurisdiction where services are delivered.

- 7414.3 The HSS provider shall comply with the cost survey and program integrity audits set forth in Chapter 103 of Title 29 DCMR.
- 7414.4 The HSS provider shall obtain background check documents for all persons employed by the HSS provider, including subcontracted staff or any volunteers with direct contact with program individuals, and submit these documents to the Department.
- 7414.5 Background check documents for all HSS provider personnel must be current, within two (2) years of submission date, and include:
- (a) A current government issued photo Identification (ID) (e.g., driver's license, state issued ID, or passport);
 - (b) Evidence of each staff member's licensure, certification, or registration, as applicable and as required by the job being performed;
 - (c) For non-licensed staff, evidence of completion of an appropriate degree, appropriate training program, or appropriate credentials (e.g., an academic transcript or a copy of degree);
 - (d) Evidence of all required criminal background checks, and for all staff members, application of the criminal background check requirements contained in the HSS Provider's HCA with the Department;
 - (e) Evidence of quarterly checks that no individual is excluded from participation in a federally funded health care program as listed on the Department of Health and Human Services' "List of Excluded Individuals/Entities," the General Services Administration's "Excluded Parties List System," or any similar succeeding governmental list; and
 - (f) Evidence of completion of all communicable disease testing required by the Department and District laws and regulations.
- 7414.6 The HSS provider shall conduct each required screening for all staff at the frequency required by District law and regulations or by the Department, whichever is most stringent.
- 7414.7 The Department must clear each person employed by the HSS provider, including subcontracted staff or any volunteers with direct contact with program individuals, for fitness before beginning work or having contact with individuals.
- 7414.8 The HSS provider shall ensure that any applicant for a compensated position and candidates for unsupervised volunteer positions complete the required criminal

background screening before any such applicant or candidate may be offered a compensated position or an unsupervised volunteer position with the HSS Provider.

- 7414.9 The HSS provider must provide the Department the process by which an applicant for employment, including subcontractors or any volunteers with direct contact with program individuals, shall declare any present or past events that might raise liability or risk management concerns, such as malpractice actions, insurance cancellations, criminal convictions, Medicare/Medicaid sanctions, and ethical violations.
- 7414.10 The HSS provider shall ensure all employees are not adversely affected by alcohol, illegal drugs, or legal drug use during work hours. The HSS provider shall have an active drug-free workplace policy and shall utilize drug testing to ensure that each job applicant, employee, and unsupervised volunteer are not under the influence of drugs or alcohol while working with program individuals.
- 7414.11 The HSS provider shall complete a suitability screening for each employee as outlined in its HCA with the Department.
- 7414.12 The HSS provider shall establish and adhere to policies and procedures responding to individual grievances and incorporate this information into its HSS Program Rules as described in Section 18 of the Act.
- 7414.13 The HSS provider shall establish uniform procedures for employees to file grievances, in writing, to the provider (including requests for case manager reassignments) and shall post these procedures in applicable paperwork, administrative offices, and in the facilities used to provide services. The procedures for filing grievances shall be a part of the provider's employee handbook and shall be approved by the District.
- 7414.14 The HSS provider shall have a written plan for staff development and organizational onboarding, approved by the Department, which reflects the training and performance improvement needs of all employees working in that program.
- 7414.15 The HSS provider shall establish and adhere to policies and procedures for record documentation, security, and confidentiality of individual and family information; clinical records retention, maintenance, purging and destruction; disclosure of individual and family information; and informed consent that comply with applicable Federal and District laws and regulations.
- 7414.16 The HSS provider shall have the necessary operational capacity to submit claims for Medicaid-reimbursable HSS and invoices for locally-reimbursed PSH services, document information on services provided, and track payments received. This operational capacity shall include the ability to:
- (a) Verify eligibility for Medicaid and other third-party payers;

- (b) Document HSS provided by Department-certified HSS provider staff and sub-Provider;
 - (c) Submit claims and invoices, and relevant documentation of HSS on a timely basis in compliance with applicable requirements of the Department and DHCF; and
 - (d) Track payments for all provided HSS.
- 7414.17 The HSS provider shall comply with requirements of the District of Columbia Language Access Act of 2004, as amended, D.C. Official Code § 2-1931, *et seq.*
- 7414.18 The HSS provider shall also comply with requirements listed in Section 1557 of the Patient Protection and Affordable Care Act, as amended, 42 U.S.C. § 18116(a).
- 7414.19 The HSS provider shall comply with applicable provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, *et seq.*, in all business locations.
- 7414.20 The HSS provider shall utilize a TeleTYpe (TTY) telecommunications line (or an equivalent) to enhance the HSS provider's ability to respond to service requests and needs of individuals and potential individuals. HSS provider staff shall be trained in the use of such communication devices as part of the annual language access training.
- 7414.21 The HSS provider shall establish and adhere to anti-discrimination policies and procedures relative to hiring, promotion, and provision of services to individuals that comply with applicable Federal and District laws and regulations (Anti-Discrimination Policy).
- 7414.22 The HSS provider shall have established by-laws or other legal documentation regulating the conduct of its internal financial affairs. This documentation shall clearly identify the individual(s) that are legally responsible for making financial decisions for the HSS provider and the scope of such decision-making authority. The HSS provider shall:
- (a) Maintain an accounting system that conforms to generally accepted accounting principles, provides for adequate internal controls, permits the development of an annual budget, an audit of all income received, and an audit of all expenditures disbursed by the HSS provider in the provision of services;
 - (b) Have an internal process for the development of interim and annual financial statements that compares actual income and expenditures with budgeted amounts, accounts receivable, and accounts payable information; and

- (c) Operate in accordance with an annual budget established by its governing authority.

7414.23 The HSS provider shall establish and adhere to policies and procedures governing the retention, maintenance, purging, and destruction of its business records, that:

- (a) Comply with applicable Federal and District laws and regulations;
- (b) Require the HSS provider to maintain all business records pertaining to costs, payments received and made, and services provided to individuals for a period of ten (10) years or until all audits are completed, whichever is longer; and
- (c) Require the HSS provider to allow the Department, DHCF, the District's Inspector General, HHS, the Comptroller General of the United States, or any of their authorized representatives to review the HSS provider's business records, including client clinical and financial records.

7414.24 The HSS Provider, at its expense, shall:

- (a) Obtain at least the minimum insurance coverage required by its HCA; and
- (b) Make evidence of its insurance coverage available to the Department upon request.

7414.25 The HSS provider shall operate according to all applicable Federal and District laws and regulations relating to fraud, waste, and abuse in health care, the provision of mental health services, and the Medicaid program. An HSS provider's failure to report potential or suspected fraud, waste, or abuse may result in sanctions, cancellation of contract, or exclusion from participation as an HSS provider. The HSS provider shall:

- (a) Cooperate and assist any District or Federal agency charged with the duty of identifying, investigating, or prosecuting suspected fraud, waste, or abuse;
- (b) Provide the Department with regular access to the HSS provider's medical and billing records, including electronic medical records, within twenty-four (24) hours of a Departmental request, or immediately in the case of emergency;
- (c) Be responsible for promptly reporting suspected fraud, waste, or abuse to the Department, taking prompt corrective actions consistent with the terms of any contract or subcontract with the Department, and cooperating with DHCF or other governmental investigations; and

(d) Ensure that none of its practitioners have been excluded from participation as a Medicaid or Medicare provider. If a practitioner is determined to be excluded by CMS, the HSS provider shall notify the Department immediately.

7414.26 The HSS provider shall ensure that sufficient resources (*e.g.*, personnel, hardware, or software) are available to support the operations of computerized systems for collection, analysis, and reporting of information, along with claims submission.

7414.27 The HSS provider shall have the capability to submit accurate claims, number of engagements with each individual on a monthly basis, and other submissions as necessary directly to the Department.

7414.28 The HSS provider does not normally need an individual's detailed health information, such as diagnosis or specific services received, or full access to medical records (particularly for behavioral health conditions or sensitive information like HIV status). However, the HSS provider shall have a clearly defined protocol to prevent inappropriate information sharing that might violate the Health Insurance and Portability and Accountability Act of 1996 (P.L. 104-191), as amended (HIPAA) or Section 543 of the Public Health Service Act (P.L. 102-321).

7415 HSS PROVIDER CERTIFICATION PROCESS

7415.1 The Department shall use its HCA contracting process to certify each entity as an HSS provider.

7415.2 The Department shall utilize the certification process to thoroughly evaluate the applicant's capacity to provide high quality HSS in accordance with these regulations and the needs of the District's Continuum of Care.

7415.3 No person or entity shall provide HSS unless certified by the Department.

7415.4 Certification shall remain in effect until it expires, is renewed, or is revoked.

7415.5 Certification shall be considered terminated if the HSS provider is no longer party to a PSH HCA with the Department.

7415.6 Certification is not transferable to any other organization.

7415.7 Nothing in this Chapter shall be interpreted to mean that certification is a right or an entitlement. Certification as an HSS provider depends upon the Department's assessment of the need for additional HSS providers and availability of funds. An entity that applies for certification during an open application period as published in the District of Columbia Register may appeal the denial of certification under this subsection by utilizing the procedures contained in 27 DCMR § 3. The

Department shall not accept any applications for which a notice of moratorium is published in the District of Columbia Register.

- 7415.8 The HSS provider shall notify the Department in writing thirty (30) calendar days prior to implementing any of the following operational changes, including all aspects of the operations materially affected by the changes:
- (a) A proposed change in the name or ownership of an HSS provider owned by an individual, partnership, or association, or in the legal or beneficial ownership of ten percent (10%) or more of the stock of a corporation that owns or operates the HSS provider;
 - (b) A change in affiliation or referral arrangements;
 - (c) A proposed change in the location of the provider's headquarter location;
 - (d) The proposed addition or deletion of services, which is anything that would alter or disrupt services where the consumer would be impacted by the change, or any change that would affect compliance with this Chapter;
 - (e) A change in the required staff qualifications for employment;
 - (f) A change in the staff filling positions required by this Chapter;
 - (g) A proposed change in organizational structure; or
 - (h) A proposed change in the population served.
- 7415.9 The HSS provider shall forward to the Department within thirty (30) calendar days all inspection reports conducted by an oversight body and all corresponding corrective actions taken regarding cited deficiencies.
- 7415.10 The HSS provider shall immediately report to the Department any criminal allegations involving provider staff.
- 7415.11 In order to maintain certification, a HSS provider shall:
- (a) Participate in activities supporting the successful implementation of the HSS program, including:
 - (1) Trainings to foster professional competency and development of best practices related to person-centered planning, chronic disease self-management, and related topics;
 - (2) Continuous quality improvement tasks, monitoring, and performance reporting;

- (3) District-wide initiatives to support the exchange of health information; and
- (4) Evaluations required by CMS, DHCF, or the Department;
- (b) Maintain compliance with all requirements set forth in this Chapter; and
- (c) Maintain compliance with all terms and conditions set forth in the HSS provider's HCA with the Department and its DC Medicaid provider agreement including all modifications, as well as with all applicable federal and District laws.

7416 DENIAL OF CERTIFICATION OR DECERTIFICATION PROCESS

- 7416.1 Only an organization with an executed PSH HCA with the Department may be considered certified by the Department to deliver HSS.
- 7416.2 An organization that is not awarded a PSH HCA with the Department, or is unable to maintain a PSH HCA with the Department, and thus becomes decertified as an HSS provider, may protest the Department's decision through the following steps:
- (a) Submit written correspondence to the Department to convey its intent to protest the Department's decision; and
 - (b) Request that the District of Columbia Contract Appeals Board hear the case to determine whether the Department's decision should be upheld or reversed, in accordance with Chapters 1, 2, 3, and 4 of Title 27 DCMR, as amended.

7417 HSS PROVIDER DISCONTINUATION OF SERVICES, PROVIDER CLOSURES, AND CONTINUITY OF INDIVIDUAL CARE

- 7417.1 An HSS provider shall provide written notification to the Department at least ninety (90) calendar days prior to its impending closure, or immediately upon knowledge of an impending closure. This notification shall include plans for continuity of care and preservation of individual records.
- 7417.2 The Department shall review the continuity of care plan and make recommendations to the HSS provider as needed. The plan should include provision for the referral and transfer of individuals.
- 7417.3 The HSS provider shall incorporate all Department recommendations necessary to ensure a safe and orderly transfer of care.

7417.4 Closure of an HSS provider does not absolve an HSS provider from its legal responsibilities regarding the preservation and the storage of individual records as described at § 7414.21 of these regulations and all applicable Federal and District laws and regulations. The HSS provider shall take all necessary and appropriate measures to ensure individual records are preserved, maintained, and made available to individuals upon request after closure of a provider or discontinuation of the applicable service.

7417.5 A HSS provider shall be responsible for the execution of its continuity of care plan in coordination with the Department.

7418 INDIVIDUAL PROTECTIONS

7418.1 Medicaid individuals are entitled to Notice and Appeal rights pursuant to 29 DCMR § 9508 in cases of intended adverse action, such as an action to deny, discontinue, terminate, or change the manner or form of Medicaid-funded HSS.

7418.2 The HSS provider shall establish and adhere to a consumer rights policy that aligns with Section 9 of the Act.

7418.3 The HSS Provider shall establish and adhere to policies and procedures governing the release of information about individuals, which comply with applicable Federal and District laws and regulations.

7419 QUALITY ASSURANCE AND IMPROVEMENT

7419.1 The HSS provider shall submit to the Department a quality improvement plan that describes how the provider will ensure and measure for each individual:

- (a) Timely access to and availability of services; and
- (b) Adequacy, appropriateness, and quality of care, including treatment and prevention of acute and chronic conditions.

7419.2 The HSS provider's quality improvement plan shall describe its protocols to:

- (a) Closely monitor individuals with severe housing stability barriers and children and youth within an individual's household with complex service needs;
- (b) Coordinate individual services with behavioral health providers; and
- (c) Collect and respond to individual satisfaction with services delivered by the Provider.

7419.3 The HSS provider's quality improvement plan shall be approved by the Department annually.

7420 REIMBURSEMENT

7420.1 Effective April 1, 2022, the District shall establish a per member per month (PMPM) rate to reimburse HSS providers for the provision of HSS delivered to individuals enrolled in the DC Medicaid program using a PMPM payment structure. The PMPM rate shall be determined in accordance with 29 DCMR § 103.3.

7420.2 The HSS PMPM reimbursement rate shall be seven hundred and fifty-five dollars and twenty-one cents (\$755.21). Upon the launch of the HSS benefit, this rate, and any amendments to this rate, will be published on the DHCF website at www.dc-medicaid.com and in accordance with 29 DCMR § 988.4.

7420.3 The Department shall reimburse HSS providers, using a PMPM payment structure, for the provision of PSH services to individuals that are not eligible for enrollment in the District Medicaid HSS program, or that temporarily lose their Medicaid enrollment status. The PMPM rate paid by the Department shall equal the rate described above at § 7420.2 and in accordance with 29 DCMR § 988.4.

7420.4 The Department shall reimburse HSS providers for the provision of adjunct services that facilitate the provision of HSS and promote the housing stability of adult individuals on a monthly basis. The reimbursement rates for each type of service are detailed below or in the Department's HCA with the HSS provider:

- (a) Services provided to minors in an adult individual's household, at a rate of four hundred dollars (\$400) per household, per month;
- (b) Utility assistance;
- (c) Financial assistance; and
- (d) Staff onboarding.

7420.5 To be eligible for a PMPM payment for PSH services for an individual receiving Housing Navigation Services, a PSH provider shall deliver any service listed at § 7403 of this Chapter at a minimum frequency of once a week within the month. At least two (2) of these services shall be delivered face-to-face with the client. The other contacts may be made by telephone, email, text, or another electronic format.

7420.6 To be eligible for a PMPM payment for PSH services for an individual receiving Housing Stabilization Services, a PSH provider shall deliver any service listed at § 7404 of this Chapter at a minimum frequency of twice a month. At least one of

these services shall be delivered face-to-face with the client. The other contact may be made by telephone, email, text, or another electronic format.

- 7420.7 To receive a PMPM payment for PSH services delivered to minors in the eligible individual's household, the HSS provider shall provide services at the scope and frequency described in the HSS provider's HCA with the Department.
- 7420.8 For individuals not eligible for reimbursement through the District's Medicaid program, each HSS Provider shall submit a monthly invoice to the Department for reimbursement within thirty (30) days of the date of service or of the date a Medicaid claim is denied for the same date of service.
- 7420.9 Reimbursement to an HSS provider for the provision of HSS to individuals participating in the DC Medicaid HSS benefit shall be in accordance with 29 DCMR § 103.
- 7420.10 An HSS provider's submission of an invoice to the Department for PSH delivered to an adult individual will serve as the HSS provider's attestation that avenues for Medicaid reimbursement for the services have been exhausted, and that the HSS provider has followed all necessary procedures and policies for supporting the individual's initial and continued enrollment in the District's Medicaid program.
- 7420.11 An HSS provider shall not submit an invoice to the Department for a Medicaid claim that is not submitted or denied because the submission was unacceptable or untimely.
- 7420.12 An HSS provider shall be eligible to receive one PMPM rate for HSS services provided to an adult individual, and, if applicable, one additional PMPM rate for PSH services provided to minors within the adult individual's household.
- 7420.13 Any claim submitted to Medicaid for reimbursement or invoice submitted to DHS for reimbursement for program services shall be supported by written documentation in the individual's record in the Department's case note system, according to the standards described in this Chapter.

7421 NON-REIMBURSABLE SERVICES

- 7421.1 The following services are not covered as HSS:
- (a) Room and board residential costs;
 - (b) Inpatient hospital services, including hospital, nursing facility, intermediate care facility for individuals with intellectual disabilities, and institutions for mental diseases;

- (c) Prescription drug costs;
- (d) Transportation services;
- (e) Financial deposits;
- (f) Food;
- (g) Furnishings;
- (h) Utilities;
- (i) Moving expenses;
- (j) Rent;
- (k) Educational, vocational, and job training services;
- (l) Services rendered by parents or other family members;
- (m) Social or recreational services;
- (n) Services that are not provided and documented in accordance with these certification standards; and
- (o) Services furnished to persons other than the consumer when those services are not directed primarily to the well-being and benefit of the individual.

7499 DEFINITIONS

7499.1 The terms in this Chapter shall have the definitions set forth in Section 2 of the Act.

7499.2 In addition, the following terms in this Chapter shall have the meaning ascribed:

Act – 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.*), as amended.

Assessment – A clinical evaluation performed by a qualified group or individual of the consumer’s physical, mental, behavioral, social, and emotional health. It considers the consumer’s perception of self and ability to function socially at home and in the community, and relevant historical data as it impacts the quality of the consumer’s life.

Case Management – A set of services and interventions focused on assisting HSS individuals to obtain and retain permanent housing, move toward the greatest degree of self-sufficiency, and are based on the consumer’s goals

and preferences outlined in their ISP. These services include coordination of and assisting consumers to access financial assistance, tenancy support, social services, health care services, and other resources available in the community.

Case Note – A chronological record of the delivery of services and support to head of households and their dependent and/or minor children. Case notes also provide the necessary documentation to support claims to funding sources, and provide a single place for case managers, social workers, supervisors and colleagues, state and federal auditors and others with appropriate access to read about recent case activity.

Certification – The written authorization from the Department rendering an entity eligible to provide HSS.

Certification Standards – The minimum requirements established by the Department in this Chapter that a provider shall satisfy to obtain and maintain certification to provide HSS and receive reimbursement from the District for HSS.

Collateral Contact – An individual involved in the individual’s care. This individual may be a family member, guardian, healthcare professional or person (e.g., landlord/property manager, lawyer) who is a knowledgeable source of information about the individual’s situation and serves to support or corroborate information provided by the individual. The individual contributes a direct and an exclusive benefit for the individual.

Consumer – An individual client as defined in Section 2(7) of the Act.

Coordinated Assessment and Housing Placement (CAHP) System – The District’s “centralized or coordinated assessment system” as defined in section 2(6A) of the Act, also referred to as coordinated entry or coordinated intake, and further defined in publicly available CAHP governance guidance.

Data Assessment Plan – The comprehensive case note standard of Data Assessment Plan. Data is the subjective and objective information about the individual’s goals and progress made toward them. The Assessment is a written by the individual’s case manager and describes their observations about the individual’s interactions with family members, the individual’s motivation to move toward their goals and the tone, affect and demeanor of the individual, along with how the individual is maintaining their housing unit. The Plan describes the measurable objectives the individual will be working on until the next visit. The Plan also notes when the next engagement with the individual is scheduled.

Department – The District of Columbia Department of Human Services or any successor organizational unit (in whole or in part).

Department of Health Care Finance – The District of Columbia state Medicaid agency.

Director – The Director of the Department.

Disability – As defined at 42 U.S.C. § 416(i).

Disabling Condition – An injury, substance use disorder, mental health condition, or illness, as diagnosed by a qualified health professional, that is expected to cause an extended or long-term incapacitation but does not meet the definition of disability, as defined at 42 U.S.C. § 416(i).

Governing Authority – The designated individuals or body legally responsible for conducting the affairs of the HSS Provider.

Grievance – A description by any individual of his or her dissatisfaction with an HSS provider, including the denial or abuse of any consumer right or protection provided by applicable Federal and District laws and regulations.

Homeless Management Information System – The District’s information technology system used to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness.

Homeless Outreach Provider Team – An organization contracted by the Department to engage individuals who are living on the streets and are experiencing homelessness. Outreach efforts connect vulnerable individuals to housing resources within the Coordinated Entry System

Household – A home dwelling and its occupants.

Housing Navigation – Using a Housing First approach, Housing Navigation assistance offered by the Provider is designed to identify and secure housing for consumers as quickly as possible, by implementing activities such as: active recruitment and retaining of landlords and housing managers willing to rent to consumers (who may otherwise fail to pass typical tenant screening criteria); housing unit search and identification; helping consumers gather documents needed for housing placement; completing the housing and subsidy application process; and moving and securing basic housing needs. The Housing Navigation assistance offered by the PSHP Provider to all consumers, needs to be consistent with the consumer’s needs and preferences (within the limits of their income combined with available subsidy), taking into consideration safety and access to transportation,

connection to health care, treatment, school, daycare and support systems, and employment opportunities.

Housing Stabilization – Services and actions designed to help households at risk of becoming homeless to keep housing.

Housing Supportive Services – Housing-related activities and services that support a person’s ability to prepare for and transition to housing, and services that support a person in continuing successful tenancy in their housing unit.

Housing Unit – A single room occupancy room/facility, individual apartment, townhome, or single-family home utilized to house consumers in HSS. Housing units for families have separate cooking facilities and other basic necessities to enable families to prepare and consume meals; bathroom facilities for the use of the family; and separate sleeping quarters for adults and minor children in accordance with the occupancy standards of Title 14 of the DCMR. Housing units can be project-based or tenant-based.

HSS Provider – The individual, organization, or corporation, public or private, that provides HSS services, meets the qualifications set forth in this Chapter and seeks reimbursement for providing those services under the Medicaid program. An HSS provider is a provider as defined under Section 2(30) of the Act and an HSS agency as defined at 29 DCMR 10399.

Human Care Agreement – A written agreement for the procurement of education or special education, health, human, or social services pursuant to D.C. Official Code § 2–354.06, to be provided directly to persons who are disabled, disadvantaged, displaced, elderly, indigent, mentally or physically ill, unemployed, or minors in the custody of the District of Columbia.

Individual – A person eligible to receive HSS as set forth in this Chapter.

Individual Service Plan – A written agreement between the individual and the HSS provider describing the results of the person-centered planning process addressing the strengths, preferences, needs and dreams as described by the person. The plan consists of time-specific goals and objectives designed to promote self-sufficiency and attainment of permanent housing. These goals and objectives are based on the consumer’s assessed needs, desires, strengths, resources, and limitations.

Key Personnel – The essential staff required to implement and execute the scope of work in the HSS Provider’s Human Care Agreement.

Linkage – When a Provider connects or joins a consumer with a needed service or support. This could include, but is not limited to, communicating on behalf

of the consumer to the service, providing the consumer contact information or completing needed applications or paperwork. The Provider must first ensure the service or support is current and viable.

Medicaid – The medical assistance program approved by federal Centers for Medicare and Medicaid Services and administered by DHCF, which enables the District to receive federal financial assistance for its medical assistance program and other purposes as permitted by law.

Organizational Onboarding – The mechanism through which new employees acquire the necessary knowledge, skills, and behaviors to become effective performers. It begins with recruitment and includes a series of events, one of which is employee orientation, which helps new employees understand performance expectations and contribute to the success of the organization.

Outreach and Engagement – Describes the processes used to find/locate a consumer, establish contact with them (outreach) and build a long-lasting, trusting connection with the individual services Provider (engagement). Outreach and engagement practices are targeted, proactive, and client-centered, with particular attention given to finding and engaging with persons in crisis, who may be initially reluctant to accept assistance.

Quality Control – An HSS Provider’s internal system for monitoring and improving delivery of services and internal operations.

Self-Sufficiency – The ability to provide for one’s own social and economic needs with little to no assistance from others.

Supplemental Nutrition Assistance Program – Formerly known as the Food Stamp program, SNAP provides food-purchasing assistance to District residents with low- or no-income.

Supportive Services – An array of medical, behavioral health, substance use, educational, social services, employment, life skills, and financial services aimed at enabling housing placement, housing stability, health, wellness, community integration, self-sufficiency, and the improved quality of life of an individual.

Chapter 25, SHELTER AND SUPPORTIVE HOUSING FOR INDIVIDUALS AND FAMILIES, of Title 29 DCMR, is amended as follows:

A new section 2574, REIMBURSEMENT FOR PSH SUPPORTIVE SERVICES, is added to read as follows:

2574 REIMBURSEMENT FOR PSH SUPPORTIVE SERVICES

- 2574.1 The Department shall reimburse PSH providers, using per member per month (PMPM) rate structure, for the provision of PSH services to adult participants that are not eligible for enrollment in the District's Medicaid Housing Supportive Services (HSS) program, or that temporarily lose their DC Medicaid enrollment status. The PMPM rate paid by the Department shall equal the rate described at 29 DCMR § 7420.2.
- 2574.2 The Department shall also reimburse PSH providers for the provision of adjunct services that facilitate the provision of PSH and promote the housing stability of adult participants on a monthly basis. The reimbursement rates for each type of service are detailed below or in the Department's HCA with the PSH provider:
- (a) Services provided to minors in an adult participant's household, at a rate of \$400.00 per household, per month;
 - (b) Utility assistance;
 - (c) Financial assistance; and
 - (d) Staff onboarding.
- 2574.3 In order to be eligible for a PMPM payment for PSH services, a PSH provider shall deliver a minimum of two (2) PSH services to an eligible adult client within a month.
- 2574.4 To receive a monthly household payment for PSH services delivered to minors in the adult individual's household, the HSS provider shall provide services at the scope and frequency described in the HSS provider's HCA with the Department.
- 2574.5 The following services are not covered as PSH services:
- (a) Room and board residential costs;
 - (b) Inpatient hospital services, including hospital, nursing facility, intermediate care facility for individuals with intellectual disabilities, and institutions for mental diseases;
 - (c) Prescription drug costs;
 - (d) Transportation services;
 - (e) Educational, vocational, and job training services;

- (f) Services rendered by parents or other family members;
- (g) Social or recreational services;
- (h) Services that are not provided and documented in accordance with these certification standards; and
- (i) Services furnished to persons other than the client or client's household members when those services are not directed primarily to the well-being and benefit of the individual.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF FOURTH EMERGENCY AND SECOND PROPOSED RULEMAKING

The Director of the Department of Human Services (“Director”), pursuant to the authority set forth in Section 31 of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-756.02), and Mayor’s Order 2006-20, dated February 13, 2006, hereby gives notice of her adoption, on an emergency basis, of the following new Chapter 74 (Housing Supportive Services and Provider Certification Standards) and the following amendments to Chapter 25 (Shelter and Supportive Housing for Individuals and Families) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR), and of her intent to take final rulemaking action on the new chapter and amendments in not less than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*.

These emergency and proposed rules establish standards to administer the new 1915(i) State Plan Home and Community-Based Services Housing Supportive Services (HSS) benefit and conditions of participation for entities delivering these services. HSS are services that focus on helping District Medicaid beneficiaries who are homeless or at risk of homelessness find and maintain permanent housing in the community, build independent living and tenancy skills, and connect them to community resources. The benefit is targeted to people with disabilities or complex health needs, who often experience significant barriers to accessing care and housing.

The Department operates the new HSS benefit in conjunction with the Department of Health Care Finance (DHCF) in accordance with a Fiscal Year 2022 Memorandum of Understanding between DHS and DHCF. DHCF has adopted corresponding rules in Chapter 103 (Medicaid Reimbursement for Housing Supportive Services) of Title 29 (Public Welfare) of the DCMR. These rules establish HSS eligibility, enrollment procedures, provider requirements, provider certification procedures, and rates for provider reimbursement under the District’s Medicaid program. In addition, for the purpose of maintaining uniform housing-related supportive services standards between HSS and Permanent Supportive Housing (PSH) programs, these rules also establish reimbursement rates for PSH services in Chapter 25.

An initial Notice of Emergency and Proposed Rulemaking was published in the *District of Columbia Register* on June 17, 2022, at 69 DCR 7181. A second Notice of Emergency Rulemaking was subsequently published in the *District of Columbia Register* on August 5, 2022, at 69 DCR 10060. A third Notice of Emergency Rulemaking was adopted on October 14, 2022, went into effect at that time, and remained in effect until February 11, 2023. The third Notice of Emergency Rulemaking was published in the *District of Columbia Register* on June 2, 2023.

This rulemaking reflects changes to the rules set forth in the third Notice of Emergency Rulemaking and the initial proposed rulemaking. Specifically, the HSS requirements have been updated in response to (1) public comments received after publication of the initial proposed rulemaking and (2) the Department’s experience with the initial stages of implementing HSS under the emergency rulemakings.

The Department received three comments from the public to the proposed rulemaking. These public comments were from three providers of long-term care services and supports, including two (2) Assisted Living Residences and one (1) Program of All Inclusive Care for the Elderly (PACE) entity. The comments received from these three entities regarding the proposed rulemaking were similar and consisted of the following requests:

- Broaden the language of § 7403.2(h) to ensure that individuals eligible for Permanent Supportive Housing are able to access the full array of health, social, and supportive services that are available to Medicaid-qualified individuals who may need assistance to live independently in the community;
- Amend language of § 7404.2(j) to ensure that the HSS provider helps the individual navigate recertification for all benefits, not just the District’s housing voucher certification process; and
- Ensure coordination with housing, social service, health, and other case management providers to ensure alignment of the Housing Support and Crisis plan with other plans of care.

In response to the public comment regarding the broadening of language of § 7403.2(h), this rulemaking replaces the language “complete an application for a Home Health Aide, if needed” with “request an assessment of long-term home and community-based services and supports”. Also in response to this public comment, this rulemaking amends language in § 7404.3(d)(1) to clarify that HSS services include assisting individuals with access to somatic health, mental health, and substance use services, including assistance with requesting an assessment of long-term home and community-based services and supports.

The Department carefully considered the issues raised in the other comments and has concluded that the recommendations are addressed in other sections of the rulemaking, and therefore no further revisions are required.

Emergency action is necessary to promote the immediate preservation of the health, safety, and welfare of District residents who are at risk of experiencing homelessness. HSS services are vital to the health and safety of medically vulnerable District residents, and these rules are necessary to establish standards and criteria for maintaining the services under the program.

The Director adopted these emergency rules on May 17, 2023, and they became effective immediately. The emergency rules shall remain in effect until September 14, 2023, one hundred-twenty (120) days after the adoption date of these emergency rules, unless superseded by publication of a Notice of Final Rulemaking in the *District of Columbia Register*.

As provided in Section 31 of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-756.02), proposed final rules will be transmitted to the Council of the District of Columbia for its review and approval. The Director gives notice of her intent to take final rulemaking action to adopt these proposed rules after approval by the Council and in not less than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*.

A new Chapter 74, HOUSING SUPPORTIVE SERVICES AND PROVIDER CERTIFICATION STANDARDS, of Title 29 DCMR, is added to read as follows:

**CHAPTER 74 HOUSING SUPPORTIVE SERVICES AND PROVIDER
CERTIFICATION STANDARDS**

7400 GENERAL PROVISIONS

- 7400.1 The mission of the Department of Human Services (Department) is to empower every District resident to reach their full potential by providing meaningful connections to work opportunities, economic assistance and supportive services. The Economic Security Administration is the administration within the Department that is responsible for making eligibility determinations for federally and locally funded public assistance programs in the District, including Medicaid, the Supplemental Nutrition Assistance Program, and the Temporary Assistance for Needy Families program. The Family Services Administration is the administration within the Department that is responsible for providing homeless services such as shelter and homelessness prevention, to meet the needs of vulnerable adults and families to help reduce risk and promote self- sufficiency.
- 7400.2 The purpose of this Chapter is to establish standards for the Housing Supportive Services (HSS) benefit, including eligibility criteria, service standards, HSS provider certification requirements, and which services shall be reimbursed through Medicaid.
- 7400.3 HSS are Medicaid-reimbursable activities that include a range of flexible housing-related services and supports for adults at risk of or experiencing chronic homelessness and who have a disability or disabling condition that interferes with or limits their capacity to maintain housing stability.
- 7400.4 Permanent supportive housing (PSH) programs provide services similar to HSS but are funded through the District's local budget for adults who are ineligible for Medicaid enrollment. PSH services are also available to children and youth residing in the home of an adult who is receiving the HSS benefit.
- 7400.5 As provided in this Chapter, an individual is eligible to receive services through the HSS benefit if they are eligible for the District's PSH program and enrolled in the District's Medicaid program.
- 7400.6 An HSS Provider may also provide PSH services. Services and supports that do not qualify for HSS Medicaid reimbursement as described in this Chapter but that qualify as PSH services will generally be eligible for reimbursement by the Department through the PSH program, pursuant to the PSH program rules.
- 7400.7 The HSS benefit described in this Chapter has been designed to comply with requirements established in federal home and community-based services

regulations (42 CFR § 441.710) and clarified by informational bulletins published by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), Center for Medicaid and CHIP Services.

7400.8 Each Department-certified HSS provider shall meet and adhere to the terms and conditions of its PSH Human Care Agreement (HCA) with the Department.

7401 ELIGIBLE CONSUMERS

7401.1 To be determined eligible for HSS, an individual shall:

- (a) Be eighteen (18) years of age or older;
- (b) Be enrolled in Medicaid or meet the criteria described at § 7401.4;
- (c) Be a resident of the District as defined in section 2(32) of the Homeless Services Reform Act of 2005, as amended (D.C. Official Code §4-751.01(32));
- (d) Have a documented disability or disabling condition;
- (e) Be experiencing housing instability as evidenced by one of the following risk factors:
 - (1) Chronic homelessness;
 - (2) At risk of chronic homelessness; or
 - (3) History of chronic homelessness and for whom providing HSS will prevent a return to homelessness; and
- (f) Be determined eligible for PSH services through the District's Coordinated Assessment Housing Placement system.

7401.2 An individual who is seventeen (17) years old or younger who lives in the household of an adult participating in the HSS benefit may qualify for PSH services.

7401.3 An HSS Provider shall not receive Medicaid reimbursement under this Chapter for supportive services provided to an individual who does not meet the eligibility requirements set forth in subsection 7401.1.

7401.4 For individuals seeking enrollment in the District's Medicaid program or whose Medicaid coverage has lapsed:

- (a) There is an eligibility grace period of ninety (90) calendar days from the date of first service for new enrollees, or from the date of eligibility expiration for enrollees who have a lapse in Medicaid coverage, until the date an eligibility or renewal determination is made;
- (b) If the individual appeals a denial of Medicaid eligibility or renewal, the Director of the Department (Director) may extend the ninety (90) calendar day eligibility grace period until the appeal has been exhausted. The ninety (90) calendar day eligibility grace period may also be extended at the discretion of the Director for other good cause shown;
- (c) Upon expiration of the eligibility grace period, HSS provided to the individual are no longer reimbursable by Medicaid; and
- (d) Nothing in this section alters the District's timely filing requirements for claim submissions described at 29 DCMR § 900.

7402 HSS – GENERAL

- 7402.1 HSS are wrap-around services rendered by Department-certified HSS Providers to eligible individuals who require home and community-based services to assist with achieving and maintaining housing.
- 7402.2 HSS shall assist an individual in mitigating their barriers to securing and maintaining housing and support the individual in achieving their housing-related goals.
- 7402.3 HSS are activities that:
- (a) Support an individual's preparation to secure housing, known as Housing Navigation; and
 - (b) Assist with an individual's tenancy in housing, known as Housing Stabilization.
- 7402.4 HSS shall be undertaken as a partnership between the HSS Provider, the individual, and, as appropriate, other providers and agencies.
- 7402.5 HSS providers are entities certified in compliance with the standards set forth in this Chapter.
- 7402.6 As set forth at 42 CFR § 441.700 to § 441.745, an individual participating or seeking enrollment in the HSS benefit shall receive a conflict-free assessment of their functional needs and service plan development. The person that completes the assessment and develops the service plan with the individual shall not be employed by the same organization that will deliver HSS to the individual.

- 7402.7 As further set forth at 42 CFR § 441.725(a)(6), individuals that receive HSS have the right to choose their HSS provider.
- 7402.8 HSS coverage limitations are set forth in § 7421. Coverage for any HSS is contingent on whether all the following criteria are met:
- (a) The service shall be delivered to or on behalf of a person that meets HSS eligibility criteria for HHS, as described at § 7401;
 - (b) The service shall be delivered through a Department-certified HSS provider;
 - (c) The service shall be rendered pursuant to the applicable service-specific standards set forth in this Chapter; and
 - (d) The service shall be delivered in accordance with an approved individual service plan.
- 7402.9 The service-specific standards described in this Chapter apply to the HSS offered by each HSS provider and reimbursed by the District in accordance with this Chapter.

7403 HOUSING NAVIGATION SERVICES

- 7403.1 Housing Navigation Services help an individual plan for, find, and move to housing of their own in the community.
- 7403.2 Housing Navigation Services include assisting the individual to:
- (a) Obtain key documents needed for the housing application process;
 - (b) Complete the housing application process, including following up with key partners (such as landlords and government agencies) to ensure receipt and processing of documents;
 - (c) Complete the housing search process, including helping the individual identify neighborhood and unit needs and preferences, potential barriers (to avoid applying for units for which they will be screened out), helping identify possible units, and assisting the individual to view units as needed;
 - (d) Identify resources to cover expenses such as security deposit, moving costs, furnishings, adaptive aids, environmental modifications, moving costs and other one-time expenses not covered by Medicaid;

- (e) Coordinate a unit inspection with the DC Housing Authority and the housing provider or landlord to ensure a unit is safe and ready for habitation;
- (f) Arrange for and support the details of the move;
- (g) Develop a housing support crisis plan that includes prevention and early intervention services when housing is jeopardized; and
- (h) Request an assessment of long-term home and community-based services and supports.

7404 HOUSING STABILIZATION SERVICES

7404.1 After the individual has executed a rental lease agreement with the landlord of a housing unit, and moved into that unit, the individual enters the Housing Stabilization phase.

7404.2 Housing Stabilization Services help an individual sustain living in their own housing in the community. They include assisting the individual to:

- (a) Identify and build on strengths that are important to maintain housing in the community;
- (b) Obtain early identification of and intervention for behaviors that may jeopardize housing;
- (c) Obtain education and training on the roles, rights and responsibilities of the tenant and landlord;
- (d) Develop and maintain key relationships with the individual's landlord, with a goal of fostering successful tenancy;
- (e) Resolve disputes with landlords and/or neighbors to reduce risk of eviction or other adverse action;
- (f) Prepare a household budget;
- (g) Enroll and obtain public benefits for which the individual is eligible for (e.g., SNAP benefits, Veterans Affairs benefits, etc.);
- (h) Identify and leverage natural community supports (e.g., family, friends, recreational clubs, support groups, etc.);
- (i) Learn independent living skills and activities of daily living (e.g., cooking, housekeeping, basic finances, shopping, etc.);

- (j) Navigate the District's housing voucher recertification process;
- (k) Review, update and modify their housing support and crisis plan on a regular basis to reflect current needs and address existing or recurring housing retention barriers;
- (l) Advocate for and access community resources to prevent eviction; and
- (m) Help re-locate to another housing unit, if warranted.

7404.3 Housing Stabilization Services also include assisting an individual to:

- (a) Identify and access available community resources (e.g., food, toiletries, household supplies, or transportation assistance);
- (b) Connect to employment, education, volunteering, and/or other community programming and resources (e.g., recreation centers, public libraries, recreational clubs, or support groups) to help prevent social isolation;
- (c) Identify and leverage family, friends, recreational clubs, support groups, and other natural community supports that support the individual's tenancy; and
- (d) Access somatic health, mental health, and substance use services, including assistance with:
 - (1) Requesting an assessment of long-term home and community-based services and supports;
 - (2) Scheduling appointments, writing directions, or scheduling transportation; and
 - (3) Following up post appointment to ensure the individual understands their services and when their next appointments are scheduled.

7405 CONSUMER ENROLLMENT INTO HSS

7405.1 The process used to enroll individuals into the HSS benefit shall:

- (a) Effectively engage and offer support to individuals with disabilities or disabling conditions experiencing chronic homelessness, who often experience significant barriers to accessing care and housing;
- (b) Align with the District's Coordinated Assessment and Housing Placement (CAHP) system for housing assistance for people experiencing homelessness; and

- (c) Meet federal requirements related to Medicaid home and community based services (HCBS), set forth at 42 CFR § 441.710 (as may be amended).

7405.2 Enrollment into the Medicaid HSS benefit will follow two (2) distinct processes depending on whether the individual to be enrolled is a participant in the PSH program before or after the HSS benefit was established in the District.

7406 INDIVIDUAL ENROLLMENT INTO HSS FOR PERSONS MATCHED TO PSH PROGRAM AFTER HSS BENEFIT IMPLEMENTATION

7406.1 The Department will deploy an HSS enrollment process for individuals determined eligible for the PSH program through the CAHP system after the implementation of the HSS benefit.

7406.2 This HSS benefit enrollment process for individuals shall follow the process described at § 7406.3 through § 7406.15.

7406.3 The individual shall first undergo homeless services screening, which is the process to determine eligibility for the PSH program through the CAHP system. The process begins with a homeless services provider, as defined at § 2(30) of the Act, or the Department, engaging individuals who are either experiencing homelessness or at risk of homelessness.

7406.4 After the individual is determined eligible for PSH program, through the CAHP system, the Department shall complete a face-to-face assessment using a standardized screening tool to evaluate whether the individual meets the HSS eligibility criteria described at § 7401.

7406.5 The Department will conduct face-to-face assessments in a range of settings, including locations where people who are experiencing homelessness are staying or accessing services, or they may conduct assessments using telehealth (e.g., telephone or video meeting) to ensure this process can be completed as safely and quickly as possible, and to minimize disruption for the individual.

7406.6 The screening tool used to inform an HSS eligibility determination shall consider an individual's evidence of needs related to HCBS aimed to assist with achieving and maintaining housing, with questions in certain domains, including:

- (a) Housing and homelessness, including duration of current or recent episodes of homelessness;
- (b) Risks, including recent utilization of hospital emergency department or inpatient care, crisis services, self-harm or exposure to violence, or risks of exploitation;

- (c) Socialization and daily functioning, including the need for money management or assistance with self-care, lack of meaningful daily activities, and unhealthy or abusive relationships that are a factor resulting in homelessness; and
- (d) Health and wellness, including chronic health conditions, physical disabilities that limit access to housing or ability to live independently, problematic drinking or drug use, mental health disorders or cognitive impairments, and co-occurring health, mental health and substance use disorders.

7406.7 In addition to conducting the assessment, the Department may also meet with the individual's current service provider(s), or other persons who have been identified by the individual and may review existing records or information records to draw valid conclusions about their support needs.

7406.8 The Department and the individual, in consultation with others chosen by the individual, will develop a person-centered service plan that reflects their needs, preferences, and strengths. This plan may be updated or revised by the individual and their HSS provider, as needed.

7406.9 At least annually, the Department will meet with the HSS individual to conduct an assessment and update their person-centered service plan.

7406.10 After a person-centered service plan has been developed for the individual, the Department will provide a list of available Department-certified HSS providers to the individual and assist the individual in selecting an HSS provider.

7406.11 Information offered for each HSS provider shall include:

- (a) Name, location, and contact information for the HSS provider;
- (b) Length of time that the entity has been certified as an HSS provider; and
- (c) Information regarding the HSS provider's capacity to address client support needs, including services available in other languages, accommodations, or expertise in addressing specific types of disabilities or needs, and information about other relevant services and supports that may be offered by the HSS provider or its community partners.

7406.12 An individual may request to change their HSS provider during their annual re-evaluation, verbally or in writing, to Department staff completing the annual re-evaluation.

- 7406.13 When an individual asks to change their HSS provider mid-year, the Department will review the request and documentation regarding the individual's needs and preferences and attempt to mediate.
- 7406.14 If the individual would still like to change their HSS provider after consultation with the Department, the Department will assist the individual with selecting a new HSS provider, notify the individual's current and newly selected HSS providers of the individual's request, and notate who the new HSS provider will be and when the re-assignment to the new HSS provider will be effective in the Department's case note system. The Department will also host a case conference between the existing and new HSS providers to review the individual's transition plan.
- 7406.15 After the individual selects their HSS provider, the Department will formally assign the selected HSS provider to the individual by updating the individual's profile in the Department's case note system. This pairing shall prompt the HSS provider to begin efforts to engage the individual and begin the provision of HSS.

7407 INDIVIDUAL ENROLLMENT INTO HSS FOR PERSONS MATCHED TO PSH PROGRAM BEFORE HSS BENEFIT IMPLEMENTATION

- 7407.1 The Department will deploy an HSS enrollment process for individuals determined eligible for the PSH program through the CAHP system prior to the start of the HSS benefit. This section applies to individuals who are receiving services from a PSH Provider.
- 7407.2 This HSS benefit enrollment shall include the steps described at § 7407.3 through § 7407.14.
- 7407.3 The Department shall confirm the individual is receiving PSH services. The Department shall compile a list of all individuals enrolled in the PSH program (PSH Program Participant List). This list shall indicate the PSH Provider and Medicaid enrollment status for each individual included.
- 7407.4 The Department shall update and finalize the PSH Program Participant List with information presented by the PSH Provider, through correspondence with each PSH Provider included on this list.
- 7407.5 After the PSH Program Participant list is confirmed, the Department shall contact each consumer on the PSH Program Participant List to select a time to conduct a functional assessment.
- 7407.6 The Department shall establish a mechanism to conduct assessments with PSH consumers outside of standard business hours or on a limited ad hoc basis to accommodate PSH consumers that are only available to meet in the evenings or on weekends, or in instances when pre-scheduling an assessment time is challenging.

- 7407.7 After a time for conducting the functional assessment and person-centered service plan has been determined, the Department shall:
- (a) Jointly complete a face-to-face functional assessment with the PSH consumer, as described at § 7406.6;
 - (b) Provide information to the PSH consumer to facilitate their choice of HSS Provider; and
 - (c) Update the PSH consumer's existing person-centered service plan.
- 7407.8 When needed, the Department will work closely with the PSH consumer's PSH Provider and other trusted entities to complete the person-centered service plan.
- 7407.9 The Department may use telehealth (e.g., telephone or video meeting) to meet with the PSH consumer, and with the PSH consumer's consent, this may include their current service provider or a trusted support person.
- 7407.10 After the Department completes the functional assessment with the PSH consumer and updates the PSH consumer's person-centered service plan, as needed, the PSH consumer may receive HSS services and be considered an HSS individual.
- 7407.11 The Department shall support the HSS individual's choice to continue to receive services from their existing PSH provider, if that entity is also a HSS provider, or to select a new HSS provider. The Department shall provide HSS individuals with a list of providers certified to provide HSS. Information offered for each HSS provider shall include information listed at § 7406.11.
- 7407.12 If the HSS individual selects an HSS provider that is also the current PSH provider, the Department shall confirm that the HSS individual is linked to the HSS provider in the Department's case note system.
- 7407.13 If the HSS individual selects an HSS provider that is not the current PSH provider, the Department shall notify the HSS individual's current PSH provider and newly selected HSS provider of the choice made, confirm the individual's transition plan with their current PSH provider and new HSS provider, and then notate the individual's chosen HSS provider and transition date in the Department's case note system.
- 7407.14 If the HSS individual chooses to receive services from an HSS provider that is different than their current provider, the current provider shall develop a transition plan that supports the individual's successful transition to the new HSS provider.
- 7407.15 An HSS individual's transition date from one HSS provider to another HSS provider shall be the first day of the month following the date in which the individual's request to transition is received by the Department.

7407.16 The HSS provider shall continue to deliver services to the HSS individual, if the HSS provider was already previously delivering services to the individual as a PSH provider. If the HSS provider has no immediate historical relationship with the HSS individual as a PSH provider, the HSS provider shall initiate services to their newly enrolled HSS individual.

7408 INDIVIDUAL SERVICE PLAN DEVELOPMENT

7408.1 As part of the HSS benefit enrollment process described at §§ 7406 and 7407, the Department shall develop an Individual Service Plan (ISP) for, and in collaboration with, the individual, using a person-centric, strengths-based approach.

7408.2 The ISP shall:

- (a) Reflect priorities important to the individual;
- (b) Consider the individual's beliefs, values, and cultural norms in how, what, and by whom HSS are to be provided;
- (c) List appropriate and measurable goals and objectives related to the individual's desired housing-related outcomes;
- (d) Describe recommended service interventions that will address the individual's needs; and
- (e) Serve as written guidance the individual may use in moving toward housing stability.

7408.3 The ISP shall include the following elements:

- (a) Overall goal statement that captures the individual's short- and long-term goals for the future, ideally written in first-person language. This shall include the individual's self-identified housing-related goals;
- (b) List or statement of individual or family strengths that support goal(s) accomplishment. These include abilities, talents, accomplishments, and resources;
- (c) List or statement of barriers that pose obstacles to the individual's or family's ability to accomplish the stated goal(s). These include symptoms, functional impairments, lack of resources, consequences of behavioral health issues, and other challenges; and
- (d) Statement of objectives that identify the short-term individual or family changes in behavior, function, or status that can help overcome the

identified barriers to housing stability. Objective statements describe outcomes that are measurable and include individualized target dates to be accomplished within the scope of the plan.

7409 HSS PROVIDER REQUIREMENTS - GENERAL

7409.1 Each HSS provider shall:

- (a) Comply with all related federal and local confidentiality laws;
- (b) Comply with all provisions of the Homeless Services Reform Act of 2005 (HSRA or Act), as amended, D.C. Law 16-35; D.C. Official Code § 4-756.02 and corresponding regulations;
- (c) Have and maintain a PSH Human Care Agreement (HCA) with the Department and comply with the requirements stated in their PSH HCA;
- (d) Enroll and maintain enrollment in the District's Medicaid program as an HSS provider:
- (e) Enroll eligible individuals into the Medicaid benefit and maintain monthly enrollment of all individuals;
- (f) Submit all requested program and financial information to the Department for evaluation and auditing purposes; and
- (g) Provide clinical management for its enrolled individuals.

7409.2 Each HSS provider shall satisfy the minimum staffing requirements set forth in this section and § 7411.

7409.3 Each HSS provider shall comply with the certification standards described in this Chapter.

7409.4 Each HSS provider shall provide to the District information that the District determines is reasonably necessary to:

- (a) Monitor and evaluate the HSS provider's compliance with the terms of its HCA with the Department and Medicaid Provider Agreement, including: conducting claims audits, Medicaid compliance reviews, quality reviews, and any other program integrity function to ensure the quality, effectiveness and efficiency of services and ensuring the accuracy of claims submitted for reimbursement under this agreement; and
- (b) Verify the costs of services required in the HCA, including all administrative, direct, and indirect costs.

- 7409.5 Each HSS provider shall have an annual audit by an independent certified public accountant or a certified public accounting firm in accordance with generally accepted auditing standards. The resulting financial audit report shall be consistent with formats recommended by the American Institute of Public Accountants. The HSS provider shall submit a copy of their financial audit report to the Department within one hundred and twenty (120) calendar days after the end of the provider's fiscal year.
- 7409.6 Each HSS provider shall document all notes describing individual engagement activities in the Department's web-based case note platform. All case notes shall be documented using the Data Assessment and Plan (DAP) format unless otherwise indicated by the Department.
- 7409.7 Each HSS provider shall document each activity provided in each individual's record in the Department's web-based case note platform to include, at minimum:
- (a) A description of the specific activity rendered and whether it should be categorized as supporting the consumer's Housing Navigation or Housing Stabilization;
 - (b) The date and time the service(s) were rendered;
 - (c) The HSS provider staff member who provided the services;
 - (d) The setting in which the service(s) were rendered; and
 - (e) The individual's person-centered plan of care provisions related to the service(s) provided.
- 7409.8 Each HSS Provider shall have the capacity to receive and review information from the District's Health Information Exchange (DC HIE) that states, at minimum, the dates and times individuals on the HSS provider's caseload are admitted to a hospital, discharged from a hospital or transferred between departments within a hospital. Information that the HSS provider receives from the DC HIE will be emailed to the provider in a CSV (comma-separated values) format, such as Microsoft Excel, or uploaded to the provider's electronic health record system (as applicable).
- 7409.9 Each HSS provider shall report any suspicion of abuse, neglect, self-neglect, and/or exploitation of individuals to the Adult Protective Services Hotline. The HSS provider shall also notify the Department in writing no later than the next business day following the suspicion.

7410 HSS PROVIDER REQUIREMENTS – ISP IMPLEMENTATION

- 7410.1 The HSS provider shall monitor the individual's progress towards meeting their ISP goals. The ISP shall be reviewed with the individual, as needed or at a minimum frequency defined in the HSS provider's HCA with the Department.
- 7410.2 The HSS provider shall make person-centered and strengths-based updates to an individual's ISP as needed. Updates shall be made regarding the individual's needs and shall reflect priorities important to the individual. Any updates establish or further already established appropriate and measurable goals and objectives, desired outcomes, and recommended service interventions that will address the individual's needs and assist the individual in moving toward self-sufficiency and housing stability.
- 7410.3 The HSS provider shall make referrals to and partner with other agencies, as necessary and appropriate, to support individual's supportive needs, including behavioral health (e.g., mental health, substance abuse), educational, technical and trade supports, parenting skills and support, legal, financial, family and child support, early intervention, and senior and disability supports.
- 7410.4 The HSS provider shall establish referral and follow-up procedures to confirm and track participation in all referrals made to other agencies. Documentation of referrals made, and referral confirmation shall be documented in the Department's case note system.
- 7410.5 The HSS provider shall document in the individual's record, existing in the Department's case note system, whether an individual's court-appointed guardian, family, or significant others participated in the development of the ISP.
- 7410.6 In situations where the individual does not demonstrate the capacity to sign or does not sign their ISP, the reasons the individual does not sign shall be recorded in the individual's record, existing in the Department's case note system, including each date when obtaining a signature was attempted.

7411 HSS PROVIDER REQUIREMENTS - PERSONNEL

- 7411.1 The HSS provider shall employ the key personnel described in this Chapter, all of whom shall meet the described requirements listed in the HSS provider's HCA with the Department.
- 7411.2 Key personnel include persons that fill the following positions:
- (a) Program Director (or equivalent);
 - (b) Case Manager Supervisor; and
 - (c) Case Manager (or equivalent).

- 7411.3 General responsibilities of the Program Director (or equivalent) shall include:
- (a) Facilitate mediation with individuals and case managers;
 - (b) Develop tracking systems to allow for accurate reporting;
 - (c) Identify training needs and assist with training staff;
 - (d) Participate in monthly District/Provider meetings;
 - (e) Collaborate with the Department in the development and maintenance of inter- and intra-agency relationships in support of the continuum of services to individuals;.
 - (f) Act as a liaison with landlords and other community organizations to build relationships and to promote the success of PSH Program;
 - (g) Maintain knowledge regarding community resources for marginalized communities;
 - (h) Ensure their Agency is following all District policies and procedures related to homeless service programming;
 - (i) Coordinate and conduct intake meetings/trainings with new program staff to explain the HSS benefit ;
 - (j) Develop and implement quality control and quality improvement strategies;
 - (k) Review applicable databases (e.g., the Department's web-based case note platform and the Homeless Management Information System (HMIS)) for data quality and completeness; and
 - (l) Conduct monitoring of program performance on a regular basis.
- 7411.4 General responsibilities of the Case Manager Supervisor shall include, but not be limited to:
- (a) Provide clinical oversight;
 - (b) Monitor and track case manager engagement with individuals;
 - (c) Review case notes through the lens of quality of information captured and accuracy of case notes, clinical lenses;
 - (d) Review, evaluate, and approve participant case plans for quality and effectiveness;

- (e) Meet individually with case managers to plan and review cases, discuss engagement strategies and evaluates the effectiveness of the case manager and services;
- (f) Review and approve all notices issued to individuals for accuracy and completion;
- (g) Engage in case conferences with the Department to discuss cases that may need to include more intensive case management or transfers; and
- (h) Meet requirements included in the provider's HCA with the Department.

7411.5

General responsibilities of the Case Manager shall include:

- (a) Serve as the case manager and service coordinator for assigned individuals;
- (b) Build rapport with the individual;
- (c) Assess the individual's strengths, needs, and preferences;
- (d) Assist the individual in specifying and articulating their goals and developing their plan to reach them;
- (e) Meet with the individual, including engaging with the individual in the home setting;
- (f) Develop and support the individual in achieving the goals included in their ISP;
- (g) Facilitate and ensure connection to needed community services and work in collaboration with community agencies to ensure effective communication and individual engagement;
- (h) Connect assigned individuals to, and ensure their engagement in, needed supportive services that will address barriers and challenges they face;
- (i) Track individuals engagement/participation in supportive services, workforce development, employment training;
- (j) Complete all required case notes, housing stabilization plans, documents, files, and assigned reports related to individual/case activity;
- (k) Develop and maintain individual's records/files that comply with all federal laws, requirements established in this Chapter and standards set forth in the HSS provider's HCA with the Department;

- (l) Complete comprehensive monthly budgets with individuals;
- (m) Input individual data and program activities into designated software database as assigned;
- (n) Prepare and issue all Notices to individuals (i.e., Exit, Termination, Extension Notices);
- (o) Enter individual housing information into HMIS and the Department's web-based case note platform; and
- (p) Fulfill requirements included in the provider's HCA with the Department.

7411.6 If more than one person employed by the HSS provider will be performing case management tasks, the HSS provider shall identify a primary case manager responsible for coordinating and documenting the service delivery for the individual and document the rationale.

7411.7 The HSS provider shall fill a vacant key personnel position within sixty (60) business days of vacancy, or within the timeframe established in the provider's HCA with the Department, whichever is shorter.

7411.8 The Department reserves the right to review the resumes of the HSS provider's staff upon request.

7411.9 The Department will monitor compliance with the staffing requirements for all staff through periodic audits and reserves the right to change or remove any HSS provider or sub-provider staff based on qualifications of personnel not meeting the requirements.

7411.10 The Department reserves the right to change or remove any HSS provider or sub-provider staff based on unsatisfactory performance at no additional cost to the District.

7411.11 Each HSS provider's key personnel shall comply with training requirements established in its HCA with the Department.

7412 HSS PROVIDER REQUIREMENTS – HOUSING NAVIGATION SERVICES

7412.1 When delivering Housing Navigation Services, the HSS provider shall:

- (a) Initiate and sustain engagement with the individual that facilitates the creation of rapport with the individual; and

- (b) Leverage its rapport with the individual to provide Housing Navigation Services geared toward supporting the individual's lease-up to a housing unit.
- 7412.2 The HSS provider shall use multiple approaches to contact and engage with the individual. In-person and telephonic outreach attempts should be made at varying times of day, at varying locations where the individual is known to sometimes be found and shall be proactive in nature.
- 7412.3 In addition to the document requirements listed in this Chapter, documentation of outreach attempts shall clearly note type of attempt, and information or notes left behind for the individual. Examples of outreach attempts include:
 - (a) Attempting to locate the individual through outreach conducted via a Homeless Outreach Provider Team, State Opioid Response Team, or the DC Department of Behavioral Health Critical Response Team;
 - (b) Traveling to the site/location listed on the individual's most current District-approved standardized screening tool or listed in HMIS;
 - (c) Visiting area homeless shelter(s) to locate the individual; and
 - (d) Attempting to locate the individual by attending a CAHP meeting attended by other homeless services providers who may have information about the individual.
- 7412.4 While the individual is in the Housing Navigation phase, the HSS provider shall engage with the individual at the frequency established in the HSS provider's HCA, but at least one time per week, with a minimum of two (2) face-to-face contacts each month.
- 7412.5 The HSS provider must document each Housing Navigation engagement with the individual. The documentation shall describe, at minimum, the date and time of the engagement, and include the individual's housing barrier(s) addressed (lack of vital documents, criminal history, poor credit, or past evictions). The Department may require additional documentation for each engagement with the individual.
- 7412.6 The HSS provider shall ensure case managers build rapport with the individuals and their landlords during Housing Navigation.
- 7412.7 In addition to the required minimal face-to-face frequency of engagement with individuals in the Housing Navigation phase, the HSS provider may maintain connection with the individual via email, text, telephone, video phone or other secure methods depending on the individual's preference.

7413 HSS PROVIDER REQUIREMENTS – HOUSING STABILIZATION SERVICES

- 7413.1 After the individual has executed a rental lease agreement with the landlord of a housing unit, and moved into that unit, the individual enters the Housing Stabilization phase.
- 7413.2 The HSS provider shall ensure continuity and effectiveness of service delivery. The HSS provider shall have regular contact with individuals.
- 7413.3 The HSS provider shall have a minimum of two (2) contacts with an individual per month, where at least one of these contacts shall be face-to-face with the individual. The other contact may be accomplished through other interactive methods. Examples include email, text, telephone, video phone, or other secure methods, depending on the individual’s preference, needs, and abilities.
- 7413.4 The provider shall exert concerted and deliberate efforts to meet with the individual face-to-face in their home. The home environment is a critical factor in the individual’s housing stability, particularly in the areas of physical and behavioral health status, economic security, self-sufficiency, and compliance with lease requirements.
- 7413.5 The HSS provider must document each Housing Stabilization engagement with the individual. The documentation shall describe, at minimum, the date and time of the engagement and outline goals, meeting purpose, and service(s) provided.
- 7413.6 The HSS provider shall take the lead to schedule all meetings with the individual at a mutually agreeable time that does not conflict with an individual’s work schedule, medical appointments, school events, or other appointments that are part of their ISP.

7414 HSS PROVIDER QUALIFICATIONS

- 7414.1 The HSS provider shall be established as a legally recognized entity in the District of Columbia and qualified to conduct business in the District. A certificate of good standing and valid basic business license, both issued by the District of Columbia Department of Consumer and Regulatory Affairs, shall be evidence of qualification to conduct business.
- 7414.2 The HSS provider shall:
- (a) Have a governing body with oversight responsibility for administrative and programmatic policy development, monitoring and implementation;
 - (b) Comply with all applicable Federal and District laws and regulations;

- (c) Hire personnel with the qualifications necessary to provide HSS and to meet the needs of its enrolled consumers, as described at § 7411;
- (d) Ensure that independently licensed qualified practitioners are available to provide appropriate and adequate supervision of all clinical activities; and
- (e) Employ qualified practitioners that meet all professional requirements as defined by the applicable licensing, certification, and registration laws and regulations of the District or the jurisdiction where services are delivered.

7414.3 The HSS provider shall comply with the cost survey and program integrity audits set forth in Chapter 103 of Title 29 DCMR.

7414.4 The HSS provider shall obtain background check documents for all persons employed by the HSS provider, including subcontracted staff or any volunteers with direct contact with program individuals, and submit these documents to the Department.

7414.5 Background check documents for all HSS provider personnel must be current, within two (2) years of submission date, and include:

- (a) A current government issued photo Identification (ID) (e.g., driver's license, state issued ID, or passport);
- (b) Evidence of each staff member's licensure, certification, or registration, as applicable and as required by the job being performed;
- (c) For non-licensed staff, evidence of completion of an appropriate degree, appropriate training program, or appropriate credentials (e.g., an academic transcript or a copy of degree);
- (d) Evidence of all required criminal background checks, and for all staff members, application of the criminal background check requirements contained in the HSS Provider's HCA with the Department;
- (e) Evidence of quarterly checks that no individual is excluded from participation in a federally funded health care program as listed on the Department of Health and Human Services' "List of Excluded Individuals/Entities," the General Services Administration's "Excluded Parties List System," or any similar succeeding governmental list; and
- (f) Evidence of completion of all communicable disease testing required by the Department and District laws and regulations.

- 7414.6 The HSS provider shall conduct each required screening for all staff at the frequency required by District law and regulations or by the Department, whichever is most stringent.
- 7414.7 The Department must clear each person employed by the HSS provider, including subcontracted staff or any volunteers with direct contact with program individuals, for fitness before beginning work or having contact with individuals.
- 7414.8 The HSS provider shall ensure that any applicant for a compensated position and candidates for unsupervised volunteer positions complete the required criminal background screening before any such applicant or candidate may be offered a compensated position or an unsupervised volunteer position with the HSS Provider.
- 7414.9 The HSS provider must provide the Department the process by which an applicant for employment, including subcontractors or any volunteers with direct contact with program individuals, shall declare any present or past events that might raise liability or risk management concerns, such as malpractice actions, insurance cancellations, criminal convictions, Medicare/Medicaid sanctions, and ethical violations.
- 7414.10 The HSS provider shall ensure all employees are not adversely affected by alcohol, illegal drugs, or legal drug use during work hours. The HSS provider shall have an active drug-free workplace policy and shall utilize drug testing to ensure that each job applicant, employee, and unsupervised volunteer are not under the influence of drugs or alcohol while working with program individuals.
- 7414.11 The HSS provider shall complete a suitability screening for each employee as outlined in its HCA with the Department.
- 7414.12 The HSS provider shall establish and adhere to policies and procedures responding to individual grievances and incorporate this information into its HSS Program Rules as described in Section 18 of the Act.
- 7414.13 The HSS provider shall establish uniform procedures for employees to file grievances, in writing, to the provider (including requests for case manager reassignments) and shall post these procedures in applicable paperwork, administrative offices, and in the facilities used to provide services. The procedures for filing grievances shall be a part of the provider's employee handbook shall be approved by the District.
- 7414.14 The HSS provider shall have a written plan for staff development and organizational onboarding, approved by the Department, which reflects the training and performance improvement needs of all employees working in that program.
- 7414.15 The HSS provider shall establish and adhere to policies and procedures for record documentation, security, and confidentiality of individual and family information;

clinical records retention, maintenance, purging and destruction; disclosure of individual and family information; and informed consent that comply with applicable Federal and District laws and regulations.

- 7414.16 The HSS provider shall have the necessary operational capacity to submit claims for Medicaid-reimbursable HSS and invoices for locally-reimbursed PSH services, document information on services provided, and track payments received. This operational capacity shall include the ability to:
- (a) Verify eligibility for Medicaid and other third-party payers;
 - (b) Document HSS provided by Department-certified HSS provider staff and sub-Provider;
 - (c) Submit claims and invoices, and relevant documentation of HSS on a timely basis in compliance with applicable requirements of the Department and DHCF; and
 - (d) Track payments for all provided HSS.
- 7414.17 The HSS provider shall comply with requirements of the District of Columbia Language Access Act of 2004, as amended, D.C. Official Code § 2-1931, *et seq.*
- 7414.18 The HSS provider shall also comply with requirements listed in Section 1557 of the Patient Protection and Affordable Care Act, as amended, 42 U.S.C. § 18116(a).
- 7414.19 The HSS provider shall comply with applicable provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, *et seq.*, in all business locations.
- 7414.20 The HSS provider shall utilize a TeleTYpe (TTY) telecommunications line (or an equivalent) to enhance the HSS provider's ability to respond to service requests and needs of individuals and potential individuals. HSS provider staff shall be trained in the use of such communication devices as part of the annual language access training.
- 7414.21 The HSS provider shall establish and adhere to anti-discrimination policies and procedures relative to hiring, promotion, and provision of services to individuals that comply with applicable Federal and District laws and regulations (Anti-Discrimination Policy).
- 7414.22 The HSS provider shall have established by-laws or other legal documentation regulating the conduct of its internal financial affairs. This documentation shall clearly identify the individual(s) that are legally responsible for making financial decisions for the HSS provider and the scope of such decision-making authority. The HSS provider shall:

- (a) Maintain an accounting system that conforms to generally accepted accounting principles, provides for adequate internal controls, permits the development of an annual budget, an audit of all income received, and an audit of all expenditures disbursed by the HSS provider in the provision of services;
- (b) Have an internal process for the development of interim and annual financial statements that compares actual income and expenditures with budgeted amounts, accounts receivable, and accounts payable information; and
- (c) Operate in accordance with an annual budget established by its governing authority.

7414.23 The HSS provider shall establish and adhere to policies and procedures governing the retention, maintenance, purging and destruction of its business records, that:

- (a) Comply with applicable Federal and District laws and regulations;
- (b) Require the HSS provider to maintain all business records pertaining to costs, payments received and made, and services provided to individuals for a period of ten (10) years or until all audits are completed, whichever is longer; and
- (c) Require the HSS provider to allow the Department, DHCF, the District's Inspector General, HHS, the Comptroller General of the United States, or any of their authorized representatives to review the HSS provider's business records, including client clinical and financial records.

7414.24 The HSS Provider, at its expense, shall:

- (a) Obtain at least the minimum insurance coverage required by its HCA; and
- (b) Make evidence of its insurance coverage available to the Department upon request.

7414.25 The HSS provider shall operate according to all applicable Federal and District laws and regulations relating to fraud, waste, and abuse in health care, the provision of mental health services, and the Medicaid program. An HSS provider's failure to report potential or suspected fraud, waste or abuse may result in sanctions, cancellation of contract, or exclusion from participation as an HSS provider. The HSS provider shall:

- (a) Cooperate and assist any District or Federal agency charged with the duty of identifying, investigating, or prosecuting suspected fraud, waste, or abuse;

- (b) Provide the Department with regular access to the HSS provider's medical and billing records, including electronic medical records, within twenty-four (24) hours of a Departmental request, or immediately in the case of emergency;
- (c) Be responsible for promptly reporting suspected fraud, waste, or abuse to the Department, taking prompt corrective actions consistent with the terms of any contract or subcontract with the Department, and cooperating with DHCF or other governmental investigations; and
- (d) Ensure that none of its practitioners have been excluded from participation as a Medicaid or Medicare provider. If a practitioner is determined to be excluded by CMS, the HSS provider shall notify the Department immediately.

7414.26 The HSS provider shall ensure that sufficient resources (*e.g.*, personnel, hardware, or software) are available to support the operations of computerized systems for collection, analysis, and reporting of information, along with claims submission.

7414.27 The HSS provider shall have the capability to submit accurate claims, number of engagement with each individual on a monthly basis, and other submissions as necessary directly to the Department.

7414.28 The HSS provider does not normally need an individual's detailed health information, such as diagnosis or specific services received, or full access to medical records (particularly for behavioral health conditions or sensitive information like HIV status). However, the HSS provider shall have a clearly defined protocol to prevent inappropriate information sharing that might violate the Health Insurance and Portability and Accountability Act of 1996 (P.L. 104-191), as amended (HIPAA) or Section 543 of the Public Health Service Act (P.L. 102-321).

7415 HSS PROVIDER CERTIFICATION PROCESS

7415.1 The Department shall use its HCA contracting process to certify each entity as an HSS provider.

7415.2 The Department shall utilize the certification process to thoroughly evaluate the applicant's capacity to provide high quality HSS in accordance with these regulations and the needs of the District's Continuum of Care.

7415.3 No person or entity shall provide HSS unless certified by the Department.

7415.4 Certification shall remain in effect until it expires, is renewed, or is revoked.

- 7415.5 Certification shall be considered terminated if the HSS provider is no longer party to a PSH HCA with the Department.
- 7415.6 Certification is not transferable to any other organization.
- 7415.7 Nothing in this Chapter shall be interpreted to mean that certification is a right or an entitlement. Certification as an HSS provider depends upon the Department's assessment of the need for additional HSS providers and availability of funds. An entity that applies for certification during an open application period as published in the District of Columbia Register may appeal the denial of certification under this subsection by utilizing the procedures contained in 27 DCMR Ch. 3. The Department shall not accept any applications for which a notice of moratorium is published in the District of Columbia Register.
- 7415.8 The HSS provider shall notify the Department in writing thirty (30) calendar days prior to implementing any of the following operational changes, including all aspects of the operations materially affected by the changes:
- (a) A proposed change in the name or ownership of an HSS provider owned by an individual, partnership, or association, or in the legal or beneficial ownership of ten percent (10%) or more of the stock of a corporation that owns or operates the HSS provider;
 - (b) A change in affiliation or referral arrangements;
 - (c) A proposed change in the location of the provider's headquarter location;
 - (d) The proposed addition or deletion of services, which is anything that would alter or disrupt services where the consumer would be impacted by the change, or any change that would affect compliance with this Chapter;
 - (e) A change in the required staff qualifications for employment;
 - (f) A change in the staff filling positions required by this Chapter;
 - (g) A proposed change in organizational structure; or
 - (h) A proposed change in the population served.
- 7415.9 The HSS provider shall forward to the Department within thirty (30) calendar days all inspection reports conducted by an oversight body and all corresponding corrective actions taken regarding cited deficiencies.
- 7415.10 The HSS provider shall immediately report to the Department any criminal allegations involving provider staff.

- 7415.11 In order to maintain certification, a HSS provider shall:
- (a) Participate in activities supporting the successful implementation of the HSS program, including:
 - (1) Trainings to foster professional competency and development of best practices related to person-centered planning, chronic disease self-management, and related topics;
 - (2) Continuous quality improvement tasks, monitoring and performance reporting;
 - (3) District-wide initiatives to support the exchange of health information; and
 - (4) Evaluations required by CMS, DHCF or the Department;
 - (b) Maintain compliance with all requirements set forth in this Chapter; and
 - (c) Maintain compliance with all terms and conditions set forth in the HSS provider's HCA with the Department and its DC Medicaid provider agreement including all modifications, as well as with all applicable federal and District laws.

7416 DENIAL OF CERTIFICATION OR DECERTIFICATION PROCESS

- 7416.1 Only an organization with an executed PSH HCA with the Department may be considered certified by the Department to deliver HSS.
- 7416.2 An organization that is not awarded a PSH HCA with the Department, or is unable to maintain a PSH HCA with the Department, and thus becomes decertified as an HSS provider, may protest the Department's decision through the following steps:
- (a) Submit written correspondence to the Department to convey its intent to protest the Department's decision, and
 - (b) Request that the District of Columbia Contract Appeals Board hear the case to determine whether the Department's decision should be upheld or reversed, in accordance with Chapters 1, 2, 3, and 4 of Title 27 DCMR, as amended.

7417 HSS PROVIDER DISCONTINUATION OF SERVICES, PROVIDER CLOSURES, AND CONTINUITY OF INDIVIDUAL CARE

- 7417.1 An HSS provider shall provide written notification to the Department at least ninety (90) calendar days prior to its impending closure, or immediately upon knowledge

of an impending closure. This notification shall include plans for continuity of care and preservation of individual records.

- 7417.2 The Department shall review the continuity of care plan and make recommendations to the HSS provider as needed. The plan should include provision for the referral and transfer of individuals.
- 7417.3 The HSS provider shall incorporate all Department recommendations necessary to ensure a safe and orderly transfer of care.
- 7417.4 Closure of an HSS provider does not absolve an HSS provider from its legal responsibilities regarding the preservation and the storage of individual records as described at § 7414.15 of these regulations and all applicable Federal and District laws and regulations. The HSS provider shall take all necessary and appropriate measures to ensure individual records are preserved, maintained, and made available to individuals upon request after closure of a provider or discontinuation of the applicable service.
- 7417.5 An HSS provider shall be responsible for the execution of its continuity of care plan in coordination with the Department.

7418 INDIVIDUAL PROTECTIONS

- 7418.1 Medicaid individuals are entitled to Notice and Appeal rights pursuant to 29 DCMR § 9508 in cases of intended adverse action, such as an action to deny, discontinue, terminate, or change the manner or form of Medicaid-funded HSS.
- 7418.2 The HSS provider shall establish and adhere to a consumer rights policy that aligns with Section 9 of the Act.
- 7418.3 The HSS Provider shall establish and adhere to policies and procedures governing the release of information about individuals, which comply with applicable Federal and District laws and regulations.

7419 QUALITY ASSURANCE AND IMPROVEMENT

- 7419.1 The HSS provider shall submit to the Department a quality improvement plan that describes how the provider will ensure and measure for each individual:
- (a) Timely access to and availability of services; and
 - (b) Adequacy, appropriateness, and quality of care, including treatment and prevention of acute and chronic conditions.
- 7419.2 The HSS provider's quality improvement plan shall describe its protocols to:

- (a) Closely monitor individuals with severe housing stability barriers and children and youth within an individual's household with complex service needs;
- (b) Coordinate individual services with behavioral health providers; and
- (c) Collect and respond to individual satisfaction with services delivered by the Provider.

7419.3 The HSS provider's quality improvement plan shall be approved by the Department annually.

7420 REIMBURSEMENT

7420.1 Effective April 1, 2022, the District shall establish a per member per month (PMPM) rate to reimburse HSS providers for the provision of HSS delivered to individuals enrolled in the DC Medicaid program using a PMPM payment structure. The PMPM rate shall be determined in accordance with 29 DCMR § 103.3.

7420.2 The HSS PMPM reimbursement rate shall be seven hundred and fifty-five dollars and twenty-one cents (\$755.21). Upon the launch of the HSS benefit, this rate, and any amendments to this rate, will be published on the DHCF website at www.dc-medicaid.com and in accordance with 29 DCMR § 988.4.

7420.3 The Department shall reimburse HSS providers, using a PMPM payment structure, for the provision of PSH services to individuals that are not eligible for enrollment in the District Medicaid HSS program, or that temporarily lose their Medicaid enrollment status. The PMPM rate paid by the Department shall equal the rate described above at §7420.2 and in accordance with 29 DCMR § 988.4.

7420.4 The Department shall reimburse HSS providers for the provision of adjunct services that facilitate the provision of HSS and promote the housing stability of adult individuals on a monthly basis. The reimbursement rates for each type of service are detailed below or in the Department's HCA with the HSS provider:

- (a) Services provided to minors in an adult individual's household, at a rate of four hundred dollars (\$400) per household, per month;
- (b) Utility assistance;
- (c) Financial assistance; and
- (d) Staff onboarding.

- 7420.5 To be eligible for a PMPM payment for PSH services for an individual receiving Housing Navigation Services, a PSH provider shall deliver any service listed at § 7403 of this Chapter at a minimum frequency of once a week within the month. At least two (2) of these services shall be delivered face-to-face with the client. The other contacts may be made by telephone, email, text, or another electronic format.
- 7420.6 To be eligible for a PMPM payment for PSH services for an individual receiving Housing Stabilization Services, a PSH provider shall deliver any service listed at § 7404 of this Chapter at a minimum frequency of twice a month. At least one of these services shall be delivered face-to-face with the client. The other contact may be made by telephone, email, text, or another electronic format.
- 7420.7 To receive a PMPM payment for PSH services delivered to minors in the eligible individual's household, the HSS provider shall provide services at the scope and frequency described in the HSS provider's HCA with the Department.
- 7420.8 For individuals not eligible for reimbursement through the District's Medicaid program, each HSS Provider shall submit a monthly invoice to the Department for reimbursement within thirty (30) days of the date of service or of the date a Medicaid claim is denied for the same date of service.
- 7420.9 Reimbursement to an HSS provider for the provision of HSS to individuals participating in the DC Medicaid HSS benefit shall be in accordance with Chapter 103 (Medicaid Reimbursement for Housing Supportive Services), to Title 29 (Public Welfare), of the District of Columbia Municipal Regulations (DCMR).
- 7420.10 An HSS provider's submission of an invoice to the Department for PSH delivered to an adult individual will serve as the HSS provider's attestation that avenues for Medicaid reimbursement for the services have been exhausted, and that the HSS provider has followed all necessary procedures and policies for supporting the individual's initial and continued enrollment in the District's Medicaid program.
- 7420.11 An HSS provider shall not submit an invoice to the Department for a Medicaid claim that is not submitted or denied because the submission was unacceptable or untimely.
- 7420.12 An HSS provider shall be eligible to receive one PMPM rate for HSS services provided to an adult individual, and, if applicable, one additional PMPM rate for PSH services provided to minors within the adult individual's household.
- 7420.13 Any claim submitted to Medicaid for reimbursement or invoice submitted to DHS for reimbursement for program services shall be supported by written documentation in the individual's record in the Department's case note system, according to the standards described in this Chapter.

7421 NON-REIMBURSABLE SERVICES

7421.1 The following services are not covered as HSS:

- (a) Room and board residential costs;
- (b) Inpatient hospital services, including hospital, nursing facility, intermediate care facility for individuals with intellectual disabilities, and institutions for mental diseases;
- (c) Prescription drug costs;
- (d) Transportation services;
- (e) Financial deposits;
- (f) Food;
- (g) Furnishings;
- (h) Utilities;
- (i) Moving expenses;
- (j) Rent;
- (k) Educational, vocational, and job training services;
- (l) Services rendered by parents or other family members;
- (m) Social or recreational services;
- (n) Services that are not provided and documented in accordance with these certification standards; and
- (o) Services furnished to persons other than the consumer when those services are not directed primarily to the well-being and benefit of the individual.

7499 DEFINITIONS

7499.1 The terms in this Chapter shall have the definitions set forth in Section 2 of the Act.

7499.2 In addition, the following terms in this Chapter shall have the meaning ascribed:

Act – 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.*), as amended.

Assessment – a clinical evaluation performed by a qualified group or individual of the consumer’s physical, mental, behavioral, social, and emotional health. It considers the consumer’s perception of self and ability to function socially at home and in the community, and relevant historical data as it impacts the quality of the consumer’s life.

Case management – a set of services and interventions focused on assisting HSS individuals to obtain and retain permanent housing, move toward the greatest degree of self-sufficiency, and are based on the consumer’s goals and preferences outlined in their ISP. These services include coordination of and assisting consumers to access financial assistance, tenancy support, social services, health care services, and other resources available in the community.

Case note – a chronological record of the delivery of services and support to head of households and their dependent and/or minor children. Case notes also provide the necessary documentation to support claims to funding sources, and provide a single place for case managers, social workers, supervisors and colleagues, state and federal auditors and others with appropriate access to read about recent case activity.

Certification – the written authorization from the Department rendering an entity eligible to provide HSS.

Certification standards – the minimum requirements established by the Department in this Chapter that a provider shall satisfy to obtain and maintain certification to provide HSS and receive reimbursement from the District for HSS.

Collateral contact – an individual involved in the individual’s care. This individual may be a family member, guardian, healthcare professional or person (e.g., landlord/property manager, lawyer) who is a knowledgeable source of information about the individual’s situation and serves to support or corroborate information provided by the individual. The individual contributes a direct and an exclusive benefit for the individual.

Consumer – an individual client as defined in section 2(7) of the Act.

Coordinated Assessment and Housing Placement (CAHP) System – the District’s “centralized or coordinated assessment system” as defined in section 2(6A) of the Act, also referred to as coordinated entry or coordinated intake, and further defined in publicly available CAHP governance guidance.

Data Assessment Plan (DAP) – a standard used to define a comprehensive case note in the Department’s web-based case note system. The term ‘Data’ is defined as the subjective and objective information about the individual’s goals and progress made toward them. The term ‘Assessment’ is defined as a written note completed by the individual’s case manager that describes the case manager’s observations about the individual’s interactions with family members, the individual’s motivation to move toward their goals and the tone, and affect and demeanor of the individual, along with how the individual is maintaining their housing unit. The term ‘Plan’ is defined as the measurable objectives the individual will be working on until the next visit. The Plan also notes when the next engagement with the individual is scheduled.

Department – the District of Columbia Department of Human Services or any successor organizational unit (in whole or in part).

Department of Health Care Finance – the District of Columbia state Medicaid agency.

Director – the Director of the Department.

Disability – as defined at 42 U.S.C. § 416(i).

Disabling condition – an injury, substance use disorder, mental health condition, or illness, as diagnosed by a qualified health professional, that is expected to cause an extended or long-term incapacitation but does not meet the definition of disability in, as defined at 42 U.S.C. § 416(i).

Governing authority – the designated individuals or body legally responsible for conducting the affairs of the HSS Provider.

Grievance – a description by any individual of his or her dissatisfaction with an HSS provider, including the denial or abuse of any consumer right or protection provided by applicable Federal and District laws and regulations.

Homeless Management Information System – the District’s information technology system used to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness.

Homeless Outreach Provider Team – an organization contracted by the Department to engage individuals who are living on the streets and are experiencing homelessness. Outreach efforts connect vulnerable individuals to housing resources within the Coordinated Entry System

Household – a home dwelling and its occupants.

Housing navigation – using a Housing First approach, Housing Navigation assistance offered by the Provider is designed to identify and secure housing for consumers as quickly as possible, by implementing activities such as: active recruitment and retaining of landlords and housing managers willing to rent to consumers (who may otherwise fail to pass typical tenant screening criteria); housing unit search and identification; helping consumers gather documents needed for housing placement; completing the housing and subsidy application process; and moving and securing basic housing needs. The Housing Navigation assistance offered by the PSHP Provider to all consumers, needs to be consistent with the consumer’s needs and preferences (within the limits of their income combined with available subsidy), taking into consideration safety and access to transportation, connection to health care, treatment, school, daycare and support systems, and employment opportunities.

Housing stabilization – services and actions designed to help households at risk of becoming homeless to keep housing.

Housing Supportive Services – housing-related activities and services that support a person’s ability to prepare for and transition to housing, and services that support a person in continuing successful tenancy in their housing unit.

Housing unit – a single room occupancy room/facility, individual apartment, townhome, or single-family home utilized to house consumers in HSS. Housing units for families have separate cooking facilities and other basic necessities to enable families to prepare and consume meals; bathroom facilities for the use of the family; and separate sleeping quarters for adults and minor children in accordance with the occupancy standards of Title 14 of the DCMR. Housing units can be project-based or tenant-based.

HSS Provider – the individual, organization, or corporation, public or private, that provides HSS services, meets the qualifications set forth in this Chapter and seeks reimbursement for providing those services under the Medicaid program. An HSS provider is a provider as defined under Section 2(30) of the Act and an HSS agency as defined at 29 DCMR 10399.

Human Care Agreement – a written agreement for the procurement of education or special education, health, human, or social services pursuant to D.C. Official Code § 2–354.06, to be provided directly to persons who are disabled, disadvantaged, displaced, elderly, indigent, mentally or physically ill, unemployed, or minors in the custody of the District of Columbia.

Individual – a person eligible to receive HSS as set forth in this Chapter.

Individual Service Plan – a written agreement between the individual and the HSS provider describing the results of the person-centered planning process addressing the strengths, preferences, needs and dreams as described by the person. The plan consists of time-specific goals and objectives designed to promote self-sufficiency and attainment of permanent housing. These goals and objectives are based on the consumer’s assessed needs, desires, strengths, resources, and limitations.

Key personnel – the essential staff required to implement and execute the scope of work in the HSS Provider’s Human Care Agreement.

Linkage – when a Provider connects or joins a consumer with a needed service or support. This could include, but is not limited to, communicating on behalf of the consumer to the service, providing the consumer contact information or completing needed applications or paperwork. The Provider must first ensure the service or support is current and viable.

Medicaid – the medical assistance program approved by federal Centers for Medicare and Medicaid Services and administered by DHCF, which enables the District to receive federal financial assistance for its medical assistance program and other purposes as permitted by law.

Organizational onboarding – the mechanism through which new employees acquire the necessary knowledge, skills, and behaviors to become effective performers. It begins with recruitment and includes a series of events, one of which is employee orientation, which helps new employees understand performance expectations and contribute to the success of the organization.

Outreach and engagement – describes the processes used to find/locate a consumer, establish contact with them (outreach) and build a long-lasting, trusting connection with the individual services Provider (engagement). Outreach and engagement practices are targeted, proactive, and client-centered, with particular attention given to finding and engaging with persons in crisis, who may be initially reluctant to accept assistance.

Quality control – an HSS Provider’s internal system for monitoring and improving delivery of services and internal operations.

Self-sufficiency – the ability to provide for one’s own social and economic needs with little to no assistance from others.

Supplemental Nutrition Assistance Program – formerly known as the Food Stamp program, SNAP provides food-purchasing assistance to District residents with low- or no-income.

Supportive Services – an array of medical, behavioral health, substance use, educational, social services, employment, life skills, and financial services aimed at enabling housing placement, housing stability, health, wellness, community integration, self-sufficiency, and the improved quality of life of an individual.

Chapter 25, SHELTER AND SUPPORTIVE HOUSING FOR INDIVIDUALS AND FAMILIES, of Title 29 DCMR, is amended as follows:

A new section 2574, REIMBURSEMENT FOR PSH SUPPORTIVE SERVICES, is added to read as follows:

2574 REIMBURSEMENT FOR PSH SUPPORTIVE SERVICES

2574.1 The Department shall reimburse PSH providers, using per member per month (PMPM) rate structure, for the provision of PSH services to adult participants that are not eligible for enrollment in the District’s Medicaid Housing Supportive Services (HSS) program, or that temporarily lose their DC Medicaid enrollment status. The PMPM rate paid by the Department shall equal the rate described at 29 DCMR § 7420.2.

2574.2 The Department shall also reimburse PSH providers for the provision of adjunct services that facilitate the provision of PSH and promote the housing stability of adult participants on a monthly basis. The reimbursement rates for each type of service are detailed below or in the Department’s HCA with the PSH provider:

- (a) Services provided to minors in an adult participant’s household, at a rate of \$400.00 per household, per month;
- (b) Utility assistance;
- (c) Financial assistance; and
- (d) Staff onboarding.

2574.3 In order to be eligible for a PMPM payment for PSH services, a PSH provider shall deliver a minimum of two (2) PSH services to an eligible adult client within a month.

2574.4 To receive a monthly household payment for PSH services delivered to minors in the adult individual’s household, the HSS provider shall provide services at the scope and frequency described in the HSS provider’s HCA with the Department.

2574.5 The following services are not covered as PSH services:

- (a) Room and board residential costs;

- (b) Inpatient hospital services, including hospital, nursing facility, intermediate care facility for individuals with intellectual disabilities, and institutions for mental diseases;
- (c) Prescription drug costs;
- (d) Transportation services;
- (e) Educational, vocational, and job training services;
- (f) Services rendered by parents or other family members;
- (g) Social or recreational services;
- (h) Services that are not provided and documented in accordance with these certification standards; and
- (i) Services furnished to persons other than the client or client's household members when those services are not directed primarily to the well-being and benefit of the individual.

All persons who desire to comment on the subject matter of these proposed rules should submit their comments in writing to the Department of Human Services, 64 New York Avenue, N.E., 6th Floor, Washington, D.C. 20002, Attn: Dena Hasan, or by email to dena.hasan@dc.gov. All comments must be received by the Department no later than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*. Copies of these rules and related information may be obtained by writing to the above address, or by calling the Department of Human Services at (202) 671-4200.

**OFFICE OF ADMINISTRATIVE HEARINGS
DISTRICT OF COLUMBIA ADVISORY COMMITTEE**

NOTICE OF PUBLIC MEETING

In accordance with D.C. Code § 2-576(1), the Advisory Committee to the Office of Administrative Hearings hereby gives notice that it will meet on Thursday, June 8, 2023, at 1:30 pm. The meeting will be online via WebEx. Below is the Agenda and WebEx information for this meeting.

MEETING AGENDA

1. Welcome and Call to Order
2. Introductions
3. Remarks from the Chief ALJ
 - a. Update on staffing and vacancies;
 - b. Key case/decisions update;
 - c. Tech updates;
 - d. Trend lines on new case filings/backlogs; and
 - e. Other key issues.
4. Open Microphone from Agency GCs and ALJs
5. Open Microphone from Other Members of the Public (time permitting)
6. Old Business
7. New Business
8. Adjournment

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

Meeting Link:

<https://dcnet.webex.com/weblink/register/r61e0f42a1c2cc278de9528ad72381473>

Webinar number (access number): 2319 259 0329

Event password: (Use if requested) NMpdTepM277 (66738376 from phones & video systems)

More ways to join:

Join by phone: +1-202-860-2110 US Toll (Washington, DC) or 1-650-479-3208
Call-in number (US/Canada)

Join by video system: Dial 23192590329@dcnet.webex.com

You can also dial: 173.243.2.68 and enter your webinar number.

For more information, please contact Lisa Wray, Executive Assistant at (202) 724-7681 or lisa.wray@dc.gov.

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, JUNE 7, 2023
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson
Members: James Short, Bobby Cato,
Jeni Hansen, Edward S. Grandis

Protest Hearing (Status)

10:30 AM

Case # 23-PRO-00044

Taichi DC, LLC, t/a Taichi Bubble Tea
1357 Wisconsin Ave NW
License #124100
Retailer CR
ANC 2E
Application for a New License

This hearing is cancelled due to the approval of a Settlement Agreement. See Board Order No. 2023-333.

Protest Hearing (Status)

10:30 AM

Case # 23-PRO-00041

PST Grocery, Inc., t/a Streets Market
2617 P Street NW
License #123846
Retailer B
ANC 2E
Application for a New License

Board's Calendar
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Protest Hearing (Status)

10:30 AM

Case # 23-PRO-00045

Azzouz Hospitality, LLC, t/a ZOOZ
636 Maine Ave SW
License #124023
Retailer CT
ANC 6D

Application for a New License

Show Cause Hearing (Status)

10:30 AM

Case # 22-251-00023

Brooklyn on U, LLC, t/a Brooklyn
1212 U Street NW
License #111411
Retailer CR
ANC 1B

Violation of Settlement Agreement, Failed to Ensure the Security Footage was made Available Within 48 Hours

Show Cause Hearing (Status)

10:30 AM

Case # 22-CIT-00201

Half Smoke, LLC, t/a Half Smoke
651 Florida Ave NW
License #100855
Retailer CR
ANC 1B

No ABC Manager on Duty

Public Hearing

10:30 AM

Medical Cannabis Amendment Act Rulemaking

Board's Calendar
Page -5-June 7, 2023

Show Cause Hearing**10:30 AM****Case # 23-CMP-00029**

Tyson's Creations t/a Tres Creole Catering
2800 10th Street NE
License #111150
Retailer Caterer
ANC 5B

**Failed to Provide Food at an Event, Failed to Keep and Maintain Records
for Inspection, No ABC Manager on Duty**

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA AT 1:00 PM

Protest Hearing**1:30 PM****Case # 22-PRO-00136**

TG Cigars, Inc., t/a TG Cigars
1120 9th Street NW
License #97774
Retailer CT
ANC 2G

Application to Renew the License

*This hearing has been rescheduled to June 28, 2023, at 1:30 pm. See Board
Order No. 2023-336.*

Board's Calendar
Page -5-June 7, 2023

Protest Hearing**1:30 PM****Case # 22-PRO-00153**

Taphouse Management, LLC t/a Tap 99
1250 Half Street SE
License #116883
Retailer CT
ANC 8F

Application to Renew the License

This hearing has been rescheduled to August 2, 2023, at 1:30 pm. See Board Order No. 2023-342.

Protest Hearing**1:30 PM****Case # 23-PRO-00021**

Mayden, LLC, t/a Maydan
1346 Florida Ave NW
License #106450
Retailer CT
ANC 1B

Petition to Amend or Terminate the Settlement Agreement**Protest Hearing****1:30 PM****Case # 23-PRO-00015**

TMB DC Chinatown, LLC, t/a Tom's Watch Bar
781 7th Street NW
License #119403
Retailer CR
ANC 2C

Application to Renew the License

Board's Calendar
Page -5-June 7, 2023

Protest Hearing**1:30 PM****Case # 22-PRO-00121**

Family, LLC, t/a MK Lounge & Restaurant
1930 9th Street NW
License #88787
Retailer CT
ANC 1B

Application to Renew the License

This hearing is rescheduled to August 9, 2023, at 1:30 pm. See Board Order No. 2023-341.

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

APPLETREE EARLY LEARNING PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Indoor Playground Build**

AppleTree Early Learning Public Charter School is seeking proposals from indoor playground builder to build an indoor playground at our new location to include a small climbing wall and other items that would be appropriate for children ages 3-7. Please contact Sade Creighton-Wade, Director of Operations, for details on the RFP. The deadline for responding to the RFP is June 9th, 2023 at 4pm Eastern. Contact – Sade Creighton-Wade, sade.creighton-wade@appletreeinstitute.org.

APPLETREE EARLY LEARNING PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Pest Control**

AppleTree Early Learning Public Charter School is seeking proposals from a qualified pest control company to provide pest control for six of its locations to include bi-weekly servicing, emergency visiting and quarterly mice and rodent extermination as prescribed. We are seeking a result driven organization with environmentally safe products. Please contact Sade Creighton-Wade, Director of Operations, for details on the RFP. The deadline for responding to the RFP is June 9th, 2023 at 4pm Eastern. Contact – Sade Creighton-Wade, sade.creighton-wade@appletreeinstitute.org.

APPLETREE EARLY LEARNING PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Security Cameras**

AppleTree Early Learning PCS is seeking proposals for a camera security system to monitor our classrooms, hallways, stairwells, and outside grounds at our 7 locations around Washington DC. Bonus consideration for firms that also offer instructional video options for classrooms. Please contact Sade Creighton-Wade, Director of Operations, for details on the RFP. The deadline for responding to the RFP is June 9th, 2023 at 4pm Eastern. Contact – Sade Creighton-Wade, sade.creighton-wade@appletreeinstitute.org.

APPLETREE EARLY LEARNING PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Window Replacement**

AppleTree Early Learning PCS is seeking proposals for a company who can replace and update windows at our Kingman Park location: 330 21st NE Washington DC 20002. This project will include coordinating bricking, removing window air conditioning units, in addition to replacing windows so they are all unified to help with building aesthetics. Please contact Sade Creighton-Wade, Director of Operations, for details on the RFP. The deadline for responding to the RFP is June 9th, 2023 at 4pm Eastern. Contact – Sade Creighton-Wade, sade.creighton-wade@appletreeinstitute.org.

**COMMUNITY COLLEGE PREPARATORY ACADEMY
PUBLIC CHARTER SCHOOL**

REQUEST FOR PROPOSALS (RFP)

IT Support Services

Community College Preparatory Academy is seeking proposals from individuals or companies to provide IT Support Services for the 2023-2024 school year.

To request a full copy of the RFP, send email to Monica@ccprep-academy.org.

Bids that do not address all areas as outlined in the RFP or bids received past the deadline will not be considered.

Send proposal by 12:00PM, June 12, 2023 via email to: Monica@ccprep-academy.org.

For additional information, please contact:

Monica Jones

Community College Preparatory Academy

3301 Wheeler Road, SE

Washington, DC 20032

Monica@ccprep-academy.org

DC INTERNATIONAL PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Licensed School Psychologist

RFP for Licensed School Psychologist: District of Columbia International School is seeking competitive bids for Special Education evaluations. Evaluators will be required to meet statewide compliance timelines for evaluations and attend eligibility meetings. These services are to be offered at DC International School during school hours to students who require initial or triennial evaluations. Bids must include evidence of experience in field, qualifications, and estimated fees. Please send proposals to RFP@dcinternationalschool.org. Proposals must be received no later than the close of business on Thursday June 8, 2023. Please specify “RFP for Licensed School Psychologist” in the subject line. No phone call submissions or late responses please.

E.L. HAYNES PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****EmpowerK12**

E.L. Haynes Public Charter School requires data support services for the 23/24 school year. Following a needs assessment of the available vendors, EmpowerK12 is the only vendor who can provide the specialized data management and analysis need for a K-12 LEA of our size and scope. E.L. Haynes intends to enter into a sole source contract with EmpowerK12 through June 2024.

If you have questions or concerns regarding this notice, please contact our Procurement Officer:

Kristin Yochum
E.L. Haynes Public Charter School
kyochum@elhaynes.org

EARLY CHILDHOOD ACADEMY PUBLIC CHARTER SCHOOL (ECA)**REQUEST FOR PROPOSALS**

Audio/Video and Projector Screen Installation - qualified vendors to provide a Projector Screen and an Audio/Video solution that includes the System Design, Procurement and Installation in a school multi-purpose space. The Project proposal should include the supply of equipment, installation, integration, testing, training and maintenance/support of the fully functional Audio/Video Systems and projector screen.

A virtual walkthrough will be held on **Thursday, June 8, 2023** at 1:00 pm via Zoom <https://us02web.zoom.us/j/84139969003?pwd=WIBFUDhDWDlQN0RmOTlsVENHS052UT09>, followed by an onsite walkthrough at 885 Barnaby Street, SE, Washington, DC 20032 on **Friday, June 9, 2023 at 3:45 pm.**

Bids can be submitted online or in-person until 4:30 pm on **Friday, June 23, 2023**. Send requests for a bid package and RSVP for walkthroughs to bids@ecapcs.org. Bids will be opened **Monday, June 26, 2023**.

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION

NOTICE OF PUBLIC MEETING

DC Education Research Collaborative Advisory Committee

The Advisory Committee of the DC Education Research Collaborative will hold a virtual public meeting on Monday, June 12, 2023 from 5:00 pm to 7:00 pm. Register to attend [here](#).

AGENDA

- I. Call to order
- II. Announcement of a quorum
- III. Message from the Chair
- IV. Executive Director Report
- V. Subcommittee Updates
- VI. Research Council Updates
- VII. Next Steps
- VIII. Adjournment

The DC Education Research Collaborative is an education research-practice partnership composed of an Advisory Committee and a Research Council, and led by the Urban Institute. This will be the ninth meeting of the Collaborative's public Advisory Committee.

Date: June 12, 2023

Time: 5:00 p.m. – 7:00 p.m.

Location: [Register here](#)

For more information: Visit the Collaborative's webpage [here](#) or contact Josephine Bias Robinson at edcollaborative@urban.org.

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

BOARD OF ELECTIONS**Certification of Filling a Vacancy
In Advisory Neighborhood Commission**

Pursuant to D.C. Official Code §1-309.06(d)(6)(D), if there is only one person qualified to fill the vacancy within the affected single-member district, the vacancy shall be deemed filled by the qualified person. As such, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

Hector Arbuckle
Single-Member District **5D01**

Notice: This decision is subject to formal revision before publication in the District of Columbia Register. Parties are requested to notify the Office Manager of any formal errors in order that corrections be made prior to publication. This is not intended to provide an opportunity of a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

_____)	
In the Matter of:)	
)	
EMPLOYEE ¹ ,)	OEA Matter No. 1601-0017-21
)	
v.)	Date of Issuance: May 9, 2023
)	
D.C. DEPARTMENT OF CONSUMER)	
AND REGULATORY AFFAIRS ² ,)	MONICA DOHNJI, Esq.
Agency)	Senior Administrative Judge
_____)	
Samuel Bailey, Jr., Employee’s Representative		
Karl Carter, Employee’s Representative		
Shanice Adams McWhirter, Esq., Agency’s Representative		
Chanel Hall, Esq, Agency’s Representative		

ERRATA AND ADDENDUM TO “INITIAL DECISION”

Please strike the following name from page 1 of the April 18, 2023, Initial Decision in the above-captioned matter: “Samuel Bailey, Jr., Esq.,” and replace it with “Samuel Bailey, Jr.”

Additionally, please strike the following name from page 8 of the April 18, 2023, Initial Decision in the above-captioned matter: “Director Chavez” and replace it with “Director Chrappah”.

/s/ Monica N. Dohnji
MONICA DOHNJI, Esq.
Senior Administrative Judge

¹ Employee’s name was removed from this decision for the purposes of publication on the Office of Employee Appeals’ website.

² This Agency no longer exists as it was split into two (2) separate agencies in 2022 - Department of Licensing and Consumer Protection and the Department of Buildings.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:)
EMPLOYEE3,) OEA Matter No. 1601-0017-21
v.) Date of Issuance: April 18, 2023
D.C. DEPARTMENT OF CONSUMER)
AND REGULATORY AFFAIRS4,) MONICA DOHNJI, Esq.
Agency) Senior Administrative Judge

Samuel Bailey, Jr., Esq., Employee’s Representative
Karl Carter, Employee’s Representative
Shanice Adams McWhirter, Esq., Agency’s Representative
Chanel Hall, Esq, Agency’s Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On March 11, 2021, Employee filed a Petition for Appeal with the D.C. Office of Employee Appeals (“OEA” or “Office”) contesting the District of Columbia Department of Consumer and Regulatory Affairs’ (“DCRA” or “Agency”) decision to terminate him from his position as an Elevator Inspector5, effective February 13, 2021. Employee was charged with: “Unavailability for work due to medical reasons. Unauthorized absence of five (5) workdays or more.”6 OEA issued a Request for Agency Answer to Petition for Appeal on April 22, 2021. On June 14, 2021, Agency submitted its Answer to Employee’s Petition for Appeal and Motion to Dismiss. On July 28, 2021, Employee filed his Opposition to Agency’s Response and Motion to Dismiss. Following a failed attempt at mediation, this matter was assigned to the undersigned Senior Administrative Judge (“SAJ”) on September 3, 2021.

Following a request for extension, a Status/Prehearing Conference was held in this matter on November 9, 2021. Both parties were present for the scheduled Status/Prehearing

3 Employee’s name was removed from this decision for the purposes of publication on the Office of Employee Appeals’ website.

4 This Agency no longer exists as it was split into two (2) separate agencies in 2022 - Department of Licensing and Consumer Protection and the Department of Buildings.

5 The Notice of Proposed Removal and the Final Agency Decision listed Employee’s position as a Housing Code Inspector. However, Agency conceded during this proceeding that Employee was an Elevator Inspector and not a Housing Code Inspector.

6 6B District of Columbia Municipal Regulation (“DCMR”) §§ 1605.4(f)(2) and 1607.2(f)(4).

Conference. Thereafter, on November 16, 2021, I issued a Post-Status Conference Order requiring the parties to submit written briefs addressing the issues raised at the Status Conference. Following several requests for extensions which were granted by the undersigned, both parties submitted their respective briefs. Upon further review of the record, the undersigned determined that there were factual issues in dispute, as such, a virtual (via WebEx) Evidentiary Hearing was held on November 14 and November 15, 2022. Both parties were present for the Evidentiary Hearing.⁷ Subsequently, the undersigned issued an Order requiring the parties to submit written closing arguments. Following several requests for extension of time to file written closing arguments, both parties filed their respective closing arguments. The record is now closed.

JURISDICTION

OEA has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUES

- 1) Whether Employee's actions constituted cause for adverse action; and
- 2) If so, whether the penalty of removal is within the range allowed by law, rules, or regulations.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW⁸

As part of the appeal process within this Office, I held an Evidentiary Hearing on the issue of whether Agency's action of terminating Employee was in accordance with applicable law, rules, or regulations. During the Evidentiary Hearing, I had the opportunity to observe the poise, demeanor and credibility of the witnesses, as well as Employee. The following findings of fact, analysis and conclusions of law are based on the testimonial and documentary evidence as presented by the parties during the course of Employee's appeal process with this Office.

SUMMARY OF RELEVANT TESTIMONY

Employee's Case in Chief

Vol I. – November 14, 2022

Kevin Griffiths Vol. I. Tr. pgs. – 18 -93

⁷ Agency submitted several Motions via email on the morning of the Evidentiary Hearing. I hereby find that all the motions emailed to the undersigned on the morning of the Evidentiary Hearing are not accepted as part of the record because they were not properly filed with OEA. Even if these motions were properly filed, I further find that they are moot and hereby **DENIED**.

⁸ Although I may not discuss every aspect of the evidence in the analysis of this case, I have carefully considered the entire record. See *Antelope Coal Co./Rio Tino Energy America v. Goodin*, 743 F.3d 1331, 1350 (10th Cir. 2014) (citing *Clifton v. Chater*, 79 F.3d 1007, 1009-10 (10th Cir. 1996)) (“The record must demonstrate that the ALJ considered all of the evidence, but an ALJ is not required to discuss every piece of evidence”).

Kevin Griffiths (“Dr. Griffiths”) is a Nephrologist in the D.C. metro area. As a Nephrologist, he treats people with renal disease - patients with kidney problems; those on dialysis for kidney failure as well as kidney transplant patients. Tr. Vol. I. pgs. 18-20.

Dr. Griffiths stated that Employee has been his patient since late 2015, early 2016 when he was referred to Dr. Griffiths for chronic kidney disease. He explained that chronic kidney disease occurs when a person’s kidney function is decreased but they are not yet at the level of needing dialysis. He asserted that around 2017 or 2018, Employee’s kidneys continued to deteriorate, and Employee was placed on hemodialysis. Tr. Vol. I. pg. 22. Dr. Griffiths explained that hemodialysis is when two needles are inserted into the arm of a patient - one needle is used to take the blood away from the body and it goes to a machine. Once in the machine, the blood is purified of toxins and the body is given back nutrients that is not being naturally produced because of the kidney failure. He also noted that the machine can withdraw fluid from the patient's body to help lower their blood pressure and decrease the swelling in the body. The other needle is used to return the good blood back to the body. He asserted that some patients had to go to the center three (3) times a week for their treatment – Monday, Wednesday, and Friday, and their treatment was done by a technician or nurse. However, in Employee’s case, he was placed on a home hemodialysis treatment plan because of his support system, his acuity, his understanding of the process and his desire to keep working. Tr. Vol. I. pgs. 23 -24, 66-67.

Dr. Griffiths testified that Employee was diagnosed with end stage renal disease requiring dialysis, and he has treated Employee for approximately six (6) to seven (7) years. He stated that Employee is still under his care but is no longer on dialysis since he received a transplant in 2021 and is doing well with the transplant. Tr. Vol. I. pgs. 24-25, 30.

Dr. Griffiths explained that the side effects of the dialysis treatment include most people feeling weak and wiped out. Some people experience drops in blood pressure on dialysis and pass out at dialysis or have extreme cramping. He also asserted that generally, after treatment, most patients are not well enough to go on and do other things during the day and so they go home and sleep the remainder of the day. Further, with most patients, even when they go home, they lack the desire to eat or do not feel like themselves. This feeling subsides and generally the next day they feel more appropriate, but that during treatment and the time immediately after dialysis, a patient feels “wiped out”. Dr. Griffiths affirmed that Employee experienced these side effects. He explained that at the beginning of his dialysis treatment, Employee was able to work, but he started experiencing some of the effects of dialysis such as feeling weak and fatigue a couple years into his treatment. Thus, Employee expressed that it became more difficult to work and do his dialysis. Dr. Griffiths averred that based on statistics, only 20-26% of dialysis patients can work full time or part-time. He further noted that based on his sixteen (16) years of experience, only a handful patients can work full time while on dialysis. Tr. Vol. I. pgs. 25-27.

Dr. Griffiths asserted that Employee’s position of Elevator Inspector required him to stand on his feet for long periods of time and that's not generally something most dialysis patients could do. Dr. Griffiths cited that he had expressed to Employee that his job duties could be problematic in relation with him being on dialysis. He also noted that Employee’s blood pressure became problematic, and he was place on a lot of blood pressure medicines and which in itself could decrease his blood pressure and affect his energy level. Dr. Griffiths stated that

Employee had a lot of complications associated with dialysis that made his type of occupation difficult. He testified that for dialysis patients who work, light duty such as working behind a desk is the best option for most of them. Tr. Vol. I. pgs. 27-29.

Dr. Griffiths testified that once a patient starts dialysis, they remain on dialysis until they die, or they get a transplant. Tr. Vol. I. pg. 40. He stated that at the start of his treatment, Employee had dialysis four (4) times a week – Monday, Tuesday, Thursday, and Friday for four and a half (4.5) hours per day. He also noted that on average, Employee had dialysis about 16 times a month. He cited that he cautioned Employee that there would be side effects associated with the dialysis treatment such as weakness, fatigue, unsteady gait, and potential shortness of breath. Tr. Vol. I. pgs. 42, 58, 64.

Dr. Griffiths identified Exhibit 6 as a document from his office date July 22, 2020, stating that due to complications from dialysis, Employee should not return to work at that time. Tr. Vol. I. pg. 49. Dr. Griffiths stated that upon his review of Employee's record at that time, Employee had been on home hemodialysis for three (3) years, and he had been doing relatively well. But over the last months prior to the July 22, 2020, letter, Employee had started complaining of fatigue, difficulties in doing his job because of the number of hours allocated to dialysis per day, the fact that he had to drive to work and stand, and he was experiencing swelling. Therefore, they had to start taking more fluids off Employee's body and this dehydrated and weakened his body causing a lot of fatigue. Employee did not feel like he could continue his job. Employee's blood pressure also became problematic, and it was difficult to control his hypertension despite him being on dialysis. Employee was placed on four (4) or five (5) medication which added to the side effects of the dialysis he already suffered. He cited that Employee was at risk for decompensating and developing a worsening of his heart disease. And the decision was made that he stop working and hopefully he would improve the next couple of months, but that did not happen. He explained that he requested in his letter to Agency that they contact him if they needed additional information about Employee's condition. Tr. Vol. I. pgs. 53 - 54.

Dr. Griffiths affirmed that Employee was undergoing dialysis treatment from September 14, 2020, to October 31, 2020. He also admitted that Employee was experiencing the side effects of dialysis during the period of September 14, 2020, to October 30, 2020. Dr. Griffiths acknowledged that Employee continued his four (4) days a week dialysis regiment from September 2020, to March of 2021. Tr. Vol. I. pg. 62, 64, 80-81.

Dr. Griffiths stated that he saw Employee in both July and September of 2020, but he did not see him in October of 2020. He explained that home dialysis patients send in their blood work, and he sees them once a month, and they are also seen once a month by a nurse. Tr. Vol. I. pgs. 65-66. He affirmed that home dialysis patients such as Employee have the flexibility to schedule their dialysis treatment and they can set their treatment for Friday, Saturday, Sunday, and Monday at whatever time of the day they choose to do the treatment. Tr. Vol. I. pgs. 67-69.

Referencing Employee's Exhibit 4, at page 7, number 5, Dr. Griffiths testified that although it was in his office manager's handwriting, he told her what to write. He stated that he reviewed Employee's medical record prior to coming to court to testify. Dr. Griffiths stated that he noted in Employee's Exhibit 4, that Employee would be incapacitated for seven (7) days

because Employee was just starting dialysis and he did not know how Employee was going to respond to the dialysis treatment. Tr. Vol. I. pgs. 70-74.

Dr. Griffiths testified that he did not disclose Employee's specific medical conditions in the July 22, 2020, letter to Agency for privacy reasons. Instead, he issued a generic letter and requested that Agency contact him if they needed specific information, but nobody from Agency contacted him about Employee's condition. He averred that Employee never approached him again regarding additional clarifying information. Tr. Vol. I. pgs. 74-76, 78.

Dr. Griffiths explained that 'incapacitation' was a medical term with broad meaning, and as an example, he noted that "incapacity might be, oh, I'm feeling not well today, but I feel better tomorrow, or incapacity means, I'm going to be like this -- like a demented patient, where they are just in a nursing home and never responding to anything. So I don't -- I think that's an overly broad term. If we want to clarify, like, hey, this is what I think incapacity -- I mean, I can give you further details and how I feel that fits with [Employee] and your Agency." (Emphasis added). Tr. Vol I. pgs. 80-81.

Dr. Griffiths testified that in general, a patient does not need another individual in the house for home dialysis as some patients do it by themselves. Predominantly, the spouse or the caring partner does the dialysis with them. He affirmed that Employee's spouse assisted him with the dialysis treatment. Tr. Vol. I. pgs. 83-84.

Agency's Case in Chief

Jeffrey Reiss Vol. I. Tr. pgs. 95 – 167

Jeffrey Reiss ("Reiss") is currently employed with the Department of Housing and Community Development as a program manager. He was employed by Agency from February 2015 to August 2022, as Construction Inspector, Technical Advisor, Third Party Program Manager, and Program Manager Chief of Inspections. He stated that he was familiar with the current matter involving Employee. Tr. Vol. I. pgs. 95- 96. Reiss explained that he had a tiered supervisory role - he supervised Employee's supervisor, Mr. Foss. Reiss asserted that he signed Agency's Notice to Propose removal. Tr. Vol. I. pgs. 98-99, 113.

Reiss testified that Employee was an Elevator Inspector at the old DCRA, where he had attendance issues. Mr. Foss communicated with Employee and wrote him up in April 2020 for failure to report to work. Mr. Foss left Agency sometime in August or September of 2020, and Employee became his direct report. Reiss noted that he was acting as Employee's supervisor for the period between September 3, 2020, and October 30, 2020. He stated that Employee did not report to work during that time frame, and he had not received any notification from Employee as to his status. Thus, the *Douglas* Factors⁹ were reviewed to determine if there were any

⁹ *Douglas v. Veterans Administration*, 5 M.S.P.R. 313 (1981). The *Douglas* factors provide that an agency should consider the following when determining the penalty of adverse action matters:

- 1) the nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;

mitigating factors and a notice to propose separation was initiated. Tr. Vol. I. pgs. 100-101, 120, 137, 155.

Reiss stated as an Elevator Inspector, Employee's duties included accident investigation, physical inspections of conveyance devices, compliance with the codes, and review of third-party documents for verification of their field work prior to issuance of elevator certificates. Reiss identified Agency's Exhibit 1 as the position description for the Code Compliance Specialist Elevator Inspector grade CS-12. Tr. Vol. I. pgs. 101-103, 105-106, 112-113.

Reiss identified Agency's Exhibit 3 as the Notice of Proposed Removal. Tr. Vol. I. pgs. 113-114. He asserted that Employee was charged with: (1) unavailability for work due to medical reasons. Tr. Vol. I. pgs. 115. Reiss highlighted that he was aware that Employee left work for medical reasons from secondary sources. However, as of his issuance of the October 30, 2020, Notice of Proposed Removal he had not received any information or notification from Employee about his medical status. Tr. Vol. I. pgs. 125-126.

Reiss testified that Agency remained in full operation during the pandemic, with all the inspectors coming to the office. He averred that Inspectors were working in the field, performing inspections. He stated that all the inspectors worked their normal tours of duty as construction was deemed an essential activity by the mayor. Reiss asserted that Agency had four (4) elevator inspectors in 2016 and 2017. However, during part of his tenure, the number went down to three (3), then two (2) elevator inspectors. The number went back up to three (3) within the last 60 days from when he testified. Tr. Vol. I. pgs. 126-129, 164.

While referencing Agency's Exhibit 8, when asked if Employee was a Housing Code Inspector, Reiss said 'no'. He explained that it was an error. He stated that the *Douglas* factors were based on the elevator inspector job description. Reiss asserted that he did not draft/prepare the Notice of Proposed Removal/*Douglas* factors, he just signed them in his capacity as the proposing official/program manager of the department. He averred that the document was prepared for Agency by the Office of the General Counsel. When asked why all the neutral

-
- 2) the employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
 - 3) the employee's past disciplinary record;
 - 4) the employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;
 - 5) the effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in employee's ability to perform assigned duties;
 - 6) consistency of the penalty with those imposed upon other employees for the same or similar offenses;
 - 7) consistency of the penalty with any applicable agency table of penalties;
 - 8) the notoriety of the offense or its impact upon the reputation of the agency;
 - 9) the clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;
 - 10) potential for the employee's rehabilitation;
 - 11) mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and
 - 12) the adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

factors were not added up and scored, he stated that he did not recall. He further explained that the *Douglas* factors did not have a scoring system. Tr. Vol. I. pgs. 133 – 134, 136-137, 154-155, 160-161.

Eric Ampedu - Vol. I. Tr. pgs. 170 - 227

Eric Ampedu (“Ampedu”) is currently employed with the Department of Licensing and Consumer Protection, one of two (2) agencies born out of DCRA. He joined Agency on March 3, 2020, as a Deputy Chief Administrative Officer. In this role, he was responsible for the human capital, human resources training and organizational development, labor and employee relations, risk management and support services and records. Tr. Vol. I. pgs. 170 – 172.

Ampedu noted that he was familiar with Employee’s matter. He testified that this matter existed prior to his tenure with Agency. It was brought to his attention in May or June of 2020, that Employee had been out of the office for a while and had not reported back to duty or informed the Agency of his situation or circumstances. So they reached out to Employee to obtain some information regarding his situation. Tr. Vol. I. pg. 172.

Ampedu identified Agency’s Exhibit 6 as the June 30, 2020, Letter he sent to Employee to ascertain his circumstances and find out why he was not reporting to work and if he had any intentions to report to work at all. He acknowledged signing the letter. He noted that the June 30, 2020, Letter was not a Notice of Proposed Removal. He testified that after sending the June 30, 2020, Letter to Employee, he received a response from Employee which vaguely indicated that Employee was on dialysis and could not return to work. Ampedu explained that the letter only stated that Employee was on dialysis and did not provide any additional information regarding his return-to-work date, and his health details. He stated that he knew what dialysis meant, but he did not know if that meant Employee would never return to work in some capacity since the doctor did not indicate when Employee would return to work. Ampedu identified Agency’s Exhibit 7 as the doctor’s note dated July 22, 2020, that he received from Employee’s doctor, Dr. Griffiths, of the Metro Renal Associates, PLSC, regarding Employee’s situation. He explained that despite the note stating that Agency could reach out to Dr. Griffiths if it had additional questions about Employee’s condition, he did not call Dr. Griffiths about the note because he had no business with him. Ampedu averred that the September 3, 2020, letter was Agency’s follow-up to the July 22, 2020, doctor’s note. Ampedu highlighted that he did not receive any other documentation regarding Employee’s status after he received the July 22, 2020, doctor’s note. Tr. Vol. I. pgs. 174-177, 180, 193-195, 220.

Ampedu testified that for HIPAA reasons, agencies nor the government require that detailed employee medical information be included in doctor's note such as the one Dr. Griffiths sent to the Agency. But he asserted that the July 22, 2020, note could have provided some information that would impact Agency’s decision or let Agency know when Employee could possibly return to work. Tr. Vol. I. pg. 181.

Ampedu affirmed that after receiving the doctor's note in July of 2020, he sent another correspondence to Employee on September 3, 2020. Tr. Vol. I. pg. 183. He identified Agency’s Exhibit 5 as the letter he sent to Employee following up on the previous doctor's note, which

Agency found to be insufficient. He cited that the September 3, 2020, Letter offered Employee with another opportunity to let Agency know of his return-to-work date. He asserted that he did not receive any information from Employee's doctor regarding his status. Ampedu affirmed that he would have accepted any additional helpful information from the doctor. He stated that pursuant to the September 3, 2020, Letter, Employee was to return to work on September 14, 2020. Ampedu testified that the letter instructed Employee to let Agency know if he decided to resign or Agency would start termination proceedings if Employee did not return to work. He noted that the September 3, 2020, Letter was not a Notice of Proposed Removal, rather, an additional request and a follow-up to his previous letter to Employee. Tr. Vol. I. pgs. 184 -186, 190-191, 204-205.

Ampedu identified Agency's Exhibit 15 as the mail delivery receipt from the United States Postal Services. He noted that the mail in question was addressed to Employee and the receipt is dated August 30, 2021, with a mail delivery event date of September 20, 2020, or 21, 2020. Ampedu explained that although Employee received the September 3, 2020, letter after the response was due on September 14, 2020, Employee could have still responded to the September 3, 2020, Letter since Agency did not commence adverse action until October 2020. He explained that the pandemic might have had an impact in the discrepancies in the dates. Ampedu averred that he was unsure as to why the August date was '2021' and the September date was '2020'. Tr. Vol. I. pgs. 187-190, 205, 207.

Monique Bocock Vol. I. Tr. pgs. 227 - 240

Monique Bocock ("Bocock") is employed with the Department of Buildings, which is formerly DCRA, as Senior Policy Advisor. In this role, she oversees a couple business units like the Freedom of Information Act ("FOIA") in the legislative affairs team. She also serves as a Deciding Official. She is familiar with the current matter as she was the Deciding Official. Tr. Vol. I. pgs. 228-229.

Bocock identified Agency's Exhibit 9 as the Hearing Officer's Report in the current matter, dated January 15, 2021. She admitted reviewing the report. Tr. Vol. I. pgs. 230 - 231. Bocock identified Agency's Exhibit 10 as the Final Agency Decision in this matter. She also identified her signature on the document. Tr. Vol. I. pgs. 232-233. She testified that in making her decision in this matter, she reviewed the Notice of Proposed Removal and the accompanying documents; the hearing officer's report and the information that was provided on Employee's behalf - his response. Bocock noted that she was familiar with the *Douglas* Factors and it was one of the documents she reviewed that accompanied the Notice of Proposed Removal. Tr. Vol. I. pg. 234 -235.

Bocock testified that the Final Agency Decision lists both the 1605.4(f)(2) and 1607.2(f)(4) under disciplinary cause and those are basically the same, not separate charge. 1605.4(f)(2) - unauthorized absence of five workdays and more is the actual charge levied against Employee and 1607.2(f)(4) is referring to the table of penalties for the charge. Tr. Vol. I. pgs. 237-238.

Employee's Case in Chief

Vol. II. November 15, 2022

Employee – Vol. II. Tr. 4 – 91

Employee has been an Elevator Inspector with Agency since 2001. Tr. Vol. II. pgs. 4 -5. Employee identified Employee's Exhibit 4 as the application for Family Medical Leave ("FMLA") he submitted to Agency when he was diagnosed with end-stage renal failure. He noted that Dr. Griffiths suggested that he did home hemodialysis. Agency granted his request for intermittent use of his FMLA. Employee stated that he was on FMLA for a period of two (2) years. He however noted that he did not use up his FMLA approved 16 weeks. He averred that he had about 46-64 hours of leave left under FMLA. Tr. Vol. II. pgs. 6 -13, 31-32.

Employee testified that he did dialysis at home with the help of his wife because he was afraid of needles, and it was hard for him to learn how to stick himself. He stated that his wife had to stick him and monitor his vitals on an iPad that Dr. Griffith's office provided. The vital information was sent to the server at Dr. Griffith's clinic in Southeast. Employee noted that he had to report to that clinic once a month. He also had to supply blood work and dropped it off at the clinic. The blood work was sent to John Hopkins in Baltimore for analysis. Thereafter, it was distributed throughout the network of hospitals in the DC area, Maryland, and Virginia, to see if there was a match. Employee stated that he did this for four and a half (4.5) years. Employee asserted that he worked for three and a half (3.5) years while on dialysis. And then it became problematic due to swelling in his fingers and feet which affected his ability to walk and caused fatigue. Tr. Vol. II pgs. 13-14.

Employee testified that because of the nature of his job, when he started having health issues due to the dialysis, he contacted Dr. Griffiths, and told him the side effects of the dialysis made it difficult for him to effectively perform his job. He noted that he had difficulties walking across gravel or asphalt rooftops to get to elevator machine rooms and that sometimes he would lose his balance, and he did not want to fall off a building. He also stated that he had problems climbing on top of the elevator, climbing in the elevator pits, as well as problems stooping and bending. Employee requested to go out on medical disability leave. Tr. Vol. II. pg. 16.

Employee averred that his last day of work was July 10, 2019. He stated that he had a conversation with Agency Director - Director Chavez to tell him about his condition and inform him it was his last day at work as he was going out on disability. Employee asserted that he applied for disability on July 11, 2019, and his short-term disability claim was approved for six (6) months. He transitioned from short term disability to long term disability in January of 2020, after his short-term disability expired. According to Employee, he hand-delivered his long-term disability approval paperwork and other documents to a Lorraine Green at District Department of Human Resources ("DCHR"). He did not hear back from Agency until he received the June 30, 2020, letter. Employee testified that he took the letter to Dr. Griffiths during his monthly visit. Dr. Griffiths responded to Agency in the July 22, 2020, doctor's note and Dr. Griffiths' note was a sufficient response to the June 30, 2020, Letter from Agency. He stated that apart from the letter dated September 3, 2020, which he received on September 21, 2020, he did not have any

contact with Ampedu after he submitted the July 2020 doctor's note. He explained that he did not contact anyone at Agency after he received the September 3, 2020, Letter because they had already started the proceedings to remove him. Tr. Vol. II. pgs. 18, 20-21, 24-26, 56-57, 60.

Employee asserted that the September 3, 2020, Letter noted that he had to report to work on September 14, 2020, or resign his position or steps would be taken to remove him. Employee stated that he did not contact Agency after he received the September 3, 2020, Letter because he was already seven (7) days past the prescribed deadline of September 14, 2020. Thereafter, he received a letter of proposed removal on October 30, 2020. Tr. Vol. II. pgs. 27.

Employee testified that he was still under the care of Dr. Griffiths from September 14, 2020, to October 30, 2020, and continuing with his dialysis four (4) days a week, four and a half (4.5) hours each time, with his wife's assistance. Employee affirmed that he was unable to work from September 14, 2020, to October 30, 2020. He also affirmed that he was unable to work when he received the June 30, 2020, and September 3, 2020, Letters from Agency. He stated that he was weak, fatigued and had some swelling in my legs, and arms after the dialysis. When asked if he was able to perform his duties as an elevator inspector during the two (2) month period of September 2020 to October 2020, Employee said 'no'. Employee expressed that he is no longer on dialysis since he got a kidney transplant, and he is ready to return to work. Tr. Vol. II. pgs. 28-30, 44, 52-53, 81, 84-85, 90.

1) Whether Employee's actions constituted cause for discipline

Pursuant to OEA Rule 628.2, 59 DCR 2129 (March 16, 2012), Agency has the burden of proving by a preponderance of the evidence that the proposed disciplinary action was taken for cause. Furthermore, the District Personnel Manual ("DPM") regulates the manner in which agencies in the District of Columbia administer adverse and corrective actions. DPM § 1602.1 provides that disciplinary action against an employee may only be taken for cause. Agency terminated Employee pursuant to 6-B DCMR §§ 1605.4(f)(2) and 1607.2(f)(4) - Attendance-related offenses, including Unauthorized absence; and Attendance Related Offenses: Unauthorized absence of five (5) workdays or more, respectively.

Attendance-related offenses, including Unauthorized absence; and Attendance Related Offenses: Unauthorized absence of five (5) workdays or more.

In the instant case, the undersigned must determine if the evidence that Employee was absent from work for five (5) or more workdays is adequate to support Agency's decision to terminate Employee. In such cases, "[t]his Office has consistently held that when an employee offers a legitimate excuse, such as illness, for being absent without leave, the absence is justified and therefore excusable."¹⁰ Additionally, if the employee's absence is excusable, it "cannot serve

¹⁰*Murchinson v. Department of Public Works*, OEA Matter No. 1601-0257-95R03 (October 4, 2005); citing *Employee v. Agency*, OEA Matter No. 1601-0137-82, 32 D.C. Reg. 240 (1985); *Tolbert v. Department of Public Works*, OEA Matter No. 1601-0317-94 (July 13, 1995).

as a basis for adverse action.”¹¹ The relevant time period in this matter is September 14, 2020, to October 30, 2020.

Employee does not dispute that he was absent from work from September 14, 2020, to October 30, 2020. However, he testified that he was under the care of Dr. Griffiths, his nephrologist, from September 14, 2020, to October 30, 2020, and continuing with his dialysis four (4) days a week, four and a half (4.5) hours each time, with his wife’s assistance. Employee affirmed that he was unable to work from September 14, 2020, to October 30, 2020.

Dr. Griffiths, Employee’s treating physician testified that Employee was diagnosed with end-stage renal disease requiring dialysis, and Employee was undergoing dialysis treatment from September 14, 2020, to October 31, 2020.¹² Dr. Griffiths stated that he saw Employee in July and September of 2020, but he did not see him in October of 2020. He acknowledged that Employee continued his four (4) days a week dialysis regiment from September 2020, to March of 2021 and he was experiencing side effects of the dialysis treatment during the period of September 14, 2020 to October 30, 2020.¹³ Dr. Griffiths explained that at the beginning of Employee’s dialysis treatment, Employee was able to work, but a couple of years into his treatment, he started experiencing some of the side effects of the dialysis treatment – he became weak and fatigued and Employee informed him that it had become more difficult for him to work while on dialysis.

When asked if Employee was incapacitated during the period of September 14, 2020, to October 30, 2020, Dr. Griffiths explained that ‘incapacitation’ was a medical term with broad meaning, and as an example, he noted that “incapacity might be, oh, I’m feeling not well today, but I feel better tomorrow, or incapacity means, I’m going to be like this -- like a demented patient, where they are just in a nursing home and never responding to anything. So I don’t -- I think that’s an overly broad term. If we want to clarify, like, hey, this is what I think incapacity -- I mean, I can give you further details and how I feel that fits with [Employee] and your Agency.” (Emphasis added). Tr. Vol I. pgs. 80-81.

Although Dr. Griffiths did not specifically state that Employee was incapacitated, he provided that Employee’s position of Elevator Inspector required him to stand on his feet for long periods of time and that was not something most dialysis patients could do. Dr. Griffiths further testified that Employee’s job duties could be problematic in relation with him being on dialysis. He also noted that Employee’s blood pressure became problematic, and he was placed on a lot of blood pressure medicines which could decrease his blood pressure and affect his energy level. Dr. Griffiths stated that Employee had a lot of complications associated with dialysis that made his type of occupations difficult. Dr. Griffiths also provided this court with

¹¹ Murchison, *supra*, citing *Richard v. Department of Corrections*, OEA Matter No. 1601-0249-95 (April 14, 1997); *Spruiel v. Department of Human Services*, OEA Matter No. 1601-0196-97 (February 1, 2001).

¹² Agency conceded throughout the appeal process before this Office that it was aware that Employee had a medical condition that necessitate him to undergo dialysis treatment.

¹³ Dr. Griffiths explained that the side effects of the dialysis treatment included (1) feeling weak; (2) wiped out; (3) a drop in blood pressure while on dialysis; and (4) extreme cramping. Dr. Griffiths further explained that after treatment, most dialysis patients are not well enough to go on and do other things during the day, while some lack the desire to eat, do not feel like themselves, and so they go home and sleep the remainder of the day. Dr. Griffiths provided that based on statistics and his 16 years of experience in the field, only 20-26% of dialysis patients can work full time or part-time while on dialysis.

examples of conditions that can be considered incapacitating. Applying these examples and rationale to Employee's medical condition/symptoms as described by Dr. Griffiths and Employee, it can reasonably be concluded that Employee was incapacitated during the relevant timeframe.

According to Dr. Griffiths, over the last months prior to completing the July 22, 2020, Letter, Employee started complaining of fatigue, difficulties in doing his job because of the number of hours allocated to dialysis per day, the fact that he had to drive to work and stand, and he was experiencing swellings. They started taking more fluids off Employee's body and this dehydrated and weakened Employee's body causing a lot of fatigue. Employee did not feel like he could continue his job. Employee's blood pressure also became problematic, and it was difficult to control his hypertension despite him being on dialysis. Employee was placed on four (4) or five (5) medication which added to the side effects of the dialysis he suffered. Dr. Griffiths testified that Employee was at risk for decompensating and develop worsening of his heart disease. A decision was made that Employee stop working with hopes that his condition would improve the next couple of months, but that did not happen.

Of note, in Employee's Exhibit 4 – Employee's FMLA application form which was filed with Agency when Employee began dialysis treatment in 2019, Dr. Griffiths stated that the side effects of dialysis treatment were incapacitating, and that Employee could suffer from weakness and unsteady gait that could necessitate that Employee be absent from work. The application states:¹⁴

1. Approximate date condition commenced: **1-9-17**

Probable duration of condition: *lifetime*

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regiment of continuing treatment such as the use of specialized equipment):

[Employee] will be seen 4x a week for dialysis. The days are Mon, Tues, Thur, and Fri for approximately 4 1/2 hrs each day. The patient will experience weakness, fatigue, unsteady gait, and shortness of breath which improves with dialysis.

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? ___

No Yes

...

7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? ___ No Yes

Is it medically necessary for the employee to be absent from work during the flare-ups? ___ No Yes. If so, explain:

¹⁴ See Employee's Exhibit 4.

During flare-ups pt will have generalized weaknesses and unsteady gait.**(Emphasis added).**

While the date of Employee's Exhibit 4 is outside of the relevant timeframe, it sheds light into Employee's medical condition and the important question of whether Employee's medical condition was so debilitating during the relevant period that it prevented him from performing his duties. Based on Dr. Griffiths' acknowledgement that Employee continued his four (4) days a week dialysis regiment from September 2020, to March of 2021, which encompasses the relevant time frame, and that Employee was experiencing similar side effects (weakness and fatigue) from the dialysis treatment as those listed in Employee's Exhibit 4 Question 7, I find that Employee's condition was so disabling that it prevented him from performing his duties during the relevant timeframe.

In a letter dated June 30, 2020, Agency requested that Employee provide information from his physician/medical provider on the status of his disability and if any, an expected date of his return to work. Employee was required to provide the requested information no later than July 31, 2020.¹⁵ Dr. Griffiths submitted a note to Agency dated June 22, 2020, highlighting that Employee was not to return to work due to dialysis.¹⁶ Dr. Griffiths also provided that if Agency needed further information, they should contact him at the telephone number included in the letter.¹⁷ In a letter dated September 3, 2020, Agency informed Employee that it had no additional information about Employee's return to work date. Agency stated that Employee was no longer covered under an approved absence. The letter also informed Employee that if Agency did not receive Employee's resignation or he did not return to work by September 14, 2020, Agency might initiate procedures to terminate his employment.¹⁸

Ampedu testified that after sending the June 30, 2020, Letter to Employee, he received a response from Employee which vaguely indicated that Employee was on dialysis and could not return to work. Ampedu explained that the July 22, 2020, Letter from Employee's doctor only stated that Employee was on dialysis and did not provide any additional information regarding his return-to-work date, and his health details. He averred that the September 3, 2020, Letter was Agency's attempt to follow-up on the doctor's note dated July 20, 2020. Ampedu explained that the July 20, 2020, note could have provided information that would impact Agency's decision or let Agency know when Employee could return to work. Dr. Griffiths testified that he did not disclose Employee's specific medical conditions in the July 22, 2020, Letter to Agency for privacy reasons. Instead, he issued a generic letter and requested that Agency contact him if they needed specific information, but nobody from Agency contacted him about Employee's condition. Ampedu conceded that for HIPAA reasons, agencies do not necessarily require that detailed employee medical information be included in doctor's note such as the one Dr. Griffiths sent to the Agency.

¹⁵ Agency Exhibit 6.

¹⁶ This note was faxed to Agency on June 22, 2020.

¹⁷ Agency Exhibit 7.

¹⁸ Agency Exhibit 5.

Employee also explained that he did not contact Agency after he received the September 3, 2020, letter because he received the letter seven (7) days past the prescribed deadline of September 14, 2020. There is evidence in the record to support Employee's assertion that he received the September 3, 2020, Letter from Agency seven (7) days from the response deadline. Ampedu explained that although Employee received the September 3, 2020, letter after the response was due on September 14, 2020, Employee could have still responded to the September 3, 2020, letter since Agency did not commence adverse action until sometime in October. I find this argument to be disingenuous, especially since Agency had already threatened termination in the September 3, 2020, Letter. Further, Employee had no way of knowing that Agency had not already commenced adverse action against him because the September letter specifically provided that Agency might commence adverse action against Employee if he did not return to work by September 14, 2020. Moreover, a reasonable person would assume that since it was already a week past the specified deadline, Agency had already commenced adverse action against them. Besides, after receiving the letter, Employee still needed additional time (especially during the COVID-19 State of Emergency/Pandemic) to contact his doctor to get the requested information. This could have further delayed his submission. Referencing the delay in the mail delivery of the September 3, 2020, Letter to Employee, Ampedu acknowledged that the pandemic caused operational delays. Thus, I conclude that because Employee received the September 3, 2020, Letter after the prescribed response deadline, it was impossible for him to comply with the September 3, 2020, Letter.

Furthermore, the record shows that Agency was sufficiently apprised on multiple occasions by Employee's medical provider and Employee himself of Employee's medical condition from January 2017 when Employee filed for FMLA to October 2020, when Agency proposed removal. Employee and his medical provider, Dr. Griffiths, submitted documentation to Agency from when he was placed on dialysis addressing the severity of his condition and the extent to which it was exacerbated by his work condition. The record shows that: (1) Employee was placed on dialysis in 2017; (2) Dr. Griffiths informed Agency in the FMLA forms that he submitted to Agency in 2017 of the side effects of dialysis; (3) he informed Agency that Employee's condition would last for a lifetime; (4) Dr. Griffiths advised in the July 2020 doctor's note that Employee was on dialysis and was not to return to work; and (5) Dr. Griffiths provided his contact information in the July 2020, doctor's note for Agency to contact him in case Agency needed additional information on Employee's medical condition and return to work status. Furthermore, Employee testified that he provided DCHR employee, Lorraine Green, with his long-term disability approval notice, along with additional medical documentation in January of 2020. While some of these notices were provided to Agency outside of the relevant timeframe, given the totality of the circumstances, I conclude that Agency had adequate notice of Employee's medical condition prior to initiating the current adverse action.

Based on the record and the foregoing, I find that Employee's absences from September 14, 2020, through October 30, 2020, is excusable because of the side effects he suffered from his dialysis treatment. Accordingly, I further find that Agency does not have sufficient evidence to support this cause of action; therefore, I conclude that, this charge cannot be sustained.

Furthermore, DPM § 1268.2 provides that "[a]n agency head is authorized to determine whether an employee should be carried as AWOL." Additionally, DPM § 1268.4 highlights that,

“[i]f it is later determined that the absence was excusable, or that the employee was ill, the charge to AWOL may be changed to a charge against annual leave, compensatory time, sick leave, or leave without pay, as appropriate.” (Emphasis added). Here, Agency determined that Employee was AWOL for the period of September 14, 2020, through October 30, 2020. However, given the record, I find that Employee’s absence was justified by his medical condition. Dr. Griffiths testified that Employee was under his care and experiencing disabling symptoms during the relevant timeframe because of the dialysis treatment. Since I find that Employee’s absence is excusable, I further find that the charge for AWOL during that timeframe can be charged against Employee’s sick, annual leave, compensatory leave or as leave without pay as provided in DPM § 1268.4.

2) Whether the penalty of removal is within the range allowed by law, rules, or regulations.

In the instant case, I find that Agency has not met its burden of proof for the above-referenced charges, and as such, Agency cannot rely on these charges in disciplining Employee.

ORDER

Based on the foregoing, it is hereby **ORDERED** that:

1. Agency’s action of separating Employee from service is **REVERSED**; and
2. Agency shall reinstate Employee to his last position of record; or a comparable position; and
3. Agency shall reimburse Employee all back-pay and benefits lost as a result of the separation; and
4. Agency shall file with this Office, within thirty (30) days from the date on which this decision becomes final, documents evidencing compliance with the terms of this Order.

FOR THE OFFICE:

/s/ Monica N. Dohnji
MONICA DOHNJI, Esq.
Senior Administrative Judge

Notice: This decision is subject to formal revision before publication in the District of Columbia Register. Parties are requested to notify the Office Manager of any formal errors in order that corrections be made prior to publication. This is not intended to provide an opportunity of a substantive challenge to the decision.

**GOVERNMENT OF THE DISTRICT
OF COLUMBIA**

**THE OFFICE OF EMPLOYEE
APPEALS**

_____)	
In the Matter of:)	
)	
EMPLOYEE ¹ ,)	OEA Matter No. 1601-0084-18C23
)	
v.)	Date of Issuance: May 10, 2023 ²
)	
D.C. PUBLIC SCHOOLS,)	MONICA DOHNJI, ESQ.
Agency)	Senior Administrative Judge
_____)	
Thomas Martin, Esq., Employee Representative ³)	
Nicole Dillard, Esq., Agency Representative)	

SECOND ADDENDUM DECISION ON COMPLIANCE

INTRODUCTION AND PROCEDURAL HISTORY

On August 24, 2018, Employee filed a Petition for Appeal with the Office of Employee Appeals (“OEA”) contesting the District of Columbia Public Schools’ (“Agency”) decision to terminate her from her position as a Teacher, effective July 27, 2018. Employee was terminated for having an ‘Ineffective’ rating under IMPACT, D.C. Public Schools’ Effective Assessment System for School-Based Personnel (“IMPACT”), during the 2017-2018 school year. On September 13, 2018, Agency filed its Motion to Dismiss and Answer to Employee’s Petition for Appeal.⁴

I was assigned this matter on October 3, 2018. A Status/Prehearing Conference was held on November 14, 2018, wherein, the Agency requested that the matter be referred to mediation.⁵ On November 16, 2018, the undersigned issued an Order Convening a Prehearing Conference

¹ Employee’s name was removed from this decision for the purposes of publication on the Office of Employee Appeals’ website.

² This decision was initially issued on April 18, 2023, however, due to an error in the case number, this May 10, 2023, Second Addendum Decision on Compliance is issued for the sole purpose of correcting the case number on the first page and in the header section.

³Employee was previously represented by attorney F. Douglas Hartnett, Esq., however, he withdrew his representation of Employee on January 30, 2023.

⁴ Agency noted in its Motion to Dismiss that OEA did not have jurisdiction over Employee’s’ Excessing claim as she had appealed the Excessing issue through the grievance process.

⁵ A preliminary brief submission schedule was agreed upon by the parties during the Prehearing Conference, pending the outcome of the Mediation Conference.

for January 8, 2019.⁶ A Mediation Conference was held on December 4, 2018. On December 21, 2018, Agency notified the undersigned that a settlement agreement had been sent to Employee for her review and signature.⁷ After numerous email communications between the undersigned and the parties regarding the status of the settlement agreement, and requests for more time to continue negotiations, the undersigned issued an Order on June 4, 2019, scheduling a Status/Prehearing Conference for June 24, 2019. Per the parties' email request, a Telephonic Status Conference was convened on June 21, 2019, with all parties present. As a result, the June 24, 2019, Status/Prehearing Conference was cancelled. Following the Telephonic Conference on June 21, 2019, Mr. Lee W. Jackson, filed a Withdrawal of Representation as Employee's representative. On July 1, 2019, the undersigned issued an Order scheduling a Prehearing Conference for July 22, 2019.

In an email dated July 18, 2019, the undersigned was informed by Mr. Hartnett that he had been retained as counsel by Employee. On July 19, 2019, Mr. Hartnett filed an Entry of Appearance on behalf of Employee, along with his Motion to Reschedule Pre-Hearing Conference. On July 22, 2019, the undersigned issued an Order Convening a Prehearing Conference for August 12, 2019. Both parties were present for the scheduled conference. During that conference, the undersigned determined that an Evidentiary Hearing was warranted and issued an Order Convening an Evidentiary Hearing for November 4, 2019. On October 28, 2019, Mr. Hartnett filed a Withdrawal of Counsel by Employee's Consent, noting that Employee was prepared to resume her representation *pro se*.

A Telephonic Conference was held on October 28, 2019, with Employee and Agency's representative, wherein, Agency noted that it would withdraw its opposition to Employee's Petition for Appeal. Agency was ordered to file its withdrawal in writing with OEA. On November 5, 2019, Agency filed its Motion for Withdrawal of its Opposition of IMPACT Termination Appeal. Agency noted that "[a]t this time, DCPS concedes liability in [Employee's] IMPACT matter. As such, [Employee] will be placed into a teaching position" Agency reiterated in a footnote that "[Employee] may note that she has grieved her Excess, however, that matter is not before the OEA. [Employee] grieved her Excess through the grievance process outlined in the Collective Bargaining Agreement Article section 4.5...."⁸ On November 8, 2019, Employee filed a Partial Opposition to Agency's Motion to Withdraw its Opposition of IMPACT Termination Appeal.⁹ Considering Agency's acceptance of liability with regards to Employee's IMPACT evaluation, on November 18, 2019, I issued an Initial Decision ("ID") reversing Agency's decision to terminate Employee, pursuant to IMPACT.

⁶ On January 7, 2018, Agency's representative informed the undersigned via email that the parties were still working on the terms of the settlement agreement. As such, the parties were notified by the undersigned via email that the Prehearing Conference scheduled for January 8, 2019, was cancelled. The undersigned also requested that the parties submit a status update by January 30, 2019.

⁷ On January 11, 2019, the undersigned received a designation of Employee Representative, noting that Employee was now represented by Mr. Lee W. Jackson.

⁸ See Agency's Motion for Withdrawal of its Opposition of IMPACT Termination Appeal (November 5, 2019).

⁹ Employee highlighted that Agency intended to reinstate her in a "Not to Exceed" position, instead of the position she occupied prior to her termination pursuant to IMPACT. I found that Employee's current argument was premature because it dealt with a compliance issue. I explained to Employee that upon issuance of the instant Initial Decision, Agency had 30 days from the date the decision became final to comply. If Agency failed to comply at that time, then Employee could file a Motion for Enforcement.

On February 10, 2020, Mr. Hartnett again entered his appearance as Employee's representative and filed Employee's Petition for Enforcement. Employee noted that Agency had failed to fully comply with the November 18, 2019, ID. On February 24, 2020, Agency filed its Response to Employee's Petition for Enforcement and Motion for Leave. Thereafter, I issued an Order scheduling a Status Conference for April 27, 2020. Due to the COVID-19 State of Emergency, the Status Conference was converted to a Telephonic Status Conference. Both parties were present for the Telephonic Status Conference. During the Telephonic Status Conference, Employee requested time to submit a brief addressing the issues raised during the April 27, 2020, call. On May 22, 2020, Employee filed her Supplemental Petition for Enforcement. Thereafter, Agency filed a Response to Employee's Supplemental Petition for Enforcement. On July 2, 2020, I issued an Addendum Decision on Compliance finding that Agency had reinstated Employee to her last position of record or a comparable position in compliance with the November 18, 2019, ID. Regarding Employee's restoration of back pay and benefits, I found that Agency had not complied with the November 18, 2019 ID. Agency was ordered to pay out Employee's backpay and benefits lost for the seventeen (17) months she was out of work.

Agency submitted documentation evidencing compliance with the July 2, 2020, Addendum Decision on Compliance on January 13, 2021, and March 15, 2021.¹⁰ Thereafter, on March 16, 2021, Employee emailed the undersigned stating that Agency had not fully complied with the November 18, 2019 ID.¹¹ Employee requested that Agency reinstate her healthcare and life insurance benefits from August 2018 until November 15, 2020, so she could have five (5) years of consecutive healthcare insurance prior to retirement. On the same day, Agency's representative responded to Employee's email stating that Agency was not obligated to continue Employee's health benefits until November 2020. Agency further noted that it could not allow Employee to buy a year of health insurance, and that the November 18, 2019 ID did not provide for such, in order to make Employee whole. Additionally, Agency provided that the affidavit of outside earnings Employee completed was for her reinstatement that occurred between December 2019 through June 2020. Agency also asserted that Employee's date of separation, per her excessing was prior to November 2020. Employee did not respond to Agency's email and this matter was considered closed.

On January 23, 2023, Employee, through her new attorney, filed Motion for Compliance requesting that Agency reinstate her to a permanent teacher position at DCPS, restore all her benefits, and provide documentation evidencing compliance. Following several email exchanges between the undersigned and the parties, Employee was ordered to provide this Office with the specific reasons for her challenge to Agency's backpay worksheet. On February 13, 2023,

¹⁰ In January of 2021, the undersigned requested that Agency provide proof of compliance in this matter. On January 13, 2021, Agency's representative informed the undersigned that due to a clerical error in the July 2, 2021, Addendum Decision on Compliance, Agency initially paid Employee for four (4) months, instead of 17 months. Agency's representative provided this Office with the backpay worksheet of its first calculation of backpay and benefits for the period of July 29, 2019, to January 3, 2020. Agency's representative also noted that it was working to calculate and payout the remainder of the back pay. On March 15, 2021, Agency emailed another backpay worksheet of Employee's backpay calculation. The document included backpay and benefits calculation for the period of July 30, 2018, to July 28, 2019.

¹¹ Employee stated in her email that according to the backpay worksheet Agency submitted as proof of compliance, healthcare insurance benefits were not deducted. She also asserted that she signed an affidavit wherein, all her benefits such as the purchase of service for one (1) year should have been deducted from the backpay award.

Employee, through counsel, filed Employee's Response to Show Cause Email. Agency waived its rights to respond to Employee's filing. The record is now closed.

JURISDICTION

OEA has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether Agency has fully complied with the November 18, 2019 ID.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

OEA Rule 635.9, provides that:

If the Administrative Judge determines that the agency has not complied with the final decision, the Administrative Judge shall certify the matter to the General Counsel. The General Counsel shall order the agency to comply with the Office's final decision in accordance with D.C. Official Code § 1-606.02 (2006 Repl.)

In her February 13, 2023, Response to Show Cause Email, Employee stated that: (1) Agency provided her with incorrect information when she sought to retire from Agency and for that reason, she should not be penalized; (2) Employee should have had five (5) years of consecutive health insurance from November 8, 2015 to November 8, 2020; (3) Agency should pay her backpay salary of \$162,000 for seventeen (17) months; and (4) as of December 2020, Employee was still listed as an active employee in Agency's internal payroll system – PeopleSoft and still receiving healthcare benefits. Employee asserts that she would like to retire immediately and that she is still considered as an active DCPS employee.

Reinstatement¹²

As provided in the July 2, 2021 Addendum Decision on Compliance, the undersigned found that by reinstating Employee to a teaching position for one (1) year, Agency complied with the November 18, 2019 ID. Prior to her removal from Agency on July 27, 2018, due to IMPACT, Employee had been notified that her position would be excessed effective August 22, 2020. Employee was provided with three (3) options in her excess letter which included the opportunity to take an extra year placement, during which she would be placed at a DCPS school while she continued to pursue a budgeted position. Based on the record, Employee chose the option to be placed at a DCPS school for an extra year. Thus, I find that Employee's employment status at DCPS was that of an excessed Employee, prior to the initiation of her removal pursuant

¹² Although I may not discuss every aspect of the evidence in the analysis of this case, I have carefully considered the entire record. See *Antelope Coal Co./Rio Tino Energy America v. Goodin*, 743 F.3d 1331, 1350 (10th Cir. 2014) (citing *Clifton v. Chater*, 79 F.3d 1007, 1009-10 (10th Cir. 1996)) ("The record must demonstrate that the ALJ considered all of the evidence, but an ALJ is not required to discuss every piece of evidence").

to an Ineffective IMPACT rating. Agency's acceptance of liability to the IMPACT action did not change Employee's status as an excessed employee.

On December 20, 2019, Agency issued a letter to Employee, informing her that she had been placed at Ida Wells Middle School effective December 22, 2019. The letter further noted that the assignment would expire at the conclusion of the 2019-2020 school year unless she was hired into a school-based position on a permanent basis. This is in compliance with the terms outlined in the May 2018 Excess notice. Thus, I find that she has been reinstated to a position in accordance with the May 2018 Excess Notice. Accordingly, I further find that the issue of Employee's reinstatement as provided in the November 18, 2019 ID is now **MOOT**.

Back pay and benefits

Regarding the reimbursement of all of Employee's backpay and benefits, I find that Employee is entitled to a reimbursement of all of her back pay and benefits. Agency has provided this Office with two (2) backpay and benefit worksheets which covers the periods of July 30, 2018, to July 28, 2019; and July 29, 2019, to January 3, 2020.¹³ Employee has not specified any errors in the submitted worksheets. Employee explains that she was entitled to \$162,000 for seventeen (17) months and she requests that Agency pay out that amount to her. The first backpay worksheet provided by Agency on January 13, 2021, highlighted that the total backpay due Employee for the period of July 29, 2019, to January 3, 2020 was \$49,946.80 before any deductions. Because Employee had been collecting retirement benefits while this matter was pending before this Office, Agency deducted the retirement benefits paid out (\$36,848) to Employee from the backpay amount due. Agency also deducted the sum of \$11,232 for 'unemployment' from the backpay amount due. Following the deductions, Employee's adjusted amount due was \$1,866.80. Agency then deducted \$1,866.80 for 8% Teachers Pre-Retirement with medical, bringing Employee's net backpay amount due to \$0.

The second backpay worksheet submitted by Agency on March 15, 2021, listed \$112,538 as the total backpay amount due for the period of July 30, 2018, to July 28, 2019. Agency deducted the sum of \$7,141.17 for Outside Earnings; \$42,697 for Teach Rtmt. – Plan Q (8%); \$9,003.04 for 8% Teachers Pre-Retirement with medical; bringing Employee's taxable wage during this period to \$53,696.79. Agency further deducted \$11,813.29 as Federal Tax; \$4,805.86 for Maryland State taxes and \$778.60 for Medicare, bringing Employee's net backpay amount due to \$36,299.03. In an email dated February 18, 2021, between Agency's representative and Agency's Payroll Specialist, Glendell Bailey; Ms. Bailey informed Agency's representative that Employee would be paid the amount owed by February 25, 2021. This email was forwarded to Employee's former representative and the undersigned by Agency's representative on the same day. For almost a year, Employee did not assert that she did not receive a net backpay check of \$36,299.03 as provided by Agency in the March 15, 2021 Worksheet. Instead, Employee's current representative claimed in her February 13, 2023 Response to Show Cause Email, that Agency should pay her backpay salary of \$162,000 for seventeen (17) months, without reconciling all the deductions. Specifically, Employee's current representative failed to identify to any specific information within the worksheet that was incorrectly calculated. Accordingly, I

¹³ See, Agency's emails dated January 13, 2021, and March 15, 2021.

find that Agency has provided sufficient evidence in support of its assertion that it has fully complied with the back-pay requirement as ordered in the November 18, 2019 ID.

Benefits

Employee asserted that she should have had five (5) years of consecutive health insurance from November 8, 2015, to November 8, 2020. Employee also noted in her email to the undersigned on March 16, 2021, that she had requested to buy one (1) year of health insurance. Employee is requesting that the undersigned force Agency to provide her with an additional year of health insurance after she was reinstated as required by the November 18, 2019 ID. As previously noted, Employee was reinstated on December 22, 2019, therefore, I find that Agency is under no obligation under the November 18, 2019 ID to provide Employee with an additional one (1) year of health insurance to cover the 2020 period.

Regarding the misinformation that Employee alleged was provided to her by Agency when she sought to retire, I find that this Office does not have jurisdiction over this matter.¹⁴ Nonetheless, when Employee was terminated in 2018, the undersigned issued an ID on November 18, 2019, on the merits of the case, reinstating Employee. Agency complied with the November 18, 2019 ID when it reinstated Employee in December of 2019. Additionally, Employee stated that she is still listed in Agency's internal payroll system as an active employee. This Office has previously held that it lacks jurisdiction to entertain any post-RIF activity which may have occurred at an agency.¹⁵ Similarly, I find that this Office lacks jurisdiction to entertain post compliance activities that may have occurred at an agency. Further, it is an established matter of public law that as of October 21, 1998, pursuant to the Omnibus Personnel Reform Amendment Act of 1998 (OPRAA), D.C. Law 12-124, OEA no longer has jurisdiction over grievance appeals. Employee's other ancillary arguments are best characterized as grievances and outside of OEA's jurisdiction to adjudicate. That is not to say that Employee may not press her claims elsewhere, but rather that OEA currently lacks the jurisdiction to hear Employee's other claims.

¹⁴ Employee retired from Agency on the same day as the effective date of her termination. However, this information was not disclosed to the undersigned while the termination matter was pending before this Office. The undersigned only learned of Employee's retirement during the first compliance matter. In *Ella Cuff v. Department of General Services*, OEA Matter No. 1601-0009-12, *Opinion and Order on Petition for Review* (March 29, 2016), the Board reasoned that when a retirement action is back dated to the effective date of Employee's termination action, it essentially nullifies the termination. OEA has previously held that retirements that occur after a removal action are valid. *See. Hsiao Zen Lu v. Department of General Services*, OEA Matter No. J-0153-13 (November 25, 2013).

¹⁵ *Williamson v. DCPS*, OEA Matter No. 2401-0089-04 (January 5, 2005); *Cabaniss v. Department of Consumer and Regulatory Affairs*, OEA Matter No. 2401-0156-99 (January 30, 2003).

ORDER

Based on the aforementioned, I conclude that Agency has fully complied with the November 18, 2019 ID. Accordingly, Employee's second request for enforcement/compliance is **DISMISSED**.

FOR THE OFFICE:

/s/ Monica N. Dohnji
MONICA DOHNJI, Esq.
Senior Administrative Judge

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF ENERGY AND ENVIRONMENT

Commission on Climate Change and Resiliency

AGENDA

June 8, 2023
3:00 – 5:30 pm

1. Call to Order
2. Announcement of Quorum
3. Approval of Agenda
4. Approval of Previous Meeting Minutes
5. Chair's Welcoming Remarks
6. Finance Report
7. Governance Report
8. Committee Reports
9. Staff Report
10. Guest Presentations
 - a. Public Service Commission Updates: Danielle Gurkin, Principal Legislative Advisor, PSC
 - b. Strategic Electrification Roadmap: Katya Botwinick, Energy Policy Analyst, DOEE
 - c. BEPS Update: Katie Bergfeld, Chief, Building Performance & Enforcement Branch, DOEE
 - d. Clean Energy DC 2.0: Jamie Donovan, Energy Program Analyst, DOEE
11. Guest Panel Discussion: Commercial Buildings in a Post-Pandemic Marketplace
 - a. Theresa Backhus, Director, Building Innovation Hub
 - b. Andrea Foss, Director of Sustainability, Steven Winter Associates
12. Public Comments
13. Discussion & Upcoming Meetings
14. Adjournment

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

This meeting will be held virtually through WebEx:

To join this meeting via video or audio, please click on the following:

<https://dcnet.webex.com/dcnet/j.php?MTID=md7ffe5d5dea52b92a07e4084ace44dfd>

Meeting number: 2312 049 7620

Password: DCResilience

Join by video system

Dial 23120497620@dcnet.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-202-860-2110 United States Toll (Washington D.C.)

1-650-479-3208 Call-in toll number (US/Canada)

Access code: 231 204 97620

If you are experiencing difficulties connecting to the meeting, please reach out to:
ClimateCommission@dc.gov

DEPARTMENT OF ENERGY AND ENVIRONMENT
GREEN BUILDING ADVISORY COUNCIL
NOTICE OF PUBLIC MEETING

The Green Building Advisory Council meeting will be held on Wednesday June 7, 2023 from 3:00 p.m. to 5:00 p.m. The meeting will be held virtually via WebEx.

Below is the draft agenda for this meeting. The link for the WebEx meeting will be included in the final agenda posted to the Green Building Advisory Council's webpage 48 hours in advance of the meeting at: <https://doee.dc.gov/node/674392>

For additional information, please contact: Connor Rattey, Green Building Program Analyst, at (202) 407-1277 or connor.rattey@dc.gov.

Draft Meeting Agenda

1. Announcements
2. Presentations and discussion
3. Roundtable updates
4. Adjourn

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF ENERGY AND ENVIRONMENT**

PUBLIC NOTICE

NOTICE OF INTENT TO ISSUE WATER QUALITY CERTIFICATION

Notice is hereby given that, pursuant to 21 DCMR Chapters 25 and 26, and 33 U.S.C § 1341, the Regulatory Review Division (RRD) of the Department of Energy & Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Water Quality Certification (WQC) #WQC-DC-2022-74 to the District of Columbia Water and Sewer Authority (DC Water) to construct the Potomac River Tunnel underneath the Potomac River and supporting infrastructure for the Potomac River Tunnel within the Potomac River, Washington DC. The contact person for the project is Chris Gerber, Environmental Oversight Manager, DC Water, Christopher.gerber@dcwater.com.

Proposed Aquatic Resource Impacts:

Proposed activities include 0.63-acre of temporary wetland and Potomac River impacts associated with cofferdam installation and removal, and 0.51-acre of permanent impacts associated with the placement of riprap within the Potomac River. The applicant proposes to satisfy mitigation requirements by restoring 5.14 acres of riparian buffer within Fenwick Branch of Rock Creek Park.

The following conditions will be included in the WQC:

1. The Permittee shall incorporate best management practices as an integral part of the performance of the work to ensure the activity will meet the Water Quality Standards of the District of Columbia and have minimal impact to the waters of the District of Columbia.
2. Any water impacted by the project shall be pumped to an appropriate treatment system in order to comply with the Water Pollution Control Act of 1984, D.C. Official Code § 8-103.02 and 21 DCMR § 1104.
3. Any oil sheen or other visible evidence of hydrocarbons or other pollution generated (e.g., color changes in the water column, turbidity plumes) during any of the activities shall be immediately reported to DOEE Illicit Discharge and NPDES Branch at (202) 805-1355 and contained (e.g., oil boom, sorbent materials) or containerized in a sealed container in accordance with D.C. Official Code § 8-103.08.
4. All excavated (e.g., dredged) sediments and sampling sediments (e.g., within cofferdams or excess sediment samples), drill cuttings, drilling mud, and wastes (both solid and liquid) shall be contained, sampled, and analyzed for disposal at appropriate disposal sites. The wastes shall not be used as backfill material in the water body or on land in order to comply with the Water Pollution Control Act of 1984, D.C. Official Code § 8-103.02 and 21 DCMR § 1104.

5. All debris and waste water must be captured and not enter the river and shall be contained and disposed of properly at an appropriate treatment facility to prevent materials from entering the water body in order to comply with the Water Pollution Control Act of 1984, D.C. Official Code § 8-103.02 and 21 DCMR § 1104.
6. All pilings, drillings, wells, or borings shall be drilled and installed in a manner that prevents cross-contamination of surface water and groundwater aquifers. This includes decontaminating drilling and sampling equipment after each use and using a temporary surface casing, in order to comply with Water Pollution Control Act of 1984, D.C. Official Code § 8-103.02 and 21 DCMR § 1104.
7. To control turbidity, sediments, and work materials (e.g., concrete, sand, lumber) in the water body:
 - a. Weighted turbidity curtains must be used if sediments are being disturbed or if the Permittee uses anchored equipment such as boats or barges.
 - b. Weighted turbidity curtains must be used in all activity/work areas and around equipment and coffer dams. To minimize sediments from escaping the work area, adequate space must be provided between the work area and the turbidity curtains. Turbidity curtains must be kept closed during all work activity.
 - c. The turbidity curtains must be in place after the equipment is brought into the work area, but before the equipment is anchored (i.e., before setting anchors) and before sediment disturbing activities begin. This is necessary to prevent sediments, contaminants, and work materials (e.g., concrete, sand, lumber) from escaping the work area and being reintroduced into the water column during the work activity.
 - d. The turbidity curtains must be properly anchored, must touch the bottom except in a deep, tidally influenced stream channel (under such conditions, placement of the turbidity curtain must be based on manufacturer's specifications), and encompass the entire area of activity, including coffer dams, barge, boat, and limits-of-disturbance, plus any equipment in the water. Where possible, the turbidity curtains must be able to withstand normal tidal or stream flow fluctuations.
8. To monitor turbidity in the water body, the Permittee shall:
 - a. Establish background turbidity and measure turbidity by using U.S. Environmental Protection Agency (EPA) approved methods in accordance with procedures outlined in 40 C.F.R. Part 136. Background turbidity must be established before starting any work, before equipment is anchored, and before any turbidity curtains or coffer dams are in place. These measurements must be made within 25 feet upstream and 25 feet downstream outside of the curtains. Measurements must be conducted at different depths, for example, near the bottom, $\frac{1}{4}$ of the depth from the bottom, $\frac{3}{4}$ of the depth from the bottom, and near the surface.

11. If submerged aquatic vegetation (SAV) beds are present within the project area, regulated activities within the river shall be restricted from April 15 through October 15 (i.e., SAV growing season) to avoid and minimize impacts to SAV in accordance with 21 DCMR 2606.2(i).
12. In the District, the anadromous fish migration and spawning season is generally considered to occur between March 1st and June 30th. Any activities proposed to occur in District waters during this period shall first be approved by the U.S. Army Corps of Engineers, accompanied by concurrence from commenting federal agencies, including the U.S. National Park Service, U.S. Fish and Wildlife Service, and U.S. National Oceanic and Atmospheric Administration. All of the aforementioned approvals must be submitted to and subsequently certified by DOEE Fisheries and Wildlife Division (FWD) in accordance with 21 DCMR § 1405 to ensure compliance with 21 DCMR §§ 1101 and 1104. Please contact DOEE FWD at rese.cloyd@dc.gov to request a time of year restriction waiver.
13. The Permittee shall obtain all required permits and authorizations from the U.S. National Park Service. Please contact the Right-of-Way Program Coordinator at Hannah_Dean@nps.gov or (202) 619-7276 for more information.
14. The Permittee shall obtain all required permits and authorizations from the U.S. Coast Guard and Metropolitan Police Department Harbor Patrol in accordance with 19 DCMR §§ 1001-1005, 1028-1030, and 1033.
15. Permanent impacts to the river shall be mitigated by restoring 5.14 acres of riparian buffer within Fenwick Branch of Rock Creek Park, in accordance with 21 DCMR §§ 2607, 2608, 2609, 2610, and 2611.
16. Temporary impacts to the river must be mitigated in-place by restoring those resources to pre-construction condition or better.
17. Reporting Requirements:
 - a. The Permittee shall submit written notification to DOEE RRD at least seven (7) business days before work commences in accordance with 21 DCMR § 2502.3.
 - b. If the Permittee observes any water quality standard exceedances at the site, the Permittee must notify DOEE Illicit Discharge and NPDES Branch immediately at (202) 805-1355, stop the work, prepare and submit for review and approval a corrective action plan, and then implement the DOEE-approved corrective action plan in accordance with D.C. Official Code § 8-103.08.
 - c. Through the duration of permitted activities, the permittee shall submit weekly turbidity monitoring reports to DOEE RRD through SGS by the close of business every Tuesday after the one week reporting period. Reports should contain the data recorded in the logbook kept onsite, including:
 - i. the date and time of each turbidity reading,

- ii. the daily background turbidity readings,
 - iii. the calculated differential of each reading compared to the daily background reading,
 - a. If any readings exceeded 20 Nephelometric Turbidity Units (NTU) above background turbidity, provide details on how activities were stopped, confirmation that DOEE Illicit Discharge and NPDES Branch was notified, and details on best management practices that were implemented until the 20 NTU maximum differential was reached.
 - iv. name(s) of the person(s) taking the sample and recording the readings,
 - v. location and distance of each measurement relative to the turbidity curtain or cofferdam/dewatering equipment,
 - vi. depth of each reading,
 - vii. notes, and
 - viii. photos (as applicable).
- d. The Permittee shall submit final reports of the monitoring results. Reports must be submitted to DOEE RRD no later than 45 days after the completion of the work. All data generated during the operation shall be summarized in a final report. The report shall also include any violations, water quality standards exceedances, actions taken or to be taken to remediate those violations, and any other relevant information. The report shall be submitted to wetlandprogram@dc.gov

The application for a WQC and supporting documents and the draft WQC may be made available upon request. Interested parties wishing to view these documents should provide their names, email addresses, telephone numbers and affiliation, if any, to wetlandprogram@dc.gov.

Public Hearing

Interested persons may request a hearing on this subject within 15 days of publication of this notice.

Requests for a public hearing should be addressed to wetlandprogram@dc.gov.

No hearing requests submitted after June 17, 2023 will be accepted.

For more information, please contact wetlandprogram@dc.gov or (202)-536-8556.

**DEPARTMENT OF FOR-HIRE VEHICLES (DFHV)
NOTICE OF FUNDING AVAILABILITY (NOFA)
FY23 WHEELCHAIR ACCESSIBLE VEHICLE REPAIR PILOT**

The Department of For-Hire Vehicles (“DFHV”) is committed to transportation access for people with disabilities. Wheelchair accessible vehicles (“WAV”) taxicab drivers provide an essential service for people with disabilities by increasing community engagement options and sustaining quality of life standards for their customers. In line with this commitment, DFHV is introducing a WAV Repair Pilot program to provide support to eligible owners and operators of WAV taxicabs who have DFHV Operational Authority. DFHV aims to implement a pilot program that offers repair and maintenance subsidies to WAV taxicab owners and operators, enabling them to maintain their vehicles in optimal working condition and ensure passenger safety. The program will be designed as an economic development incentive program with a focus on keeping WAV taxicabs operational and safe. The grant funds shall be awarded with a priority first for independent owner-operators who reside in DC, second for independent owner operators who reside in Maryland or Virginia, and finally to operators who provide WAV taxicab service through District based taxicab companies. Independent owner-operators based in the District seeking to apply for this opportunity should complete the application form (found on the link here: <https://dfhv.dc.gov/grants>). Independent owner-operators with DFHV operational authority who reside in Maryland or Virginia and operators providing service through a District based taxicab company may seek a Digital Taxicab Solution (“DTS”) sponsor to apply and act as the applicant and awardee “pass through.” The applicable Request for Applications (“RFA”) will be released under a separate announcement with guidelines for submitting the application, review criteria and DFHV terms and conditions for applying for and receiving funding. Start date for this project is: June 1, 2023 (Fiscal Year 2023).

General Information:

Funding Opportunity Title:	Wheelchair Accessible Vehicle Repair Pilot
Funding Opportunity Number:	
Program RFA ID#:	WAV-RP – 01-6-2023
Opportunity Category:	Competitive
DFHV Administrative Unit:	Performance and Program Team
Agency	Department of For-Hire Vehicles
Program Contact:	Charles Lindsay, Account Manager and Project Lead (202-320-6918 or Charles.Lindsay2@dc.gov)
Program Description:	This grant only funds WAV taxicab repairs needed to keep the vehicle well maintained and safe for the driver and customer, and funding is available until exhausted. There

	is no direct driver compensation, nor will this grant fund licensing, certification, registration, or other DFHV, Department of Motor Vehicle, or other taxes, fines or fees levied against the driver or sponsor that is not related to grant program. Funding under the grant opportunity may start with three hundred sixty thousand dollars (\$360,000) in grant funds, or up to but not to exceed five thousand dollars (\$5,000) per successful applicant. The grant program funds are subject to DFHV’s legal, regulatory authority, and funding availability as well as the possibility of additional funding being infused within the same fiscal year. The number of awards is contingent upon DFHV appropriations and the submission of a sufficient number of meritorious applications.
Eligible Applicants	Any WAV taxicab owner and operator with a DFHV Operating Authority license who resides in the District of Columbia may apply for this opportunity. Any WAV taxicab owner or operator residing in Maryland or Virginia with a DFHV Operating Authority may seek a DC DTS taxicab company sponsorship to apply.
Anticipated # of Awards:	50-150
Anticipated Amount Available:	\$360,000

Funding Authorization

Legislative Authorization	D.C. Official Code § 50-301.20 (b) (1).
Cost Sharing / Match Required?	None
RFA Release Date:	Thursday, June 1 st , 2023; 9 am EST.
Pre-Application Meeting (Date)	Starting June 1 st , 2023 See Pre-Application Meeting Descriptor Below
Pre-Application Meeting (Time)	Schedule Individual Appointments
Pre-Application Meeting (Location/Conference Call Access)	Effective June 1, 2023; DFHV will offer two customer service options to assist applicants applying for this grant opportunity: <ul style="list-style-type: none"> • Walk-In (without appointments) services between 9 am – Noon on Wednesdays,

	<p>Thursdays, and Fridays until August 18 (deadline date for applications), and</p> <ul style="list-style-type: none"> • Scheduled appointments: Applicants interested in learning more or who would like to ask questions about the RFA are strongly encouraged to contact the Project Lead to set up an appointment or to review your application and supporting documentation. <p>To set up an appointment, email Mr. Charles Lindsay, DFHV Account Manager and WAV Repair Pilot Project Lead at: DFHV.Grants@dc.gov.</p>
Application Deadline Date:	Friday, August 18, 2023;
Application Deadline Time:	Midnight (12:00 a.m.) EST
Links to Additional Information about this Funding Opportunity	<p>DC Grants Clearinghouse http://opgs.dc.gov/page/opgs-district-grants-clearinghouse. DFHV Grant Funding Website https://dfhv.dc.gov/grants</p>

Notes:

1. DFHV reserves the right to issue addenda and/or amendments after the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.
2. Awards are contingent upon the availability of funds.
3. Contact the program manager assigned to this funding opportunity for additional information.
4. DFHV is in a secured building. Government issued identification must be presented for entrance.

DEPARTMENT OF HEALTH CARE FINANCE**PUBLIC NOTICE****MEDICAID FEE SCHEDULE UPDATES FOR HOME HEALTH SERVICES**

The Department of Health Care Finance (DHCF), in accordance with the requirements set forth in Sections 9903.8, 9904.8, and 9905.9 of Chapter 99 and Section 988 of Chapter 9 of Title 29 of the District of Columbia Municipal Regulations, announces changes to the Medicaid reimbursement rates for home health physical therapy services, home health speech pathology and audiology services, and home health occupational therapy services provided to beneficiaries enrolled in the District Medicaid program. The changes to the rates will become effective on July 1, 2023, or at a later effective date, pending approval of the corresponding State Plan Amendment by the federal Centers for Medicare and Medicaid Services.

Home health agencies provide an array of services for Medicaid beneficiaries in need of long-term care services and support. DHCF is updating the Medicaid fee schedule to ensure reimbursement rates are equitable and reflective of reasonable costs incurred by home health providers in delivering physical therapy, occupational therapy, and speech pathology and audiology services. The Medicaid Fee Schedule is located on the DHCF website at <https://www.dc-medicaid.com/dcwebportal/home>.

For further information or questions regarding this fee schedule update, please contact Samuel Woldeghiorgis, Associate Director, Office of the Deputy Director, Office of Rates Reimbursement and Financial Analysis, Department of Health Care Finance, at 441 4th Street NW, Suite 900S, Washington, DC 20001, or email samuel.woldeghiorgis@dc.gov or via telephone at (202) 442-9240.

DEPARTMENT OF HEALTH CARE FINANCE

PUBLIC NOTICE

**MEDICAID FEE SCHEDULE UPDATES FOR PERSONAL CARE AIDE (PCA)
SERVICES**

The Department of Health Care Finance (DHCF), in accordance with the requirements in 29 DCMR §§ 988.4 and 5015.3, announces changes to the Medicaid reimbursement rates for PCA services provided by Home Health Agencies. The changes to the rates will become effective on July 1, 2023.

The PCA services reimbursement rates are adjusted to reflect the annual rate changes to 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.)).

The table below provides a listing of both the billing codes and new rates for PCA services.

<u>Code</u>	<u>Service Description</u>	<u>Reimbursement Rate</u>
T1019-NP	State Plan	\$ 24.77 Per Hour, \$6.19 per 15 minutes
T1019-UT	Personal Care Aide Services	\$ 24.77 Per Hour, \$6.19 per 15 minutes
T1019-52	Personal Care Service Per 15 Min	\$ 24.77 Per Hour, \$6.19 per 15 minutes
T1019-U3	EPD Waiver Services Per 15 Min	\$ 24.77 Per Hour, \$6.19 per 15 minutes
T1019-NP-U3	EPD Waiver Services Per 15 Min	\$ 24.77 Per Hour, \$6.19 per 15 minutes
T1019-UT-U3	Assessed And Services Being Terminated	\$ 24.77 Per Hour, \$6.19 per 15 minutes
T1019-52-U3	Assessed And Services Being Terminated	\$ 24.77 Per Hour, \$6.19 per 15 minutes

The PCA rates will be included on the Medicaid Fee Schedule and will become effective July 1, 2023. The Medicaid Fee Schedule for the PCA services is located on the DHCF website at <https://www.dc-medicaid.com/dcwebportal/nonsecure/feeScheduleDownload>.

If you have any questions, please contact Samuel Woldeghiorgis, Associate Director, Office of the Deputy Director, Office of Rates Reimbursement and Financial Analysis, Department of Health Care Finance, at 441 4th Street NW, Suite 900S, Washington, DC 20001, or email samuel.woldeghiorgis@dc.gov or via telephone at (202) 442-9240.

DEPARTMENT OF HEALTH CARE FINANCE**PUBLIC NOTICE****MEDICAID FEE SCHEDULE UPDATES FOR THE HOME AND COMMUNITY-BASED SERVICES WAIVER FOR PERSONS WHO ARE ELDERLY AND INDIVIDUALS WITH PHYSICAL DISABILITIES (EPD)**

The Department of Health Care Finance (DHCF), in accordance with the requirements set forth in 29 DCMR §§ 988.4 and 4209.7, announces changes to the Medicaid reimbursement rates for EPD waiver services. The changes to the rates will become effective on July 1, 2023.

DHCF is increasing the reimbursement rates for six (6) EPD Waiver services. Five (5) of the EPD Waiver services reimbursement rates are adjusted to reflect the annual rate changes to 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.)) as follows:

- (1) Personal Care Aide (PCA) Services, 29 DCMR § 4211;
- (2) Respite Services, 29 DCMR § 4213;
- (3) Homemaker Services, 29 DCMR § 4214;
- (4) Chore Aide Services, 29 DCMR § 4215; and
- (5) Assisted Living Services, 29 DCMR § 4216.

One additional EPD Waiver Service, Specifically the Adult Day Health Services, 29 DCMR § 4218, is adjusted based on the Skilled Nursing Facility market Basket Index provided by the Centers for Medicare and Medicaid Services (CMS). The rates for this service will be updated once CMS publishes the upcoming Skilled Nursing Facility Market Basket Index.

For Community Transition Services, 29 DCMR § 4221, DHCF has not changed the reimbursement amount.

These reimbursement rates for each service will be included on the Medicaid Fee Schedule for the EPD Waiver and will become effective on July 1, 2023. The Medicaid Fee Schedule for the EPD Waiver is located on the DHCF website at:

<https://www.dc-medicaid.com/dcwebportal/nonsecure/feeScheduleDownload>.

If you have any questions, please contact Samuel Woldeghiorgis, Associate Director, Office of the Deputy Director, Office of Rates Reimbursement and Financial Analysis, Department of Health Care Finance, at 441 4th Street NW, Suite 900S, Washington, DC 20001, or email samuel.woldeghiorgis@dc.gov or via telephone at (202) 442-9240.

DEPARTMENT OF HEALTH

STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

NOTICE OF INFORMATION GATHERING MEETING

The D.C. State Health Planning and Development Agency (SHPDA) will hold an information gathering meeting on the notification that it received from Johns Hopkins Pediatrics at Home, Inc. regarding the proposed closure of its home care agency. The purpose of the meeting is to gather information from Johns Hopkins Pediatrics at Home, Inc. and from stakeholders, interested/affected parties, and the general public regarding the proposed termination of services.

The meeting will be held on **Thursday, June 22, 2023**, beginning at **10:00 a.m.** using WebEx Conferencing. **Please send an email to dana.mitchener@dc.gov to register for the Information Gathering Meeting and receive a link to the WebEx Conferencing.**

Representatives of Johns Hopkins Pediatrics at Home, Inc. will be given a period of up to one hour in which to make their presentation. The meeting also includes an opportunity for affected and interested persons to testify. Persons who wish to testify should contact the SHPDA at (202) 442-5875 **before 4:45 p.m. on Wednesday, June 21, 2023**. Each member of the public who wishes to testify should register in advance of the meeting and will be allowed a maximum of five (5) minutes, except that the time period may be extended at the sole discretion of the SHPDA Director. Written statements may also be submitted to the SHPDA at 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002 or SHPDA@dc.gov until the record closes at 4:45 p.m. on Thursday, June 29, 2023.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS**

**EMPLOYEE,¹
Complainant,**

v.

**DEL FRISCO'S OF WASHINGTON DC,
LLC,**

Respondent.

**Docket No.: 17-674-P (CNTR)
EEOC Docket No.: 570-2017-00002**

Date of Issuance: December 14, 2022

**Brandes S.G. Ash
Administrative Law Judge**

FINAL DECISION AND ORDER ON DISMISSAL

Before:

**Commissioner Motoko Aizawa
Commissioner Robert Baldwin, III
Commissioner Eleanor Collinson**

This case is before the District of Columbia Commission on Human Rights (“Commission”) pursuant to Complainant’s Charge of Discrimination. At this time, Complainant requests permission to withdraw his Complaint. 4 DCMR § 416, 421.

Pursuant to the District of Columbia Human Rights Act (“DCHRA”), namely D.C. Code § 2-1403.11(a), a Hearing Tribunal (“Tribunal”) consisting of three members of the Commission, sitting as the Commission, shall be appointed to make a determination on a Complaint. Moreover, the procedural rules of the Commission pertaining to contested cases (chapter 4 of the District of Columbia Municipal Regulations (“DCMR”) §§ 4400-4435, and hereinafter referred to as “Commission Rules” or “Rules”) provide that a “... Tribunal may order dismissal of any certified Complaint at any time after receipt by the Commission, upon... motion of a party, recommendation of the [Administrative Law Judge], ... or sua sponte.” 4 DCMR § 421. (Any such [O]rder shall be considered a Final Decision and Order... [and] shall be preceded by a Proposed Decision and Order (“Proposed Order”). *Id.*) The Rules further provide that, within fifteen (15) calendar days of receipt, any party adversely affected by a Proposed Order may file written exceptions. 4 DCMR § 430.1(d). The parties in this case were sent a Proposed Order on November 22, 2022, thus the time for filing any exceptions expired on December 7, 2022. No exceptions have been filed.

This case is governed by the District of Columbia Human Rights Act of 1977 (“DCHRA”), D.C. Code § 2-1401.01 *et seq.*; the District of Columbia Administrative Procedure Act (“DCAPA”) (D.C. Code § 2-501 *et seq.*), and the Commission Rules.

On September 22, 2017, Complainant filed a Charge of Discrimination with the District of Columbia Office of Human Rights (“OHR”). In a Letter of Determination, dated July 10, 2020,

¹ Employee’s name was removed from decision for the purpose of publication on the OHR website and the D.C. Register.

OHR found probable cause to believe that Complainant was subjected to sexual harassment when Respondent's Manager 1 sent Complainant illicit text messages including a photograph of Manager's genitals, and requesting a sexual favor in exchange for Complainant's early dismissal from work on August 28, 2016.

On November 23, 2021, after conciliation efforts were unsuccessful, OHR certified the case to the Commission for a public hearing pursuant to D.C. Code § 2-1403.10. The case was assigned to Administrative Law Judge Brandes S.G. Ash.

The parties appeared for an initial Status Conference via Webex on February 9, 2022.² At that time, the parties agreed to schedule and attend a Settlement Conference with a Settlement Judge assigned by the Commission. The parties also agreed to attend a Status Conference on August 15, 2022 ("August Status"). Ultimately, the parties met twice with Chief Judge Erika Pierson, on May 17, 2022 and June 16, 2022. However, they remained at impasse, and the case was referred back to Judge Ash for an evidentiary hearing.

Shortly before the August Status, the parties agreed to reschedule the Status Conference to the following month. On September 14, 2022, all parties appeared for the Status Conference, at which time Judge Ash issued a Discovery Scheduling Order that, among other things, reflected a mutually agreed discovery schedule.

On November 10, 2022, Complainant emailed Judge Ash and the other parties, requesting a "withdrawal form", that he promised to "... complete and send back by close of business..." On November 14, 2022, Judge Ash emailed the parties and asked Complainant to confirm whether he truly intended to withdraw his Complaint. Complainant responded by repeating his request to withdraw his Complaint, noting, that he was "... sick of th[e] case haunting [him]...", and that he "...want[ed] his quality of life back..." Judge Ash construed Complainant's requests as a motion pursuant to 4 DCMR § 426.³

There is no evidence that Complainant's requests to withdraw his complaint were motivated by coercion, misinformation, or bad faith.

WHEREFORE, it is hereby:

1. **ORDERED** that Complainant's Motion to Withdraw his Complaint and Dismiss the instant matter is hereby **GRANTED**; *and it is further*

² Shortly after the case was certified to the Commission, Judge Ash inquired about Complainant's whereabouts, and learned that he was possibly being held in the care and custody of the Sheriff's Office in Clayton County, Georgia. Accordingly, on or around January 13, 2022, Judge Ash confirmed with Clayton (County) Judicial Circuit's Office of the Superior and State Court Administrator that Complainant was, in fact, detained in Clayton County Jail, and would be made available for an initial virtual Status Conference before the Commission, on January 27, 2022 ("January Status"), a date Judge Ash previously confirmed with all other parties. Notwithstanding, a few hours before the start of the January Status, Judge Ash learned that Complainant had been transferred to Cobb County's Sheriff's Office. Judge Ash informed the parties and continued the January Status to February 9, 2022 at 10:00 AM ("February Status"). Complainant appeared virtually at the February Status.

³ On November 15, 2022, Judge Ash issued an Order granting Complainant's motion without prejudice.

Docket No. 17-674-P (CNTR)

2. **ORDERED** that OHR Docket No. 17-674-P (CNTR) is dismissed without prejudice⁴; *and it is further*
3. **ORDERED** that no further dates shall be set in this matter.

The parties acknowledge that their reconsideration and appeal rights in this case are attached to this Order.

--Signatures Redacted

⁴ The parties further agree that any and all claims set forth in EEOC Docket No. 570-2017-00002 shall also be dismissed.

Notice: This decision may be formally revised/reformatted before it is published in the District of Columbia Register. Confidential information will be redacted. Parties should promptly notify this office of any errors that may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS**

**EMPLOYEE,¹
Complainant,**

v.

**3RD & M DEVELOPMENT, LLC and
THE BERNSTEIN COMPANIES, INC.,
Respondents.**

Docket No.: 21-038-H (CN)

HUD No.: 03-21-7775-8

**Erika L. Pierson
Chief Administrative Law Judge**

Date of Issuance: March 3, 2023

FINAL DECISION AND ORDER ON DISMISSAL

Before:

**Commissioner Wynter Allen
Commissioner Stuart Anderson
Commissioner Maria Burnett**

This case is before the District of Columbia Commission on Human Rights (“Commission”) pursuant to Complainant’s February 3, 2021, Charge of Discrimination. Complainant seeks dismissal of the case without a hearing due to a settlement. 4 DCMR § 416. The Commission rules provide that such an order on dismissal shall be preceded by a Proposed Decision and Order. 4 DCMR § 426.1. The Rules further provide that any party adversely affected by the Proposed Decision may file written exceptions with the Hearing Tribunal within fifteen (15) calendar days of receipt of the Proposed Decision and Order. 4 DCMR § 430.1(d). The parties were sent a Proposed Decision and Order on January 6, 2023. No exceptions have been filed.

This case is governed by the District of Columbia Human Rights Act of 1977 (“DCHRA”), D.C. Code § 2-1401.02(d)(3)(B); Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Act (“FHA”) of 1988, 42 U.S.C. § 3604(f)(2); the District of Columbia Administrative Procedure Act (“DCAPA”) (D.C. Code § 2-501 *et seq.*), and the Commission on Human Rights procedural rules for contested cases, chapter 4 of the District of Columbia Municipal Regulations (“DCMR”) §§ 4400-4435.

On February 3, 2021, Complainant filed a charge of discrimination with the D.C. Office of Human Rights (“OHR”). On January 14, 2022 OHR issued a Letter of Determination finding probable cause to believe that Respondent discriminated against Complainant, in violation of the DCHRA and FHA, when it allegedly delayed Complainant’s request for a reasonable

¹ Employee’s name has been removed from the Decision for the purpose of publication in the D.C. Register.

accommodation to keep an emotional support animal in his unit and to remove pet fees. On May 17, 2022, OHR certified the case to the Commission on Human Rights (“Commission”) for a public hearing after conciliation efforts were unsuccessful. D.C. Code § 2-1403.10. The parties appeared for a status conference on July 13, 2022 and began the discovery process.

Subsequently, the case was stayed to permit the parties to engage in private settlement discussions. In an email dated November 23, 2022, counsel requested the case be dismissed in accordance with a settlement agreement, which was construed as a motion to withdraw the complaint pursuant to 4 DCMR § 416, which provides that “At any time prior to the Hearing Tribunal’s rendering of the Final Decision and Order disposing of the complaint, the complainant may request permission to withdraw the complaint from the Commission’s administrative process and may request the Commission dismiss the matter.” 4 DCMR § 416. The request was held in abeyance pending completion of the voluntary compliance agreement between Respondent and OHR which was executed on December 21, 2022.

The parties have reached a mutually agreed upon disposition through private negotiation. In the District of Columbia, the settlement of disputes is to be encouraged as sound public policy. *See Caglioti v. Dist. Hosp. Partners, LP*, 933 A.2d 800, 815 (D.C. 2007); *Makins v. District of Columbia*, 861 A.2d 590, 597 (D.C. 2004); *Gabrielian v. Gabrielian*, 473 A.2d 847, 850 (D.C. 1984). There is no evidence that Complainant’s withdrawal was motivated by coercion, misinformation, or bad faith. The parties agree the settlement resolves any and all claims in this matter, the HUD matter, and any matter arising up to the execution date of the settlement agreement.

TRIBUNAL DECISION

Pursuant to the DCHRA, D.C. Code § 2-1403.11(a), after a complaint has been noticed for hearing, a hearing tribunal consisting of three members of the Commission, sitting as the Commission, shall be appointed to make a determination on the complaint. The Hearing Tribunal may order the dismissal of any certified complaint at any time after receipt by the Commission, upon the motion of a party, upon the recommendation of the hearing examiner or the designee of the Chairperson, or *sua sponte*. The order shall be considered a Final Decision and Order within the meaning of 4 DCMR § 430. The below signed Commissioners having fully reviewed the record in this case and agree with the findings set forth in the Proposed Decision and Order of the Administrative Law Judge.

Therefore, it is:

ORDERED, that Complainant’s motion to withdraw the complaint in this matter is **GRANTED**; and it is further

ORDERED, that OHR Docket No.: 21-038-H (CN) is hereby **DISMISSED WITH PREJUDICE**; the parties further agreed that the claims in HUD Case No. 03-21-7775-8 will be dismissed; and it is further

ORDERED, that the reconsideration and appeal rights of any party aggrieved by this Decision and Order are attached.

--signatures redacted

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS**

APPLICANT,¹

Applicant/Appellant,

v.

**DISTRICT OF COLUMBIA DEPARTMENT
OF TRANSPORTATION,**

Agency/Appellee.

Docket No.: 2022-CBX-828

Date of Issuance: January 31, 2023

Erika L. Pierson

Chief Administrative Law Judge

FINAL DECISION AND RECOMMENDATION

Before:

Commissioner Anika Simpson

Commissioner Eleanor Collinson

Commissioner Lauren A. Lowery

I. STATEMENT OF THE CASE

On January 26, 2022, Applicant filed an appeal before the District of Columbia Commission on Human Rights (“Commission”) pursuant to the Criminal Background Checks for the Protection of Children Act of 2004, D.C. Code §§ 4-1501.01 through 4-1501.11. For the reasons discussed below, the Commission lacks jurisdiction over Applicant’s appeal because Applicant was a District of Columbia employee, not an applicant or volunteer, who was deemed unsuitable and separated from employment.

Applicant was hired by the District of Columbia Department of Transportation (“DDOT”) as a Safety Technician in 2018. After undergoing a background check on November 13, 2021, Applicant received a Disqualification Notice from the District of Columbia Department of Human Resources (“DCHR”). The Disqualification Notice included appeal rights that instructed Applicant to appeal DCHR’s ineligibility determination to the Commission. Applicant, however, should have appealed the decision to the Office of Employee Appeals (OEA) or, if applicable, initiated a grievance pursuant to a collective bargaining agreement in accordance with DCHR’s regulations at 6B DCMR § 437.3(b) (2022). Based on DCHR providing Applicant with the incorrect appeal rights, the Commission recommends that OEA permit Applicant to transfer his appeal request *nunc pro tunc* to January 26, 2022, the date Applicant timely filed his appeal with the Commission, or that DCHR reissue the disqualification notification with the correct appeal rights.

¹ The Applicant’s name has been removed from the decision for the purposes of publication on the OHR website and the D.C. Register.

II. FINDINGS OF FACT

1. Applicant was born on April 15, 1962, and currently is 60 years old.
2. Sometime in 2018, Applicant began working for DDOT as a Safety Technician. *See* Exhibit (“Ex.”) H.²
3. Applicant received satisfactory performance evaluations in 2019, 2020, and 2021. Exs. H, I and J.
4. The position of Safety Technician with DDOT provides services to children and youth who are being directed or escorted across streets at school crossings. *See* Ex. K.
5. Applicant’s criminal history includes convictions in or around 1981 for burglary and 1990 for Assault with Intent to Commit Rape while Armed, Rape while Armed, Assault with Intent to Commit Sodomy while Armed, and Possession of a Firearm During the Commission of a Crime of Violence. *See* Exhibit L at 2-3. Applicant was incarcerated from 1990 until his release in August 2015. *See* Exs. A, D, E and G.
6. Applicant was initially sentenced to a period of parole through 2065, but having completed his conditions of supervision, he was granted early termination of supervision on April 13, 2020. Ex. M.
7. Applicant remains on the sex offender registry. *See* Ex. F.
8. Applicant participated in a Residential Sex Offender Treatment Program at the Federal Medical Center Devens from March 11, 2013, until February 20, 2015. Ex. N.
9. On or around November 13, 2021, Applicant underwent a criminal background check pursuant to the District of Columbia Personnel Regulations.³ *See* Ex. O; 6B DCMR § 410.
10. Applicant received a DCHR Disqualification Notice which stated: “this individual is also deemed unsuitable for substantially similar District government jobs that carry the same sensitivity designation.” Ex. O. The Disqualification Notice also included the following Appeal Rights: “The individual named above may appeal this determination by filing a Notice of Appeal with the Commission on Human Rights within 30 days from the date of this notification.” *Id.*
11. On January 26, 2022, Applicant timely filed an appeal with the Commission.

² The list of exhibits is attached as Appendix A.

³ It is unclear if this background check and subsequent unsuitability determination were made because of Appellant’s application to a different position or if it was a recertification of the background check for the Safety Technician position. However, new hires and incumbents are subject to enhanced suitability screening. *See* 6B DCMR § 415.3 (2018).

III. DISCUSSION AND CONCLUSIONS OF LAW

The Criminal Background Checks for the Protection of Children Act (“the Act”) confers jurisdiction upon the Commission to review the appeal of an applicant or volunteer who is denied employment because it has been determined that the applicant presents a present danger to children or youth. *See* D.C. Code § 4-1501.05a(c); 6B DCMR § 439 (2020). DCHR is charged with issuing and enforcing regulations to implement the Act. The DCHR Regulations provide that an “applicant” applying for a protection sensitive position who is found to be a present danger to a child or youth and deemed unsuitable for a District Government position, may seek review of that determination with the Commission. 6B DCMR §§ 439.2 (2020), 437.3 (a) (2022). However, an “employee” who is deemed unsuitable and separated from work “may appeal that determination with the Office of Employee Appeals (OEA) or, if applicable, initiate a grievance pursuant to a collective bargaining agreement or Chapter 16 of these regulations.” 6B DCMR § 437.3(b) (2022).

Applicant worked as a Safety Technician from approximately 2018 to 2022. Based on the results of a background check conducted on November 13, 2021, Applicant was found to be not suitable for employment as a Safety Technician. The DCHR Disqualification Notice also contained appeal rights that stated: “The individual named above may appeal this determination by filing a Notice of Appeal with the Commission on Human Rights within 30 days from the date of this notification.” Applicant timely filed his appeal with the Commission on January 26, 2022. Upon receiving his appeal, DCHR was asked to submit a Position Statement which it provided on April 8, 2022, along with exhibits.

Although DCHR did not raise the issue of jurisdiction in its response, it became clear from the submissions that at the time of disqualification, Applicant was an existing employee of DDOT. It is unclear how or if he was found suitable when he was hired in 2018. DCHR provided Applicant with the incorrect appeal rights in its Disqualification Notice. The proper procedure was for Applicant to appeal the unsuitability determination to OEA or, if applicable, initiate a grievance pursuant to a collective bargaining agreement. 6B DCMR § 437.3 (b) (2022). An appeal to OEA must be filed with that office no more than thirty (30) days following the date of a final agency decision terminating employment. *Id.* However, because Applicant was given the improper appeal rights, he missed the deadline for filing a grievance with OEA.

The District of Columbia Court of Appeals has held that such erroneous notices of appeal amount to ambiguous notice rendering it inadequate as a matter of law to trigger the operation of statutory timeframes. *See e.g., Calhoun v. Wakenhut Services*, 904 A.2d 343 (D.C. 2006); *Zollicoffer v. District of Columbia Public Schools*, 757 A.2d 944, 947 (D.C. 1999) (failure of notice and regulations to explain whether “ten days” means ten calendar days, ten business days, or ten school days). A prerequisite to invoking the jurisdictional bar imposed by the statutory filing periods is “the agency’s obligation of giving notice which was reasonably calculated to apprise petitioner of the decision of the claims deputy and an opportunity to contest that decision through administrative appeal.” *Wright-Taylor v. Howard Univ. Hosp.*, 974 A.2d 210, 217 (D.C. 2009). Thus, the Court of Appeals has interpreted this holding to require that the notice must unambiguously set forth the conditions for filing an appeal. In light of the ambiguity in the notice given here, I recommend OEA permit Applicant to transfer his appeal to OEA *nunc pro tunc*. Alternatively, DCHR should reissue the Disqualification Notification with the correct appeal rights.

based upon the foregoing, I recommend the Commission dismiss this appeal for lack of jurisdiction.

January 10, 2023

Signature Redacted

Date

Erika L. Pierson
Chief Administrative Law Judge

IV. TRIBUNAL DECISION

Pursuant to the Criminal Backgrounds Check for the Protection of Children Act of 2004, if an application is denied because the applicant presents a present danger to children or youth, the applicant may appeal to the Commission on Human Rights. D.C. Code § 4-1501.05a.(c). The Commission has not issued regulations specific to cases brought under the Protection Act. The D.C. Human Rights Act, which is the Commission’s enabling Act, provides that in taking any authorized action, the Commission may act through panels of not less than three of its members, a majority of whom shall constitute a quorum. D.C. Code § 2-1403.01(d).

The DCHR personnel regulations implementing the Protection Act provide that the Commission shall issue a decision affirming or reversing a suitability determination based exclusively on the notice of appeal and the Agency’s answer and record. The regulations further provide that: “When the Commission disagrees with a suitability determination it may make recommendations to the personnel authority. Upon review of the Commission’s decision, the personnel authority shall consider the recommendations and issue a final decision without further appeal to the Commission or any court.” 6B DCMR § 439.8(f) (2022). Thus, DCHR is not bound by the recommendations of the Commission.

Because this is not a final agency decision, it is not considered a contested case under the D.C. Administrative Procedures Act and is not appealable to any Court. DCHR must issue a Final Agency Decision based on the recommendations of the Commission which will be an appealable decision. The below signed Commissioners having fully reviewed the record in this case, agree with the findings and recommendations of the Administrative Law Judge.

Therefore, it is:

ORDERED, that Applicant’s appeal is **DISMISSED** for lack of jurisdiction. Because DCHR gave Applicant incorrect appeal rights, the Commission recommends that OEA permit Applicant to file an appeal or that DCHR issue a new disqualification notice with the correct appeal rights.

--Signatures Redacted

KIPP DC PUBLIC CHARTER SCHOOLS**NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACT****Apple Devices**

KIPP DC intends to enter a sole source contract with Apple, Inc. for the purchase of various devices for KIPP DC staff and students. The decision to sole source was made because Apple, Inc is uniquely qualified to provide technology equipment due to proprietary design of their equipment. KIPP DC's existing technology is Apple-product based and we want to continue with the current infrastructure. The cost of the contract will be approximately \$500,000. Questions can be addressed to edmund.han@kipfdc.org.

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****Athletic Equipment and Uniforms**

KIPP DC is soliciting proposals from qualified vendors for Athletic Equipment and Uniforms. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals should be uploaded to the website no later than 5:00 PM EST on June 16, 2023. Questions can be addressed to kendra.williams@kippdc.org.

LATIN AMERICAN MONTESSORI BILINGUAL PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Executive Recruiting Services**

Latin American Montessori Bilingual Public Charter School (LAMB) intends to enter into a sole source contract with Edgility Consulting for contracted executive search services in hiring a new Executive Director. LAMB anticipates that the services agreement will exceed \$25,000.00 during its fiscal year 2024.

Edgility already has a pool of candidates for dual language charter schools having recently completed a search for another dual language charter school. This and their proven track record position them exceptionally well for delivering on LAMB's needs in a uniquely expeditious manner.

This is NOT a request for quotes or proposals.

Questions or comments to this Notice of Intent should be sent via email to accounting@lambpcs.org , no later than COB Friday, June 9, 2023.

DEPARTMENT OF LICENSING AND CONSUMER PROTECTION**ADMINISTRATIVE ISSUANCE:
MOBILE FOOD VENDING PILOT PROGRAM****Series/Number: AB-2023-02****Approved: 5/19/2023****Effective: 6/2/2023****I. BACKGROUND AND PURPOSE**

The Department of Licensing and Consumer Protection (DLCP) protects the economic interests of residents, businesses, and visitors to the District of Columbia. DLCP was delegated the authority to coordinate all vending activities in the District and to administer the licensing and distribution of vending site permits for vending locations. *See* Section 11 of the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; D.C. Official Code § 37-131.10), Mayor’s Order 2010-91, dated May 27, 2010, and Mayor’s Order 2022-149, dated September 29, 2022.

Currently there are four classes of vending business licenses: Class A, Class B, Class C, and Class D. Class A and Class C Licenses pertain to food vending. The Class A License authorizes a person to vend food and the Class C License authorizes a person to manage public markets for the sale of agricultural goods and other farm products. Holders of a Class A and C license must meet specific requirements, including provisions pertaining to the size of vehicles, hours of operations, and vending locations. These requirements have made it challenging for interested parties to bring more diverse vending models into the District notwithstanding the public interest to do so.

Mayor Bowser has a longstanding commitment to equity and social justice, by encouraging innovative business models that serve the public interest, particularly regarding food insecurity in certain Wards within the District. To that end, DLCP is establishing a one-year Mobile Food Vending Pilot Program to allow for the issuance of temporary decals, which will serve as vending permits for pilot vehicles. The temporary decals will not exceed one year, and participants in the Pilot program shall fully comply with all requirements set forth within this Administrative Issuance (AI). Failure to comply with all requirements of this AI may result in the rescission of such decal. If decal is rescinded, the participant may apply to vend through other existing vending class categories.

II. DEFINITIONS

“Applicant vendor” – A non-profit entity or non-profit corporation that intends to apply for participation in the Mobile Food Vending Pilot Program.

“Mobile Food Vending Pilot Program” – A program to promote innovative, entrepreneurial approaches to food vending that are in the public interest but do not fall within the existing vending licensure structure (Classes A and C).

“Mobile Food Vending Pilot Program decal” – A non-transferable decal issued to each vendor’s Pilot vehicle participating in the Mobile Food Vending Pilot Program, to identify such Pilot vehicle and to serve as the vendor’s permit.

“Operator” – A vendor, vendor’s employee, or vendor’s agent who operates a Pilot vehicle or vends food or groceries from such Pilot vehicle.

“Pilot vehicle” – A registered and insured vehicle used by the vendor and/or its operator to distribute food and/or groceries under the Mobile Food Vending Pilot Program.

“Vendor” – An applicant vendor who has been approved by DLCP to participate in the Mobile Food Vending Pilot Program.

III. AUTHORITY

Section 11 of the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; D.C. Official Code § 37-131.10), Mayor’s Order 2010-91, dated May 27, 2010, and Mayor’s Order 2022-149, dated September 29, 2022.

IV. GENERAL REQUIREMENTS

1. To be eligible to participate in the Mobile Food Vending Pilot Program:
 - a. Applicant vendor must:
 - i. Be at least 18 years of age;
 - ii. Hold a valid and current driver’s license;
 - iii. Hold current and valid vehicle registration for the Pilot vehicle;
 - iv. Maintain current Pilot vehicle insurance;
 - v. Provide a list of proposed sites of operation;
 - vi. Obtain a Health Inspection Approval from the Department of Health (DOH), Food Protection Division;
 - vii. Obtain a Certified Food Supervisor Certification from DOH, Health Regulation and Licensing Administration;
 - viii. Obtain a Fire Marshal Inspection Approval from FEMS, the District of Columbia Fire and Emergency Medical Services (FEMS), Fire Prevention Inspection Division;
 - ix. Obtain a Notice of Business Tax Registration from the Office of Tax and Revenue (OTR) (if applicable);
 - x. Obtain a Propane Operations Permit (if applicable) from FEMS, Fire Prevention Inspection Division; and

- xi. Obtain a Certificate of Clean Hands from OTR
- b. Driver must:
 - i. Be at least 18 years of age; and
 - ii. Hold a valid and current driver's license.

V. PROCEDURES

1. Each person applying to participate in the Mobile Food Vending Pilot Program shall submit a complete application package, through dlcp.dc.gov/mobilefoodvendingpilot. A complete application shall include the following, under oath:
 - a. Copies of all necessary documents listed under Section IV;
 - b. A statement of purpose for participation in the Mobile Food Vending Pilot Program;
 - c. An explanation of hardship for attaining a traditional District of Columbia Vending License for food (Class A and C);
 - d. A justification of how the applicant vendor's goods and services would benefit the public interest;
 - e. The applicant vendor's contact information, including email address, phone number, proof of incorporation (if relevant) and business address in the District of Columbia, not to include a P.O. Box;
 - f. An outline of stakeholder engagement strategy and outreach plans, such as specific food insecurity needs of different neighborhoods and methods for communicating with these communities;
 - g. A description of how the applicant vendor's Pilot proposal is innovative and does not conform with traditional food vendor licensing requirements (Classes A and C) due to vehicle size, operations model, or other considerations;
 - h. Metrics of success for obtaining innovative and entrepreneurial approaches for meeting food needs of District neighborhoods, including estimated scope of food service under the Pilot;
 - i. Background information of the applicant vendor and operator(s);
 - j. Applicant vendor's and operators' driver's license number;
 - k. Applicant vendor's Employer Identification number (EIN) and Tax ID;
 - l. Applicant vendor's vehicular information (for Pilot vehicle), including make, model, year, Vehicular Identification Number (VIN), color, and body type;
 - m. Proposed duration of the applicant vendor's Pilot, not to exceed one (1) year;
 - n. Evidence of the applicant vendor's Pilot vehicle insurance; and
 - o. Any other information as may be required by the Department.
2. An applicant vendor not in good standing with the DC Department of Motor Vehicles (DMV), including for outstanding parking tickets, is ineligible to participate in the Mobile Food Vending Pilot Program.

3. The Department shall issue a decision to approve or deny an applicant vendor’s application within 30 business days of its receipt of a completed application package. Applications shall be processed on a first-come, first-served basis.
4. Decals may be picked up at DLCP located at 1100 4th Street ,SW, Washington D.C., 20024, or at applicant’s election, they may be sent via U.S. mail.
5. The Department shall issue one (1) Mobile Food Vending Pilot Program decal per Pilot vehicle. The Mobile Food Vending Pilot Program decal for that vehicle shall be displayed at all times on the Pilot vehicle, as directed by the Department, and may not be transferred to another vehicle
6. A vendor must notify DLCP of any changes to operating locations.
7. Each Pilot vehicle shall be inspected by the Department. To schedule an inspection, the Vendor must email vending@dc.gov. The Department will contact DC Health and FEMS to ensure that their inspectors will be present if necessary.
8. A vendor may apply for a replacement decal if the prior decal damaged or involuntarily removed or as required by law. A vendor should contact DLCP Licensing Department for information on how to obtain a replacement decal.
9. Each vendor participating in the Mobile Food Vending Pilot Program shall, at all times, comply with this administrative issuance and other applicable laws (including District of Columbia insurance and food safety laws and regulations). DLCP, in its discretion, may rescind a Mobile Food Vending Pilot Program decal at any time.
10. Each vendor shall cease operations and use of the pilot vehicle upon electronic or U.S. mail notice by DLCP that the operator or Pilot vehicle is in violation of this administrative issuance or other applicable law.

SO ORDERED:

DEPARTMENT OF LICENSING AND CONSUMER PROTECTION

By:  _____

SHIRLEY KWAN-HUI
Interim Director

RICHARD WRIGHT PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

RICHARD WRIGHT PCS, in accordance with section 2204(c)(XV)(A) of the District of Columbia School Reform Act of 1995, hereby solicits proposals to provide the following services for SY2022-2023 at 475 School Street, SW, Washington, DC 20024:

- Accounting Services
- Building Painting and Repairs
- Business Insurance
- Commercial COVID Cleaning
- Commercial Concrete Repair
- Computer Hardware and Software
- Employee Medical Benefits
- Elevator Service
- Facility Management services
- Financial Audit Services
- Fiscal Back Office Support
- Food Services
- HR Specialist Support Services
- Instructional Support Services
- IT Management Services
- Janitorial Services and Supplies
- Legal Educational Services
- Mechanical services (boiler, HVAC, etc.)
- Moving and Storage Services
- Office Supplies
- Pest Control
- Green Roofing Maintenance
- School Information System Support Services
- Security Services
- Special Education Services (Psychologist, Teachers and other Support Services)
- Student transportation services (Sports and Field Trips)
- Textbooks Grades 8-12
- School Uniforms (Bulk Service)
- Waste Management Services
- Window Washing Building Outdoor

Please email BIDS@RICHARDWRIGHTPCS.ORG for more details about requirements.

Bids are DUE **BY June 23, 2023**.

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after July 15, 2023.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on June 2, 2023. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: July 15, 2023
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Ahmadzai	Sabawon	United Bank 3030 M Street, NW	20007
Alexander	Shaila Christina	Self 409 Rock Creek Church Road, NW	20011
Aquilino	Rachele Kathleen	Brown Advisory 1801 Pennsylvania Avenue, NW, Suite 1300	20006
Armfield- Ballentine	Sherry	University Legal Services 220 I Street, NE, Suite 130	20002
Barnes	Erika	ARUP 1120 Connecticut Avenue, NW, Suite 1110	20036
Bellamy	Katrina	NERA Economic Consulting 2112 Pennsylvania Avenue, NW, Suite 400	20037
Brooks	Pamela S.	Self 726 Jefferson Street, NE	20011
Butler	Antonia R.	Willkie Farr & Gallagher, LLP 1875 K Street, NW	20006
Cabrera	Kelly	Jackson & Campbell, P.C 2300 N Street, NW, Suite 300	20037
Campos	Cynthia Elaine	Airports Council International 1615 L Street, NW, Suite 300	20036
Charles	Arielle	National League for Nursing 2600 Virginia Avenue, NW	20037
Cohen	Clifford Michael	Law Offices of Clifford M. Cohen 5335 Wisconsin Avenue, NW, Suite 603	20015
Coleman	Joseph Christopher	Self 1428 Parkwood Place, NW	20010

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Cook	Bradley Michael	Self 2710 Macomb Street, NW, #207	20008
Cooper	Tiffany N.	District of Columbia Office of the Inspector General 100 M Street, SE, Suite 1000	20003
Davis	Justin	Self (Dual) 850 Quincy Street, NW, #517	20011
Day	Nina Y.	Self 4100 20th Street, NE	20018
Dresser	Sammie	Hogan Lovells US, LLP 555 Thirteenth Street, NW	20004
Duffy	Gloria S.	MedStar Medical Group-MedStar Georgetown University Hospital 2233 Wisconsin Avenue, NW, Suite 500	20007
Dunston	Charlotte A.	MedStar Georgetown University Hospital 3800 Reservoir Road, NW	20007
Elhag	Nadia	JP Morgan Chase 850 O Street, NW	20001
Felder	Corlis B	The M & G Cafritz Foundation 7215 K Street, NW, Suite 1400	20006
Fender	Ann M.	Georgetown Visitation Preparatory School 1524 35th Street, NW	20007
Forbes	Amanda	The Humane Society of the United States 1255 23rd Street, NW, Suite 450	20037
Gorham	Shileta	Self 812 T Street, NW, #A	20001
Green	Anna L.	National Treasury Employees Union 800 K Street, NW, Suite 1000	20001

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Herrera	Wesley	Pnc Bank 4249 Wisconsin Avenue, NW	20016
Hill	Marilyn Octavia	The Community Builders 1003 K Street, NW, Suite 700	20001
Hogue	Joi LaShawn	Department Of Human Resources 1015 Half Street, SE	20003
Holliway	Lakesha Jamaica	Self 2704 Bruce Place, SE	20020
Jarrett	Michelle Renee	Hogan Lovells US, LLP 555 Thirteenth Street, NW	20004
Justice	Sharon C.	Self (Dual) 2207 Retta Gilliam Court, SE	20020
Kennedy	Vera L.	Hogan Lovells US, LLP 555 13th Street, NW	20004
Kimmel	Faye Bailey	Community of Hope 4 Atlantic Street, SW	20032
King	Bryan D.J.	Self (Dual) 119 57th Street, SE	20003
Lancaster	Tiffney Nichole	Self 5403 Nannie Helen Burroughs Avenue, NE	20019
Le Brasseur	Matt G.	The Chicago School of Professional Psychology 901 15th Street, NW, Suite 200	20005
Leubsdorf	Ben	Self 4216 3rd Street, NW	20011
Lowery	Luke	Greater American Services 1712 Eye Street, NW, Lower Level Suite 100	20006
Manuel	Ashley	Outten & Golden	

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		1225 New York Avenue, NW, Suite 1200B	20005
Markovich	Lauren	Community of Hope 4 Atlantic Street, SW	20032
Martin	Sarah	The UPS Store 7346 6955 Willow Street, NW	20012
McCray	Adrienne	Lee and Associates, Inc. 2000 M Street, NW, Suite 270	20036
McElrath	Renee	Renee McElrath 5005 14th Street, NE	20017
Miller	Shakeena	The Global Fight Against Aids, Tuberculosis and Malaria 1634 I Street, NW, Suite 1100	20006
Missal	Jordan	Washington Nationals 1500 South Capitol Street, SE	20003
Mohabir	Preya	MedStar Georgetown University Hospital 3800 Reservoir Road, NW	20007
Moris	Eric Enrique	United Bank 1825 Wisconsin Avenue, NW	20007
Nelson	Jacqueline M.	Self 2612 Moreland Place, NW	20015
Norville	Sambeth	Office of Unified Communications 2720 Martin Luther King Jr. Avenue, SE	20032
Nteso	Tumelo Thabile	Self 6101 16th Street, NW, #921	20011
Perry	Rebecca	Shiffman & Shiffman, P.C. 955 L'Enfant Plaza, SW, Suite 1206	20024
Plummer	Brennan Patrick	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036

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Poitevien	Jean-Sebastien E.	Bank of America 201 Pennsylvania Avenue, SE	20003
Polk	William S.	Self (Dual) 2652 Martin Luther King Jr. Avenue, SE, Apartment 104	20020
Potter	Angela Jamila	Bank of America 1100 First Street, NE, Suite 100	20002
Reyes	Maris	The Cochran Firm 1001 L Street, SE	20003
Richards	Alexander Edward	Winston & Strawn, LLP 1901 L Street, NW	20036
Riker	Roxanne B.	Kirkland & Ellis, LLP 1301 Pennsylvania Avenue, NW	20004
Roberts- Williams	Carmenlita S.	District of Columbia Teachers Federal Credit Union 5656 3rd Street, NE	20011
Robinson	Monica Renee	Self 3700 2nd Street, SE, #A	20032
Rosenman	Philip D.	Avenue Settlement Corporation 2401 Pennsylvania Avenue, NW, Suite H	20037
Rothstein	Robert L.	Paragon Title & Escrow, Co. 1410 Q Street, NW	20009
Smith	Dana M.	Orr Group 3000 K Street, NW, Suite E280	20007
Stone	Brandon Nicolas	Sterne, Kessler, Goldstein & Fox 1100 New York Avenue, NW, Suite 600	20005
Sullivan	Evangeline	Self 1645 W Street, SE, #203	20020
Taylor	Angela Faye	Congressional Federal Credit Union	

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		15 Independence Avenue, SW	20026
Taylor-Weems	Yolanda	Office of Unified Communications 2720 Martin Luther King, Jr. Avenue, SE	20032
Thompson	Perry N.	Self (Dual) 1527 Tanner Street, SE	20020
Threatt	Angela I.	McDermott Will & Emery, LLP 500 North Capitol Street, NW	20001
Toney	Jeffrey	District of Columbia Housing Authority 300 7th Street, SW	20024
Vernon	Jillian Marie	Madison Marquette 1000 Maine Avenue, SW, Suite 300	20024
Villaflores	Sarah Jane	Superior Architecture + Construction Services, LLC 2201 Wisconsin Avenue, NW, Suite 200	20007
Walker	Bria D.	Bank of America 1100 First Street, NE, Suite 100	20002
Weedon	Matthew David	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Westley	Alphonso	Balfour Senior Living 4865 MacArthur Boulevard, NW	20007
Willis	Tandra Y.	Self 215 Emerson Street, NW, #D106	20011
Yemiru	Fanaye S.	Congressional Credit Union 441 2nd Street, SW, Suite 196	20515

THE SEED PUBLIC CHARTER SCHOOL OF WASHINGTON D.C.**REQUEST FOR PROPOSALS (RFP)**

SEED Public Charter School is seeking proposals from individuals or companies to provide the following services for the 2023-2024 school year:

Request for Data Services to support the use of data at a college preparatory boarding school. Services will include high level data systems design support, weekly scheduled support for compliance, and data analysis services. To submit your interest, please send an email to the Point of Contact, Jason Mellen, Systems Designer at jmellen@seedschooldc.org. Responses to the RFP are DUE by June 9, 2023 at noon.

Proposals that do not address the areas as outlined in the RFPs or proposals received past the deadline will not be considered.

For additional information, please contact: jmellen@seedschooldc.org

THE SEED PUBLIC CHARTER SCHOOL OF WASHINGTON D.C.**REQUEST FOR PROPOSALS (RFP)**

SEED Public Charter School is seeking proposals from individuals or companies to provide the following services for the 2023-2026 school years:

Request for General Contractor to complete renovations including design assistance, demolition, construction, and management. Phase 1 (Summer of 2023) will include minor renovations including painting, door hardware, window hardware, roof repair, drywall repair, flooring replacement, and stairs repair. Phase 2 (Summer of 2024 and beyond) will include significant construction including roof replacement and HVAC replacement. To submit your interest, please send an email to the Point of Contact, Jason Mellen, Systems Designer at jmellen@seedschooldc.org. Responses to the RFP are to only include estimates for Phase 1 and are DUE by June 9, 2023 at noon.

Proposals that do not address the areas as outlined in the RFPs or proposals received past the deadline will not be considered.

For additional information, please contact: jmellen@seedschooldc.org

THE SEED PUBLIC CHARTER SCHOOL OF WASHINGTON D.C.**REQUEST FOR PROPOSALS (RFP)**

SEED Public Charter School is seeking proposals from individuals or companies to provide the following services for the 2023-2024 school year:

Request for Gym Bleachers and Floor to furnish and install bleachers in the gymnasium and/or resurface the gym floor. To submit your interest, please send an email to the Point of Contact, Jason Mellen, Systems Designer at jmellen@seedschooldc.org. Responses to the RFP are DUE by June 9, 2023 at noon.

Proposals that do not address the areas as outlined in the RFPs or proposals received past the deadline will not be considered.

For additional information, please contact: jmellen@seedschooldc.org

THE SEED PUBLIC CHARTER SCHOOL OF WASHINGTON D.C.**REQUEST FOR PROPOSALS (RFP)**

SEED Public Charter School is seeking proposals from individuals or companies to provide the following services for the 2023-2024 school year:

Request for Information Technology Services to support information technology functions of a college preparatory boarding school. Services will include high level design support, weekly scheduled on site services, and on call remote support. To submit your interest, please send an email to the Point of Contact, Jason Mellen, Systems Designer at jmellen@seedschooldc.org. Responses to the RFP are DUE by June 9, 2023 at noon.

Proposals that do not address the areas as outlined in the RFPs or proposals received past the deadline will not be considered.

For additional information, please contact: jmellen@seedschooldc.org

THE SEED PUBLIC CHARTER SCHOOL OF WASHINGTON D.C.**REQUEST FOR PROPOSALS (RFP)**

SEED Public Charter School is seeking proposals from individuals or companies to provide the following services for the 2023-2024 school year:

Request for Kitchen Equipment to support the development of our on site kitchen. To submit your interest, please send an email to the Point of Contact, Jason Mellen, Systems Designer at jmellen@seedschooldc.org. Responses to the RFP are DUE by June 9, 2023 at noon.

Proposals that do not address the areas as outlined in the RFPs or proposals received past the deadline will not be considered.

For additional information, please contact: jmellen@seedschooldc.org

THE SEED PUBLIC CHARTER SCHOOL OF WASHINGTON D.C.**REQUEST FOR PROPOSALS (RFP)**

SEED Public Charter School is seeking proposals from individuals or companies to provide the following services for the 2023-2024 school year:

Request for Paving Services to resurface and increase the size of our current parking lot. To submit your interest, please send an email to the Point of Contact, Jason Mellen, Systems Designer at jmellen@seedschooldc.org. Responses to the RFP are DUE by June 9, 2023 at noon.

Proposals that do not address the areas as outlined in the RFPs or proposals received past the deadline will not be considered.

For additional information, please contact: jmellen@seedschooldc.org

THE SEED PUBLIC CHARTER SCHOOL OF WASHINGTON D.C.**REQUEST FOR PROPOSALS (RFP)**

SEED Public Charter School is seeking proposals from individuals or companies to provide the following services for the 2023-2024 school year:

Request for Security Camera and Access Control Systems to support the use of security systems at a college preparatory boarding school. Services needed include upgrading existing systems and hardware. To submit your interest, please send an email to the Point of Contact, Jason Mellen, Systems Designer at jmellen@seedschooldc.org. Responses to the RFP are DUE by June 9, 2023 at noon.

Proposals that do not address the areas as outlined in the RFPs or proposals received past the deadline will not be considered.

For additional information, please contact: jmellen@seedschooldc.org

**SOJOURNER TRUTH PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS**

Finance and Accounting Services

Sojourner Truth Public Charter School, located in Washington DC, invites proposals for finance and accounting services to include budgeting, bookkeeping and accounting, the production of financial statements and analysis, audit and 990 support, payroll administration, accounts payable, and federal grants management. The submission deadline is 5:00 PM Eastern Time on June 9, 2023.

To request full scope and/or seek additional information, please email:

Ryan Abel
Director of Operations
rabel@truthpcs.org

**STATESMEN COLLEGE PREPARATORY ACADEMY FOR BOYS
PUBLIC CHARTER SCHOOL**

REQUEST FOR PROPOSALS

Student Support Services: Occupational Therapy, Educational Psychologist, Behavior Support Services, and Speech Therapy

Statesman College Preparatory Academy for Boys Public Charter School solicits proposals for the following service:

- **Student Support Services: Occupational Therapy, Educational Psychologist, Behavior Support Services, and Speech Therapy**

Full RFP available by request. All proposals must be submitted in PDF format and emailed to amandabloom@statesmenboys.org no later than 5:00 PM on Friday, June 9th, 2023. No phone calls please.

**UNIVERSITY OF THE DISTRICT OF COLUMBIA
REGULAR MEETING OF THE BOARD OF TRUSTEES**

Notice of Public Meeting – Thursday, June 8 – 6:00 p.m.

UDC Board Room, Building 39, Third Floor

Agenda

- I.** Call to Order and Roll Call
- II.** Approval of the Minutes – April 25, 2023
- III.** Action Items
 - Committee of the Whole
 - a. TBD
 - Academic and Student Affairs Committee
 - b. TBD
 - Operations Committee
 - c. TBD
- IV.** Report of the Chairperson – Chair Bell
- V.** Report of the President – President Mason
- VI.** Committee Reports
 - a. Executive – Chair Bell
 - b. Committee of the Whole – Chair Bell
 - c. Academic and Student Affairs – Dr. Tardd
 - i. Alumni Task Force
 - ii. Student Communications Task Force – Dr. Harris
 - d. Audit, Budget, and Finance – Trustee Shelton
 - e. Operations – Trustee Grossinger
 - f. Student Outcomes – Dr. Barazzone
- VII.** Unfinished Business
- VIII.** New Business
- IX.** Closing Remarks

Adjournment

Expected Meeting Closure

In accordance with D. C. Code Section 2-575 (b), (10) To discuss the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials, or of public charter school personnel, where the public body is the board of trustees of a public charter school.

Please direct questions to:

Frenika Rivers, Executive Secretary, Office of the Board of Trustees
Frenika. Rivers @ udc.edu

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Environmental Quality and Operations Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Operations Committee will hold a meeting on Thursday, June 15, 2023 at 9:30 a.m. The meeting will not be held in the Board Room (2nd floor) at 1385 Canal Street, S.E, but will be held via Microsoft Teams. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com. Please see the website for remote access information for this meeting.

For additional information, please contact Michelle Rhodd, Board Secretary at (202) 787-2331 or Michelle.Rhodd@dewater.com.

DRAFT AGENDA

- | | |
|---------------------------------------------------|------------------------------------------------------------------|
| 1. Call to Order | Committee Chairperson |
| 2. Roll Call | Board Secretary |
| 3. AWTP Status Updates
- BPAWTP Performance | Vice-President, Wastewater Ops |
| 4. Project Status Updates | Vice-President of Engineering &
Technical Services |
| 5. Water Quality Monitoring | Vice-President, Water Ops |
| 6. Action Items
- Joint Use
- Non-Joint Use | Chief Operating Officer and EVP
Vice President of Procurement |
| 7. Emerging Items/Other Business | Committee Chairperson |
| 8. Executive Session | Committee Chairperson |
| 9. Adjournment | Committee Chairperson |

**DEPARTMENT OF YOUTH REHABILITATION SERVICES
NOTICE OF FUNDING AVAILABILITY**

Administrative Oversight of the Achievement Center Programming Initiative

The Department of Youth Rehabilitation Services (DYRS) is seeking one (1) Administrative Oversight agency for Fiscal Year 2024 (October 1, 2023 through September 30, 2024) to support the delivery of Achievement Center – based services. While DYRS operates and oversees case management and coordinate care for all youth committed to the agency, the Administrative Oversight agency shall manage the day-to-day operations related to programs offered at the Achievement Centers as well as provide technical support to program providers (subgrantees) and assist DYRS staff organize and manage programs and special events that occur at the Achievement Centers. The amount available for the project is up to \$3.2 million for a DYRS will select one grantee to receive a grant award for the duration of fiscal year 24. DYRS reserves the right to extend any grant for up to two (2) single-year option periods. The grant period may be extended, and additional funding may be provided, pending the availability of funds and grantee performance.

Beginning 6/2/2023, the full text of the Request for Applications (RFA) will be available on the DYRS website. A person may obtain a copy of this RFA by any of the following means:

Download from the DYRS website, www.dyrs.dc.gov. Select the *Doing Business with DYRS* tab and click on the request for applications link.

Email a request DYRS.FY24AOI@dc.gov with “Request copy of AOI RFA” in the subject line.

Write DYRS at 450 H Street, NW 7th Floor, Washington, DC 20001, “Attn: DYRS Grants – AOI RFA” on the outside of the envelope.

The deadline for application submissions is 7/3/2023 at 4:30pm ET. All applications must be submitted via Zoomgrants at https://www.zoomgrants.com/zgf/DYRS/Administrative_Oversight_Initiative.

Eligibility: All the checked institutions below may apply for these grants.

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations
- Faith-based organizations
- Government agencies
- Universities/educational institutions
- Private Enterprises

For additional information regarding this RFA, write to: dyrs.grants@dc.gov.

**DEPARTMENT OF YOUTH REHABILITATION SERVICES
NOTICE OF FUNDING AVAILABILITY**

Oasis Reserve for Youth Training

The Department of Youth Rehabilitation Services (DYRS) seeks eligible entities to provide training in the construction trades and soft skills development to youth while designing and building the Oasis Reserve, a new outdoor environmental campus for youth and family outdoor education environmental programming. The amount available for the project is up to \$1.7 million for a 4-month period starting June 2023.

Beginning 6/2/2023, the full text of the Request for Applications (RFA) will be available on the DYRS website. A person may obtain a copy of this RFA by any of the following means:

Download from the DYRS website, www.dyrs.dc.gov. Select the *Doing Business with DYRS* tab and click on the request for applications link.

Email a request fy23vpiorrfa@dc.gov with “Request copy of Oasis RFA” in the subject line.

Write DYRS at 450 H Street, NW 7th Floor, Washington, DC 20001, “Attn: DYRS Grants – Oasis RFA” on the outside of the envelope.

The deadline for application submissions is 6/8/2023 at 4:30pm ET. All applications must be submitted via email at fy23vpiorrfa@dc.gov.

Eligibility: All the checked institutions below may apply for these grants.

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations
- Faith-based organizations
- Government agencies
- Universities/educational institutions
- Private Enterprises

For additional information regarding this RFA, write to: dyrs.grants@dc.gov.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20507 of 93 Hawaii Ventures, LLC, 98 Webster Ventures, LLC, and Solid Brick Ventures, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9 for special exceptions under Subtitle U § 421 to allow a new residential development and under Subtitle F § 5201 from the side yard requirements of Subtitle F § 306.2 and the open court width requirements of Subtitle F § 202.1 to allow additions to and increases in the number of residential units in 11 existing detached apartment houses in the RA-1 Zone at 65-97 Hawaii Avenue, N.E., 66 Webster Street, N.E., and 98 Webster Street, N.E. (Square 3674, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 19).

HEARING DATES: October 6 and November 17, 2021

DECISION DATE: November 17, 2021

DECISION AND ORDER

This self-certified application was filed on April 12, 2021 by 93 Hawaii Ventures, LLC, and 98 Webster Ventures, LLC, and Solid Brick Ventures, LLC (collectively, the “Applicant”), the owners of the property that is the subject of the application. Following a public hearing, the Board voted to approve the application subject to conditions requiring implementation of a transportation demand management (“TDM”) plan.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. In accordance with Subtitle Y §§ 400.4 and 402.1, the Office of Zoning provided notice of the application and of the public hearing by memoranda dated May 17, 2021 to the Applicant, the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), Office of State Superintendent of Education, the Department of Parks and Recreation, the National Park Service, the Office of Advisory Neighborhood Commissions, the Councilmember for Ward 5 as well as the Chairman and three at-large members of the D.C. Council, Advisory Neighborhood Commission (“ANC”) 5A, the ANC in which the property is located, Single Member District ANC 5A06, the owners of all property within 200 feet of the subject property, and lessees located on the subject property. Notice was published in the *D.C. Register* on May 21, 2021 (68 DCR 05393).

Parties. Pursuant to Subtitle Y § 403.5, the Applicant and ANC 5A were automatically parties in this proceeding. The Board denied an untimely request for party status in opposition to the application submitted on November 11, 2021 by the Hawaii Webster Tenants Association. (Exhibits 77-77B1.)

Applicant's Case. The Applicant provided evidence and testimony in support of the application from Mark Mlakar on behalf of the owners of the subject property and from R. Michael Cross and Elizabeth Stuart, the architects for the Applicant's project. The Applicant proposed to enlarge 11 existing apartment houses at the subject property and to create new apartments in each building, thereby increasing the number of dwelling units by 46, to a total of 134.

OP Report. By memorandum dated September 24, 2021, the Office of Planning recommended approval of the zoning relief requested by the Applicant. (Exhibit 54.)

DDOT Report. By memorandum dated September 23, 2021, the District Department of Transportation indicated no objection to approval of the application subject to a condition requiring the Applicant to implement a TDM plan. (Exhibit 53.)

ANC Report. By letter dated October 5, 2021, ANC 5A stated that, at a duly noticed public meeting on September 22, 2021 with a quorum present, the ANC voted in support of the relief requested. (Exhibit 70.)

Persons in opposition. The Board received letters and heard testimony in opposition to the application primarily from tenants of the apartment houses at the subject property. The persons in opposition generally stated concerns regarding poor conditions in the existing buildings, a lack of maintenance and repairs, and potential rent increases and tenant relocation or displacement, and also objected to a lack of communication and conflicting messages from the Applicant.

FINDINGS OF FACT

1. The property that is the subject of this application comprises 11 record lots on the south side of Hawaii Avenue, N.E. or the north side of Webster Street, N.E. to the west of First Street, N.E. The lots have addresses of 65, 69, 73, 77, 81, 85, 89, 93, and 97 Hawaii Avenue, N.E., 66 Webster Street, N.E., and 98 Webster Street, N.E. (Square 3674, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 19).
2. Each of the 11 lots is generally rectangular.
 - (a) Lots 2, 3, 4, and 5 (65, 69, 73, and 77 Hawaii Avenue, respectively) are 52.33 feet wide and 90 feet deep, with lot areas of 4,710 square feet.
 - (b) Lot 6 (81 Hawaii Avenue) is 43.85 feet wide and 90 feet deep, with a lot area of 4,749 square feet.
 - (c) Lot 7 (85 Hawaii Avenue) is 51.93 feet wide and approximately 95 feet deep, with a lot area of 4,958 square feet.
 - (d) Lot 8 (89 Hawaii Avenue) is 51.93 feet wide and approximately 100 feet deep, with a lot area of 5,180 square feet.
 - (e) Lot 9 (93 Hawaii Avenue) is 41.51 feet wide and 98.78 feet deep, with a lot area of 5,598 square feet.
 - (f) Lot 10 (97 Hawaii Avenue) is 41.5 feet wide and approximately 128 feet deep, with a lot area of 5,331 square feet.

BZA ORDER NO. 20507
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- (g) Lot 11 (98 Webster Street) is 66 feet wide and approximately 100 feet deep along its west side lot line, with a lot area of 5,118 square feet.
 - (h) Lot 19 (66 Webster Street) is 52.33 feet wide and 100 feet deep, with a lot area of 5,233 square feet.
3. The nine lots fronting on Hawaii Avenue are contiguous. Lot 19 (66 Webster Street) is located to the southwest of Lots 2 and 3 (65 and 69 Hawaii Avenue). Lot 11 (98 Webster Street) is located to the southeast of Lots 9 and 10 (93 and 97 Hawaii Avenue). The seven lots fronting on Webster Street between two of the Applicant's lots (66 and 98 Webster Street) are not part of this application.
 4. All of the Applicant's properties are interior lots except for two corner lots – Lot 10 (97 Hawaii) and Lot 11 (98 Webster) – which have more than 100 feet of frontage on First Street, N.E.
 5. A public alley, 16 feet wide, extends generally east-west through Square 3674 and provides access to each of the Applicant's lots at the rear.
 6. Each of the Applicant's properties is improved with an apartment house built in 1941. Each of the buildings is two stories and 25 feet in height, and each currently contains eight apartments, for a total of 88 dwelling units at the subject property. Each of the existing apartments is configured as a one-bedroom unit (approximately 350 square feet).
 7. The existing lot occupancy at each of the Applicant's lots ranges from 36 to 40 percent.
 8. Each building on an interior lot at the subject property provides two side yards of at least 10 feet.
 9. The existing buildings on the two corner lots, Lot 10 (97 Hawaii) and Lot 11 (98 Webster), both have side yards of 10 feet on their west sides and no side yard on the east side, along First Street. The minimum requirement for the existing buildings is one side yard of at least eight feet. (Subtitle F § 306.2.)
 10. The existing buildings on the two corner lots both have open courts on the east side that are nonconforming with respect to court width. The existing open courts have widths that range from 0 feet to 4.5 feet on Lot 10 and from 0 feet to 17.75 feet on Lot 11, where the minimum width requirement is four inches per foot of court height but not less than 10 feet. (Subtitle F § 202.1.)
 11. Each of the Applicant's apartment houses has a rear yard at least 20 feet deep. On most of the 11 lots the existing rear yard is approximately 20 to 25 feet deep, although the depths vary and range from 20 feet, three inches to 38 feet, eight inches.

12. The Applicant proposed to enlarge each of the existing buildings with a new third-floor addition. The Applicant also proposed to increase the number of dwelling units in each building so that the total number of dwelling units at the subject property will increase by 46, from 88 to 134.
13. Six of the enlarged buildings will provide nine units each while five buildings will contain 16 dwelling units each. The nine-unit buildings will be on Lots 2 through 7 (65, 69, 73, 77, 81, and 85 Hawaii Avenue, NE, the buildings on the western portion of the subject property fronting on Hawaii Avenue). The 16-unit buildings will be on Lots 11 and 19 (98 and 66 Webster Street) and Lots 8 through 10 (89, 93, and 97 Hawaii Avenue, the three buildings closest to First Street).
14. The nine-unit buildings will be configured as three dwelling units in the cellar level and two units on each of the three upper floors. Two of the units in the cellar will each have one bedroom and one bathroom; the seven other units will each contain two bedrooms and two bathrooms. The 16-unit buildings will be configured as one-bedroom, one-bathroom units, with four units on each floor (cellar through third floor).
15. The Applicant's project will provide 16 Inclusionary Zoning ("IZ") dwelling units, one in each of the nine-unit buildings and two in each of the 16-unit buildings, consistent with applicable locational, size, and square footage requirements.¹ The Applicant testified that 10 of the IZ units will be one-bedroom units and six will be two-bedroom units.
16. The new third-floor additions will generally occupy the existing footprint of each building, with some relatively small areas of new construction or demolition of portions of the existing buildings. The buildings will be enlarged as follows:
 - (a) Lot 2 (65 Hawaii Avenue): The building will be enlarged with a new third floor and a three-story addition on the east side of the building; a portion at the rear will be demolished. Building height will increase to 35 feet, four inches and the floor area ratio ("FAR") will increase from 0.81 to 1.08. Lot occupancy will decrease from 40 to 35 percent as the rear yard will increase from 22 feet, three inches to 32 feet, seven inches.
 - (b) Lot 3 (69 Hawaii Avenue): The building will be enlarged with a new third floor and a three-story addition on the east side of the building; a portion at the rear will be demolished. Building height will increase to 36 feet and the FAR will increase from 0.81 to 1.08. Lot occupancy will decrease from 40 to 35 percent as the rear yard will increase from 22 feet, three inches to 32 feet, seven inches.
 - (c) Lot 4 (73 Hawaii Avenue): The building will be enlarged with a new third floor and a three-story addition on the east side of the building; a portion at the rear will be

¹ See Subtitle C, Chapter 10 "Inclusionary Zoning." Under Subtitle F § 302.2, a floor area ratio of 1.08 is permitted, including the IZ bonus density of 20 percent authorized by Subtitle C § 1002.3. According to the Office of Planning, the 16 IZ units will be offered for sale to households earning up to 80 percent of the Median Family Income.

demolished. Building height will increase to 34 feet, 10 inches and the FAR will increase from 0.81 to 1.08. Lot occupancy will decrease from 40 to 35 percent as the rear yard will increase from 22 feet, three inches to 32 feet, seven inches while the eastern side yard will be reduced from 10 to eight feet.

- (d) Lot 5 (77 Hawaii Avenue): The building will be enlarged with a new third floor and a three-story addition on the east side of the building; a portion at the rear will be demolished. Building height will increase to 35 feet and the FAR will increase from 0.81 to 1.08. Lot occupancy will decrease from 40 to 35 percent as the rear yard will increase from 22 feet, three inches to 32 feet, seven inches while the eastern side yard will be reduced from 10 to eight feet.
- (e) Lot 6 (81 Hawaii Avenue): The building will be enlarged with a new third floor and a three-story addition on the east side of the building; a portion at the rear will be demolished. Building height will increase to 35 feet, eight inches and the FAR will increase from 0.81 to 1.08. Lot occupancy will decrease from 40 to 35 percent as the rear yard will increase from 22 feet, eight inches to 32 feet, four inches while the eastern side yard will be reduced from 10 to eight feet.
- (f) Lot 7 (85 Hawaii Avenue): The building will be enlarged with a new third floor and a three-story addition on the east side of the building; a portion at the rear will be demolished. Building height will increase to 36 feet, 11 inches and the FAR will increase from 0.77 to 1.08. Lot occupancy will decrease from 39 to 36 percent as the rear yard will increase from 22 feet to 29 feet, 11 inches while the eastern side yard will be reduced from 10 to eight feet.
- (g) Lot 8 (89 Hawaii Avenue): The building will be enlarged with a new third floor and a cellar-level addition. Building height will increase to 35 feet, six inches and the FAR will increase from 0.74 to 1.08.
- (h) Lot 9 (93 Hawaii Avenue): The building will be enlarged with a new third floor and a cellar-level addition, with some demolition at the rear of the building. Building height will increase to 37 feet, six inches and the FAR will increase from 0.81 to 1.04. Lot occupancy will decrease from 36 to 35 percent as the rear yard will increase from 25 feet, six inches to 29 feet, nine inches.
- (i) Lot 10 (97 Hawaii Avenue): The building will be enlarged with a new third floor and a cellar-level addition. Building height will increase to 38 feet, 7 inches and the FAR will increase from 0.72 to 1.08. The rear yard will increase from 38 feet, eight inches to 39 feet as a result of some demolition at the rear of the building.
- (j) Lot 11 (98 Webster Street): The building will be enlarged with a new third floor, with some demolition at the rear of the building. Building height will increase to 37 feet,

six inches and the FAR will increase from 0.75 to 1.08. Lot occupancy will decrease from 37 to 36 percent as the rear yard will increase from 20 feet, three inches to 23 feet.

- (k) Lot 19 (66 Webster Street): The building will be enlarged with a new third floor that will increase building height to 35 feet, four inches and increase the FAR from 0.73 to 1.08.
17. The Applicant's project will add outdoor space to the apartment houses at the subject property. Each building will have a roof deck, and balconies will be provided for some units.
 18. Long-term bicycle parking will be provided in the cellar level of each building. The nine-unit buildings will provide four long-term bicycle spaces and the 16-unit buildings will provide six long-term bicycle spaces. The Applicant will also provide at least two short-term bicycle parking spaces for each building.
 19. None of the 11 lots comprising the subject property currently provides any vehicle parking spaces. The Applicant's project will provide a total of 54 vehicle parking spaces accessible from the rear alley. Five spaces (three full-size and two compact) will be located at the rear of Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, and 19; Lot 11 will contain four spaces (two compact and two full spaces).²
 20. A secure, screened trash storage area will be provided at the rear of each building adjacent to the vehicle parking spaces. Trash collection will occur via the public alley.
 21. The Applicant will implement a landscaping plan calling for new plantings around each building, the retention of existing trees along Hawaii Avenue and First Street, and the installation of green roofs. The Applicant will create several new bioretention areas throughout the subject property to collect stormwater runoff and will use a pervious surface for the parking pads at the rear of each building. (Exhibit 52A.)
 22. The Applicant provided a grading plan showing that the project will not entail any changes in grade at the site except to accommodate the provision of parking spaces at the rear of the lots. (Exhibit 52A.)
 23. Existing public schools at the elementary, middle, and high school levels have been assigned to the area containing the subject property. According to information located by the Applicant on the website of D.C. Public Schools, the subject property is "in-boundary" for Bunker Hill Elementary School, Brookland Middle School, and Dunbar High School.

² The Applicant testified at the public hearing that the project will provide 55 parking spaces, five at the rear of each lot; however, the self-certification form and plat submitted in the application show four vehicle parking spaces at the rear of Lot 11 (see Exhibits 12, 14).

24. The subject property is located approximately 0.8 miles from the Fort Totten Metrorail station and near Metrobus routes.
25. The subject property is located less than a quarter-mile from Fort Totten Park, approximately one mile from Turkey Thicket Recreation Center, and two miles from the North Michigan Park Recreation Center.
26. Properties in the immediate vicinity of the subject property are devoted to residential use, primarily in two- to four-story apartment houses, including one immediately to the west of the subject property at 61 Hawaii Avenue. Several institutional uses are located nearby, including Catholic University.
27. The subject property is located in a Residential Apartment zone, RA-1.
28. The Residential Apartment (RA) zones permit urban residential development and compatible institutional and semi-public buildings. The RA zones are designed to be mapped in areas identified as moderate- or high-density residential areas suitable for multiple dwelling unit development and supporting uses. (Subtitle F §§ 100.1 and 100.2.)
29. The RA-1 zone provides for areas predominantly developed with low- to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments. (Subtitle F § 300.2.) The purposes of the RA-1 zone include to permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts. (Subtitle F § 300.1.)
30. The provisions of the RA zones are intended to (a) provide for the orderly development and use of land and structures in areas characterized by predominantly moderate- to high-density residential uses; (b) permit flexibility by allowing all types of residential development; (c) promote stable residential areas while permitting a variety of types of urban residential neighborhoods; (d) promote a walkable living environment; (e) allow limited non-residential uses that are compatible with adjoining residential uses; (f) encourage compatibility between the location of new buildings or construction and the existing neighborhood; and (g) ensure that buildings and developments around fixed rail stations, transit hubs, and streetcar lines are oriented to support active use of public transportation and safety of public spaces. (Subtitle F § 100.3.)

CONCLUSIONS OF LAW

The Applicant seeks special exceptions under Subtitle U § 421 to allow a new residential development and under Subtitle F § 5201 from the side yard requirements of Subtitle F § 306.2 and the open court width requirements of Subtitle F § 202.1 to allow additions to, and increases in, the number of residential units in 11 existing detached apartment houses in the RA-1 zone at 65-97 Hawaii Avenue, N.E., 66 Webster Street, N.E., and 98 Webster Street, N.E. (Square 3674,

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Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 19). The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2012 Repl.), to grant special exceptions, as provided in the Zoning Regulations, when, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject to specific conditions. (*See* 11 DCMR Subtitle X § 901.2.)

New residential development. Pursuant to Subtitle U § 421.1, the Board may approve a new residential development in the RA-1 zone that does not comprise all detached and semi-detached principal dwellings by special exception subject to the specified standards and requirements. As required by Subtitle U § 421.2, the application was referred to the relevant agencies for comment on the capacity of area schools to accommodate the number of students who could be expected to live in the project as well as the streets, recreation, and other services to accommodate residents expected to live in the project. The application was also referred to the Office of Planning, in accordance with Subtitle U § 421.3, for comment and recommendation on the proposed site plan; arrangement of buildings and structures; the provision of light, air, parking, recreation, landscaping, and grading as they relate to the surrounding neighborhood; and the relationship of the proposed project to public plans and projects. As required by Subtitle U § 421.4, the Applicant submitted a site plan, typical floor plans, elevations, a grading plan (existing and final), and a landscaping plan. (See Exhibits 2-12, 15, 16, and 52A.) The application did not propose significant changes in grading or any new rights of way or easements.

Based on the findings of fact, and having given great weight to the recommendation of the Office of Planning and to the report of ANC 5A, the Board concludes that the application, subject to the conditions adopted in this order, satisfies the requirements for special exception approval consistent with Subtitle U § 421. The Applicant proposed to enlarge 11 existing apartment houses, thereby increasing the total number of dwelling units at the subject property to 134, including 16 IZ units. The project represents an increase of 46 apartment units over existing conditions, and will provide approximately 42 two-bedroom units in addition to 92 one-bedroom units, where the existing buildings were configured entirely as one-bedroom units.

Given the relatively small increase in the number of apartment units, the sizes of the units, and the presence of public schools in the surrounding neighborhood, serving children from elementary through high school, the Board concludes that the number of students who can be expected to reside in the expanded apartment houses can be accommodated at existing and planned area schools. The Board also concludes that the public streets, recreation, and other services can accommodate the residents who can be expected to reside in the expanded buildings. The subject property is located on improved streets, with alley access to the rear of each lot, in proximity to larger streets such as North Capitol Street. At least three public recreation centers, as well as other services and amenities, are located within walking distance of the subject property. The Applicant's project will provide secure, dedicated enclosures for trash storage for each building, where the alley access will facilitate trash collection from the rear of the property. The project will create approximately 54 vehicle parking spaces on lots that currently do not provide any off-

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street parking, and will also accommodate bicycle storage within each building. The subject property is within walking distance of a Metrorail station and is also served by Metrobus.

To illustrate aspects of the planned development, the Applicant submitted site plans and a set of typical floor plans and elevations as well as a landscaping plan. The existing apartment houses will be retained and enlarged with third-floor additions generally consistent with the existing building footprints. The new construction will meet applicable development standards with respect to height and lot occupancy as well as yards (with the exception of the buildings on the two corner lots, discussed below), thereby ensuring the adequate provision of light and air to neighboring properties. The Applicant will install landscaping to enhance the appearance of property and to help address stormwater management concerns.

Side yard and open court width. The buildings on the two corner lots (Lot 10, 97 Hawaii Avenue and Lot 11, 98 Webster Street) are both currently configured as eight-unit apartment houses and comply with zoning requirements with respect to side yard. The Applicant did not propose any change to the existing side yards, but once the buildings are enlarged and re-configured as 16 units, the zoning requirement will be two side yards greater than nine feet for each building.³ Similarly, the Applicant did not propose any change to the existing open courts on the east side of the corner-lot buildings, but the planned third-floor additions will increase the non-conforming aspects due to the increase in building height.⁴ The new court width requirements will be 12.86 feet on Lot 10 and 12.5 feet on Lot 11. Accordingly, the Applicant requested special exceptions under Subtitle F § 5201 from the requirements for side yard under Subtitle F § 306.2 and from the requirements for open court width under Subtitle F § 202.1 to allow the planned additions to the buildings on each of the corner lots.

The Board is authorized to grant relief as a special exception from certain development standards, including side yard and court requirements, for an addition to a principal residential building on a non-alley lot subject to certain provisions and the general special exception criteria of Subtitle X, Chapter 9. (Subtitle F § 5201.1.) An application for a special exception under Subtitle F § 5201 must demonstrate that the proposed addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property; specifically, (a) the light and air available to neighboring properties must not be unduly compromised; (b) the privacy of use and enjoyment of neighboring properties must not be unduly compromised; and (c) the proposed

³ Subtitle F § 306.2(a) states the side yard requirement as:

one (1) side yard shall be provided unless the building is a multiple dwelling that contains three (3) or more dwelling units per floor, in which case two (2) side yards shall be provided; in either case such side yards shall have the minimum distance equal to three inches (3 in.) per foot of building height but not less than eight feet (8 ft.)....

After construction of the planned third-floor additions, the building heights will be 38 feet, seven inches on Lot 10 and 37 feet, six inches on Lot 11. As a result, the new side yard requirements will be approximately 9.6 feet on Lot 10 (3 x 38.58 feet in building height = 115.74 inches or 9.65 feet) and approximately 9.4 feet on Lot 11 (3 x 37.5 feet in building height = 112.5 inches or 9.38 feet).

⁴ Subtitle F § 202.1 specifies that a court is not required, but if provided at a residential building with more than three units, an open court is subject to a minimum width requirement of four inches per foot of court height, but not less than 10 feet.

addition, together with the original building, as viewed from the street, alley, and other public way, must not substantially visually intrude on the character, scale, or pattern of houses along the street and alley frontage. (Subtitle F § 5201.4.) Noting that the Applicant submitted graphical representations including plans, photographs, and elevation and section drawings sufficient to represent the relationship of the proposed additions to adjacent buildings and views from public ways, the Board concludes that the application has met the requirements for the requested relief from side yard and court width requirements.

The planned additions to the two corner-lot buildings will not unduly compromise the light, air, or privacy of use and enjoyment of any neighboring properties. The existing west side yard will not be altered by the additions, and the buildings, as enlarged, will not be located in close proximity to any nearby buildings in part due to the width of the First Street right of way. The Board credits the testimony of the Office of Planning that the right of way provides a green space approximately 30 to 35 feet in width, in addition to any setback on the Applicant's lots, and that the "properties that would be most impacted by a reduced side yard are located on the east side of 1st Street and are separated from the apartment houses by about 80 feet." (Exhibit 54.)

The Board also concludes that the additions, together with the original buildings, as viewed from the street and alley, will not substantially visually intrude on the character, scale, or pattern of houses along the street and alley frontage. The two corner-lot buildings are located in an area that contains a variety of building types, including numerous apartment houses ranging from two to four stories in height. The corner-lot buildings are part of the Applicant's plan to create similar third-story additions to the existing two-story apartment houses at the subject property to the west of the corner lots.

Subtitle X, Chapter 9. The Board concludes that approval of the application will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, as is required for approval of the application under Subtitle X § 901.2. The Board agrees with the Office of Planning that approval of the application will be consistent with the purposes of the Residential Apartment zone, which permits urban residential development in an area identified as a moderate-density residential area suitable for a multiple dwelling unit development. Consistent with the provisions of the RA zone, the Applicant's project will provide for the orderly residential development and use of land and structures in an area characterized by predominantly moderate- to high-density residential uses, promote a stable urban residential neighborhood and a walkable living environment, and encourage compatibility between the location of new construction and the existing neighborhood. Approval of the application will be consistent with the purposes of the RA-1 zone by allowing a type of urban residential development, the enlargement of existing low-rise apartment houses, that will generally conform to the height, density, and area requirements established for the RA-1 district.

Approval of the application will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. The Applicant proposed additions to existing apartment houses, generally on the same building footprints so that the buildings, as

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enlarged, will maintain existing setbacks and thereby avoid creating any adverse impacts with respect to light, air, or privacy. The Applicant will implement a landscaping plan calling for the retention of existing trees and new plantings as well as installation of measures to address potential impacts relating to stormwater. The project will meet or exceed minimum zoning requirements with respect to vehicle and bicycle parking, and will utilize the public alley for access to vehicle parking spaces as well as trash collection. The Board notes that DDOT commented favorably on the Applicant's planned use of the alley for trash collection and vehicle parking, thereby avoiding the need for new curb cuts. The Board agrees with DDOT and the Applicant that implementation of the proposed TDM plan will mitigate any potential adverse impacts related to traffic or parking arising from approval of the requested zoning relief, and therefore adopts conditions requiring implementation of the specified TDM measures.

The Board heard testimony in opposition to the application from persons who criticized the existing conditions in the buildings, including a lack of maintenance, and asserted that approval of the application would cause rent increases and displacement. The Board acknowledges the gravity of this testimony but concludes that the matters raised by the persons in opposition are outside the Board's purview in deliberating on this application, which is a request for zoning relief in accordance with specific provisions of the Zoning Regulations. The Board's authority does not extend to matters governed by the Construction Code or rental housing law but is limited to the factors specified in the Zoning Regulations, which relate generally to the protection of nearby property as well as, in this case, the capacity of area schools and streets, access to recreation and other services, the arrangement of buildings, landscaping, grading, as well as the impacts on light, air, privacy, and neighborhood character (see Subtitle F § 5201, Subtitle U § 421, and Subtitle X § 901).

The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2012 Repl.)) For the reasons discussed above, the Board agrees with OP's recommendation that, in this case, the application should be approved.

The Board is also required to give "great weight" to the issues and concerns raised by the affected ANC. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976.) (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.)) In this case, ANC 5A voted to approve a resolution in support of the relief requested, noting that the Applicant agreed "to conform with community workhours, and surrounding neighborhood architectural structures" and "where feasible, to consider DC residents and businesses for hiring and contracting opportunities" as well as "to attend and participate in community meetings." (Exhibit 70.) For the reasons already discussed, the Board concurs with the ANC's support for approval of the requested zoning relief. The Board acknowledges the areas of interest stated by ANC 5A, but concludes that the matters addressed in the ANC report are outside the scope of the Board's purview in this application for zoning relief because they do not address the requirements for approval stated in the specific provisions of the Zoning Regulations governing the Applicant's project at the subject property.

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has satisfied the burden of proof for special exceptions under Subtitle U § 421 and under Subtitle F § 5201 from the side yard requirements of Subtitle F § 306.2 and the open court width requirements of Subtitle F § 202.1 to allow additions to and increases in the number of residential units in 11 existing detached apartment houses in the RA-1 zone at 65-97 Hawaii Avenue, N.E., 66 Webster Street, N.E., and 98 Webster Street, N.E. (Square 3674, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 19) consistent with the plans submitted as Exhibit 61A in the record, as required by Subtitle Y §§ 604.9 and 604.10. Accordingly, it is **ORDERED** that the application is **GRANTED** subject to the following **CONDITIONS** requiring the Applicant to implement the transportation demand management (TDM) plan shown in Exhibit 53:

1. The Applicant shall unbundle the cost of vehicle parking from the lease or purchase agreement for each residential unit and charge a minimum rate based on the average market rate within a quarter mile.
2. The Applicant shall identify transportation coordinators for the planning, construction, and operations phases of development, who will act as points of contact with DDOT, goDCgo, and Zoning Enforcement.
3. The Applicant shall provide the transportation coordinators' contact information to goDCgo, conduct an annual commuter survey of employees on-site, and report TDM activities and data collection efforts to goDCgo once per year.
4. The Applicant shall direct the transportation coordinators to develop, distribute, and market various transportation alternatives and options to the project's residents, including promoting transportation events (e.g., Bike to Work Day, National Walking Day, Car Free Day) on property website and in any internal building newsletters or communications.
5. The Applicant shall direct the transportation coordinators to subscribe to goDCgo's residential newsletter and to receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM plan.
6. The Applicant shall provide welcome packets to all new residents that should, at a minimum, include the Metrorail pocket guide, brochures of local transit lines (Streetcar, Circulator, and Metrobus), carpool and vanpool information, a Capital Bikeshare ("CaBi") coupon or rack card, a Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map.

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, and Anthony J. Hood to APPROVE; Carl H. Blake not participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

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A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: May 24, 2023

PURSUANT TO SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR

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PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**BZA Application No. 20857
Tamara Sperling
4607 Greene Place, NW (Square 1358, Lot 872)**

HEARING DATE: May 17, 2023¹
DECISION DATE: May 17, 2023

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to raze an existing one-story addition, and to construct a two-story rear addition, to an existing, detached, two-story with cellar, principal dwelling unit in the R-1-B zone:

- Special Exception from the side yard requirements of Subtitle D § 206.2, pursuant to Subtitle D § 5201 Subtitle X § 901.2
- Special Exception from the rear yard requirements of Subtitle D § 306.1, pursuant to Subtitle D § 5201 Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 29 (Final Revised).)²

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 3D, the "affected ANC" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (the "Board") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on May 3, 2023, at which a quorum was present, the ANC voted to support the application. (Exhibit 34.) The ANC report raised no issues or concerns.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the application. (Exhibit 22.)

¹ The Public Hearing was postponed from April 5 to May 17, 2023 at ANC 3D's request.

² The application was amended to withdraw the request for special exception relief from the pervious surface requirements of Subtitle D § 308.1.

DISTRICT DEPARTMENT OF TRANSPORTATION (“DDOT”) REPORT. DDOT submitted a report indicating that it had no objection to the application because it concluded that the relief would not result in any adverse impacts to the District’s transportation network. (Exhibit 23.)

CONCLUSIONS

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested special exception relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property; and
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for the requested relief and therefore **APPROVES** the following relief:

- Special Exception from the side yard requirements of Subtitle D § 206.2, pursuant to Subtitle D § 5201 Subtitle X § 901.2
- Special Exception from the rear yard requirements of Subtitle D § 306.1, pursuant to Subtitle D § 5201 Subtitle X § 901.2

Subject to the following **CONDITION**:

1. The project shall be constructed in accordance with the plans submitted as Exhibit 26 in the record,³ as required by Subtitle Y §§ 604.9 and 604.10.

VOTE: 3-0-2 (Frederick L. Hill, Chrishaun S. Smith, and Peter G. May to APPROVE;
Lorna L. John not present, not participating, one Board seat vacant)

³ Self-Certification. The zoning relief requested in this case was self-certified, pursuant to Subtitle Y § 300.6. In granting the requested self-certified relief subject to the plans submitted with the Application, the Board makes no finding that the requested relief is either necessary or sufficient to authorize the proposed construction project described in the Application and depicted on the approved plans.

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: May 23, 2023

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

BZA ORDER NO. 20857

PAGE NO. 3

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

**BZA Application No. 20886
Capitol Hill Day School
218 D Street, SE (Square 763, Lot 2)**

HEARING DATE: May 17, 2023

DECISION DATE: May 17, 2023

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to expand a private school use to the second story of an existing, attached, three-story commercial building in the RF-3 zone:

- Special Exception from the matter-of-right uses of Subtitle U § 301, pursuant to Subtitle U § 203.1(m), Subtitle U § 320.1(a), and Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 16A (Final Revised); Exhibit 4 (Original).)¹

PRIOR APPLICATIONS. In 2018, BZA Order No. 19703 granted special exception relief to the same Applicant to allow the use of the property for a private school on the third floor and mezzanine levels, subject to two conditions relating to hours of operation and number of students. (Exhibit 12, Pages 12-15.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 6B, the "affected ANC" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (the "Board") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on March 14, 2023, at which a quorum was present, the ANC voted to support the application. (Exhibit 26.) The ANC report raised no issues or concerns.

¹ The self-certification form was amended to include the correct citation for the relief requested under Subtitle U § 203.1(m).

OFFICE OF PLANNING (“OP”) REPORT. OP submitted a report recommending approval of the application. (Exhibit 30.) OP’s recommendation was subject to three conditions relating to hours of operation, student occupancy, and event parking. The Board adopted these as conditions of the final order.

DISTRICT DEPARTMENT OF TRANSPORTATION (“DDOT”) REPORT. DDOT submitted a report indicating that it had no objection to the application because it concluded that the relief would not result in any adverse impacts to the District’s transportation network. (Exhibit 31.) DDOT’s report referenced a Pick Up/Drop Off (“PUDO”) plan that had been submitted by the Applicant (see Exhibit 27A), but did not recommend it as a condition. The Board nevertheless adopted the PUDO plan as a condition of the order.

ARCHITECT OF THE CAPITOL (“AOC”) REPORT. AOC submitted a report indicating that it had no objection to the application. (Exhibit 33.)

PERSONS IN SUPPORT. The Board received two letters from neighbors in support of the application. (Exhibits 23, 25.) The Board also received a letter from the Capitol Hill Restoration Society in support of the application. (Exhibit 28.)

CONCLUSIONS

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested special exception relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property; and
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for the requested relief and therefore **APPROVES** the following relief:

- Special Exception from the matter-of-right uses of Subtitle U § 301, pursuant to Subtitle U § 203.1(m), Subtitle U § 320.1(a), and Subtitle X § 901.2

BZA ORDER NO. 20886

PAGE NO. 2

Subject to the following **CONDITIONS**:

1. The project shall be constructed in accordance with the plans submitted as Exhibit 6 in the record,² as required by Subtitle Y §§ 604.9 and 604.10.
2. The hours of school operations shall be from 8:00 am to 9:00 pm.
3. The total number of students at the location shall not exceed 120 students at one time.
4. The Applicant shall implement the Pick Up/Drop Off plan in Ex. 27A.
5. The Applicant shall direct event parking to the main campus at 210 South Carolina Avenue, SE.

VOTE: 3-0-2 (Frederick L. Hill, Chrishaun S. Smith, and Peter G. May to APPROVE;
Lorna L. John not present, not participating, one Board seat vacant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: May 23, 2023

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

² Self-Certification. The zoning relief requested in this case was self-certified, pursuant to Subtitle Y § 300.6. In granting the requested self-certified relief subject to the plans submitted with the Application, the Board makes no finding that the requested relief is either necessary or sufficient to authorize the proposed construction project described in the Application and depicted on the approved plans.

BZA ORDER NO. 20886

PAGE NO. 3

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**BOARD OF ZONING ADJUSTMENT
REVISED NOTICE OF VIRTUAL PUBLIC MEETING**

TIME AND PLACE: Wednesday, June 28, 2023, @ 9:30 a.m.
Via WebEx & YouTube (Office of Zoning): <https://dcoz.dc.gov/BZA06-28-2023>

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.

WARD SIX

Application of:	AMSQ, LP
Case No.:	20523A
Address:	300 New Jersey Avenue N.W. and 51 Louisiana Avenue N.W. (Square 631, Lots 808 and 809)
ANC:	6E
Relief:	Modification of Consequence from: <ul style="list-style-type: none"> • the Board of Zoning Adjustment Order No. 20523, effective date November 1, 2021 (pursuant to Subtitle Y § 703)
Project:	To construct a penthouse addition to an existing, detached, commercial building in the D-3 Zone.

WARD ONE

Application of:	Lot 3 Labs, LLC
Case No.:	20850A
Address:	2112 Georgia Avenue N.W. (Square 2877, Lots 62, 811, 934, 945, 968, 970, 972, 977, 979, 1023, and 1033)
ANC:	1E
Relief:	Minor Modification from: <ul style="list-style-type: none"> • Board of Zoning Adjustment Order No. 20850 effective date April 14, 2023 (pursuant to Subtitle Y § 703)
Project:	To permit an experimental research and testing laboratory in a new, detached, six-story office building with below grade parking and penthouse in the MU-10 Zone.

PLEASE NOTE:

This public hearing will be held virtually through WebEx. Information for parties and the public to participate, view, or listen to the public hearing will be provided on the Office of Zoning website and in the case record for each application or appeal by the Friday before the hearing date.

The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11, including the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

Individuals and organizations interested in any application may testify at the public hearing via WebEx or by phone and are strongly encouraged to sign up to testify 24 hours prior to the start of the hearing on OZ’s website at <https://dcoz.dc.gov/> or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board may impose time limits on the testimony of all individuals and organizations.

Individuals and organization may also submit written comments to the Board by uploading submissions via IZIS or by email to bz submissions@dc.gov. Submissions are strongly encouraged to be sent at least 24 hours prior to the start of the hearing.

Do you need assistance to participate?

**Note that party status is not permitted in Foreign Missions cases.*

Do you need assistance to participate?

Amharic

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

Chinese

您需要有人帮助参加活动吗?
如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件 Zelalem.Hill@dc.gov。这些是免费提供的服务。

French

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Korean

참여하시는데 도움이 필요하세요?

특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

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

Vietnamese

Quý vị có cần trợ giúp gì để tham gia không?

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

**FREDERICK L. HILL, CHAIRPERSON
LORNA L. JOHN, VICE-CHAIRPERSON
CARL BLAKE, MEMBER
CHRISHAUN SMITH, MEMBER,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

This hearing is governed by the Open Meetings Act. Please address any questions or complaints arising under this hearing to the Office of Open Government at opengovoffice@dc.gov .

**BOARD OF ZONING ADJUSTMENT
REVISED NOTICE OF VIRTUAL PUBLIC MEETING**

TIME AND PLACE: Wednesday, July 19, 2023, @ 9:30 a.m.
Via WebEx & YouTube (Office of Zoning): <https://dcoz.dc.gov/BZA07-19-2023>

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.

WARD TWO

Application of:	1730 Pennsylvania Avenue, LP
Case No.:	20428A
Address:	1730 Pennsylvania Avenue N.W. (Square 168, Lot 51)
ANC:	2A
Relief:	Time Extension to: <ul style="list-style-type: none"> • Board of Zoning Adjustment Order No. 20428 effective May 15, 2021 (pursuant to Subtitle Y § 705.1)
Project:	To extend for an additional two years, BZA Order No. 20428, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C 1504.1 from the penthouse wall enclosure requirements of Subtitle C 1500.9(a), and for a Use Variance under 1504.1 from the penthouse use restrictions of Subtitle C 1500.3(d), to convert existing penthouse habitable space to habitable penthouse space, and to construct a permanent penthouse canopy to an existing office building in the D-6 Zone.

EXPEDITED REVIEW

WARD TWO

Application of:	Brian J. Garback and Alison P. Garback
Case No.:	20929
Address:	3636 T Street N.W. (Square 1306, Lot 71)
ANC:	2E
Relief:	Special Exception from: <ul style="list-style-type: none"> the rear addition requirements of Subtitle D § 1206.2 (pursuant to Subtitle D §§ 1210 and 5201; and Subtitle X § 901.2)
Project:	To construct a third story addition with roof deck, and a three-story with cellar rear addition, and a second story addition to an accessory structure, to an existing, semi-detached, two-story with cellar, principal dwelling unit in the R-20 zone.

PLEASE NOTE:

This public hearing will be held virtually through WebEx. Information for parties and the public to participate, view, or listen to the public hearing will be provided on the Office of Zoning website and in the case record for each application or appeal by the Friday before the hearing date.

The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11, including the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

Individuals and organizations interested in any application may testify at the public hearing via WebEx or by phone and are strongly encouraged to sign up to testify 24 hours prior to the start of the hearing on OZ’s website at <https://dcoz.dc.gov/> or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board may impose time limits on the testimony of all individuals and organizations.

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Amharic

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

**FREDERICK L. HILL, CHAIRPERSON
LORNA L. JOHN, VICE-CHAIRPERSON
CHRISHAUN SMITH, MEMBER,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this hearing to the Office of Open Government at opengovoffice@dc.gov .

BOARD OF ZONING ADJUSTMENT
REVISED NOTICE OF VIRTUAL PUBLIC MEETING

TIME AND PLACE: Wednesday, July 26, 2023, @ 9:30 a.m.
Via WebEx & YouTube (Office of Zoning): <https://dcoz.dc.gov/BZA07-26-2023>

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.

WARD TWO

Application of:	American Association of Colleges and Universities
Case No.:	20875A
Address:	1816-1818 R Street N.W. (Square 134, Lots 149 and 150)
ANC:	2B
Relief:	Modification of Consequence from: <ul style="list-style-type: none"> • the Board of Zoning Adjustment Order No. 20875 effective date March 17, 2023 (pursuant to Subtitle Y § 703)
Project:	To construct a rear addition, and permit the continued non-profit use of an existing, attached, four-story with basement, residential building in the RA-8 Zone.

EXPEDITED REVIEW

WARD FIVE

Application of:	Jeremy Emmert
Case No.:	20935
Address:	16 Quincy Place N.W. (Square 3100, Lot 29)
ANC:	5E
Relief:	Special Exceptions from: <ul style="list-style-type: none"> • the lot occupancy requirements of Subtitle E § 304.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2) • the rear yard requirements of Subtitle E § 306.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)
Project:	To construct a rear deck addition, to an existing, attached, two-story with cellar, principal dwelling unit in the RF-1 Zone.

WARD THREE

Application of:	Christopher Rodriguez
Case No.:	20942
Address:	4726 Sedgwick Street NW (Square 1526, Lot 47)
ANC:	3D
Relief:	Special Exception from: <ul style="list-style-type: none"> the side yard requirements of Subtitle D § 206.7 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)
Project:	To construct a second story rear addition to an existing, detached, two-story with cellar, principal dwelling unit in the R-1-B Zone.

PLEASE NOTE:

This public hearing will be held virtually through WebEx. Information for parties and the public to participate, view, or listen to the public hearing will be provided on the Office of Zoning website and in the case record for each application or appeal by the Friday before the hearing date.

The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11, including the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

Individuals and organizations interested in any application may testify at the public hearing via WebEx or by phone and are strongly encouraged to sign up to testify 24 hours prior to the start of the hearing on OZ’s website at <https://dcoz.dc.gov/> or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board may impose time limits on the testimony of all individuals and organizations.

Individuals and organization may also submit written comments to the Board by uploading submissions via IZIS or by email to bzasubmissions@dc.gov. Submissions are strongly encouraged to be sent at least 24 hours prior to the start of the hearing.

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Do you need assistance to participate?

Amharic

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም)

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ኒልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件 Zelalem.Hill@dc.gov。这些是免费提供的服务。

French

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

Korean

참여하시는데 도움이 필요하세요?

특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿Necesita ayuda para participar?

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

Vietnamese

Quý vị có cần trợ giúp gì để tham gia không?

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

FREDERICK L. HILL, CHAIRPERSON
LORNA L. JOHN, VICE-CHAIRPERSON
CHRISHAUN SMITH, MEMBER,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this hearing to the Office of Open Government at opengovoffice@dc.gov .

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 06-11Y/06-12Y
Z.C. Case No. 06-11Y/06-12Y
BXP 2100 Penn, LLC
(Modification of Consequence of Approved PUD @ Square 75, Lot 52
[2100 Pennsylvania Avenue N.W.]
March 30, 2023

Pursuant to notice, at its March 30, 2023 public meeting, the Zoning Commission for the District of Columbia (“Commission”) considered the application (“Application”) of BXP 2100 Penn, LLC (“Applicant”) for a Modification of Consequence to approve changes to the signage and ground-floor building entrances shown on the approved plans of the approved Planned Unit Development (“PUD”) for Lot 52 in Square 75, with a street address of 2100 Pennsylvania Avenue, N.W. (“Property”). The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

Prior Approvals

1. Pursuant to Z.C. Order No. 06-11/06-12 (“Campus Plan / PUD”), the Commission approved a campus plan and related first-stage PUD for the Foggy Bottom Campus of The George Washington University (“University”). Conditions P-11 and P-12 of the Campus Plan / PUD call for the creation of an “I Street Retail Corridor” within the University’s Foggy Bottom Campus. The Property fronts on the I Street Retail Corridor.
2. Pursuant to Z.C Order No. 06-11O/06-12O (“Order”), the Commission approved a series of zoning actions including a Modification to an approved First-Stage PUD, a related Zoning Map Amendment, a Second-Stage PUD, and an Amendment of a Campus Plan, to authorize the construction of a mixed-use project containing a new commercial office building with cellar and ground-floor retail uses (“Project”).
3. Condition A.1. of the Order requires that the Project be constructed in accordance with the plans reviewed and approved by the Commission, which included certain requirements regarding the signage and storefront design for building tenants (“Approved Plans”).
4. Condition A.3. of the Order requires that the areas marked on the Approved Plans as “Retail” be reserved for uses in a broad number of categories, including “retail” use. Specifically, “arts, design, and creation; daytime care; eating and drinking establishments; entertainment, assembly, and performing arts; retail; and general or financial service use (provided, however, that financial service uses shall not be located along the Project’s I Street ground-floor frontage)”. Therefore, the only limitation on the use of these areas marked “Retail” on the Approved Plans is that financial service uses shall not be located along the Project’s I Street ground-floor frontage.

5. Pursuant to Z.C. Order No. 06-11V/06-12V, effective March 11, 2022, the Commission approved a modification of consequence to the Order to revise a condition related to the delivery of one of the Project's proffered public benefits.

Parties and Notice

6. The following were automatically parties to this proceeding pursuant to Subtitle Z § 403.5:
 - The Applicant;
 - Advisory Neighborhood Commission 2A ("ANC 2A"); and
 - Foggy Bottom Association ("FBA") and the West End Citizens Association ("WECA"), who were parties to the original proceeding.
7. On February 17, 2023, the Applicant served the Application on ANC 2A, FBA, and WECA as well as on the Office of Planning ("OP") and the District Department of Transportation ("DDOT") as attested by the Certificate of Service submitted with the Application. (Exhibit [Ex.] 2, p. 6.)

The Application

8. On February 17, 2023, the Applicant filed the Application requesting a Modification of Consequence to the Approved Plans of the Order to adjust the location of the primary retail tenant signage on I Street and 21st Street and to eliminate a storefront entrance on 21st Street. The Applicant requested the proposed changes to accommodate The George Washington University's campus bookstore ("Campus Store") as a retail tenant in the Project's approximately 16,600-square foot corner retail space. (Ex. 2.)
9. The Applicant explained that the modification to the signage location would ensure that the Campus Store's signage would be clearly visible and legible. Given the length of the tenant name, "The George Washington University Campus Store", accommodating it within the proscribed space would result in letters that are too small and create a cluttered look. Expanding the signage beyond the immediate transom above the door would provide a cleaner and more legible sign. (Ex. 2.) The Applicant explained that the removal of the 21st Street storefront entrance would create additional store space for the Campus Store display and retail activity and eliminate the need for steps and ramps at the 21st Street entrance to navigate the change in grade. The store's ground floor is set at the I Street sidewalk elevation, but the grade of the sidewalk is higher along 21st Street because of the slope of the street; therefore, retaining the 21st Street entrance would require steps and ramps to navigate the change in grade. The Applicant stated that the proposed modifications maintain the goals of the Order, as retail activity is focused on I Street while the primary office lobby remains on 21st Street; and signage would be maintained on 21st Street to help activate that frontage and draw passerby around the corner to I Street. (Ex. 2.)
10. On March 6, 2023, the Applicant requested the Commission postpone scheduling on this case, which was scheduled for the Commission's March 9, 2023 public meeting, in order to allow for further engagement with community stakeholders on certain issues raised by

WECA and FBA, and to allow for presentation of the Application to ANC 2A at its March 15, 2023 public meeting. (Ex. 8.)

11. On March 16, 2023, the Applicant filed a supplemental statement responding to issues and concerns raised by WECA, FBA, and ANC 2A, noting that since its original filing it had engaged in multiple conversations with representatives of each group and discussions at the Campus Plan Advisory Committee meeting and ANC 2A's public meeting. (Ex. 9.) In the supplemental statement, the Applicant:
 - Agreed to reduce the size of the proposed signage to ensure that it is in scale with the other tenant (Ex. 9A.); and
 - Submitted plans that showed the location of the proposed storefront entrance to be closed as well as drawings that showed how the closure of the store's 21st Street entrance would create additional space for retail display space. (Ex. 9B.) The plans show a Campus Store Layout.

12. In its March 16th supplemental statement, the Applicant also addressed WECA's assertions, from its first letter in opposition filed on February 28, 2023. Specifically, the assertions that the Campus Store use was not permitted under the Order, and that the request constitutes a Modification of Significance requiring a public hearing. The Applicant stated that the Campus Store use is fully consistent with the Commission's original approval of the Order as it is a "Retail" use, and the Commission's approval did not require a "new" use, as asserted by WECA, nor did it prohibit a university-related or student-oriented use within the retail space. The Applicant asserted that the proposed Campus Store clearly meets the definition of "Retail" space under the Order and the Zoning Regulations and noted that similar campus bookstores occupy Commission-mandated "Retail" space at Howard and Catholic Universities. The Applicant further stated that contrary to WECA's assertions, the Campus Store is a "neighborhood-defining" and "community-serving" retail use as contemplated by the Order approval because it will not only serve the University but also the larger surrounding community through offering adult and children's books, school and home goods supplies, a "Made in DC" section for local products, computer and technology products, authorized Apple support technicians, book signings, and lectures. (Ex. 9.)

13. The Applicant also explained that it had never promised a particular type of retail use during the original approvals for the Project and in fact had specifically stated that the use could include a "soft goods" concept. The Applicant noted that while there was no requirement in the Order that the retail within the Project be retail that was "new" to the community, the Campus Store would nevertheless represent new retail space because it would double the size of the existing store and relocate it to a street-facing visible location, allowing for a significant increase in the goods and services offered at the store as well as a repositioning to specifically target a broader customer base across the wider Foggy

Bottom / West End community. Finally, the Applicant argued that because the request includes a minor deviation in plans to accommodate a retail use and does not represent a change in use, it falls squarely within the definition of a modification of consequence under Subtitle Z § 703.4 and should not require a public hearing, as asserted by WECA. (Ex. 9.)

14. On March 28, 2023, the Applicant filed a response to the second letter in opposition filed by WECA, through counsel, on March 24th. The Applicant's response reiterated the arguments set forth in its March 16th letter. The response noted that as college textbooks moved to online purchases and digital formats, campus bookstores have evolved into more community-oriented retail spaces, particularly in urban environments. The response also asserted that the Campus Store would both "retain[] existing businesses" and "improv[e] the mix of goods and services available to residents" in furtherance of Policy ED-3.1.1 of the Comprehensive Plan ("CP"). (Ex. 13.)

Responses to the Application

15. On March 2, 2023, OP submitted a report ("OP Report") recommending approval of the Application. OP concluded that the Application could appropriately be considered as a modification of consequence, would be generally consistent with the intent of the original approval, and should not have significant detrimental impacts to the design of the Project. OP noted that the expanded sign was of a reasonable scale and would not detract from the overall appearance of the Project or surrounding streetscape. OP also found that the stairs and ramps required to retain an entrance on 21st Street might reduce visual activation of the 21st Street frontage and noted that that the main retail entrance on I Street and the principal office entrance on 21st Street would ensure continued activation on each frontage. (Ex. 6.)
16. By report dated March 27, 2023 and pursuant to vote taken at a regularly scheduled and duly noticed public meeting, with a quorum present, on March 15, 2023, ANC 2A voted 4-0-3 to support the Application. (Ex. 12.) The ANC report cited no issues and concerns.
17. On February 28, 2023, WECA submitted its first letter in opposition to the Application. WECA argued that the proposed Campus Store, as a relocated existing student-oriented retail space, was not "new additional community-oriented retail" proffered during the consideration of the Project. WECA asserted that the Campus Store is a Modification of Significance and requested that the Commission schedule a public hearing to hear all arguments in opposition. WECA also objected to the "huge, proposed lettering" for the changes in signage, and the removal of the 21st Street retail entrance. (Ex. 5.)
18. On March 2, 2023, WECA and FBA submitted a joint email asserting again that the Campus Store was inconsistent with the Order and the expected new community-oriented retail and was instead a move of existing student-oriented retail that constituted a Modification of Significance requiring a public hearing. (Ex. 7.) The email also stated that ANC 2A had not heard the Application and would not do so until its March 15, 2023 public meeting.

19. On March 24, 2023, WECA, through counsel, submitted its second letter in opposition reiterating its earlier arguments that the Campus Store represented a change to the Project's public benefits, i.e., a Modification of Significance necessitating a public hearing. WECA again asserted that the Order required "new" retail space in the Project, citing Finding of Fact 32 of the Order (which required "neighborhood-defining" retail space) and Finding of Fact 54 of the Order (which cited consistency of the Project with Policy ED-3.1.1 of the CP, and calls for promoting the vitality and diversity of neighborhood commercial areas by . . . attracting new businesses . . .). WECA noted that the Campus Store, at 16,600 square feet, would occupy more than half of the 30,000 square feet of retail space within the PUD, and therefore undermined the retail proffer because half of the retail space would be occupied with relocated and expanded existing University-serving retail space. WECA also asserted that the Order failed to specifically include the relocation of existing University retail space in the list of uses permitted within the Project's "retail" space and so the Campus Store was not a permitted use. Finally, WECA asserted that a public hearing was needed "where all the facts and circumstances may be aired". (Ex. 11.)
20. On April 16, 2023, WECA, through counsel, submitted a motion to strike from the case record the proposed findings of fact and conclusions of law submitted to the record by the Applicant on April 13, 2023. (Ex. 15, 15A.) On April 20, 2023, the Commission Chair denied the motion to strike and offered WECA the opportunity to submit proposed findings of fact and conclusions of the law within 14 days. On April 24, 2023, WECA, through counsel, filed a motion to reopen the record to advise the Commission Chair that it would not submit proposed findings of fact and conclusions of law. (Ex. 16.)

CONCLUSIONS OF LAW

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make Modifications of Consequence to final orders and plans without a public hearing.
2. Subtitle Z § 703.3 defines a Modification of Consequence as "a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance."
3. Subtitle Z § 703.4 includes "a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission" as an example of a Modification of Consequence.
4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.13 to serve the Application on all parties to the original proceeding, in this case ANC 2A, FBA, and WECA. At its March 30, 2023 meeting, the Commission determined that there was no need to set a timeframe for party responses as required by (Subtitle Z § 703.17(c)(2).) because the parties had already provided responses to the Application. Accordingly, the Commission could proceed with deliberating on the Application.
5. The Commission concludes that the Application qualifies as a Modification of Consequence within the meaning of (Subtitle Z §§ 703.3 and 703.4.) as a request to modify

the plans approved by the Commission, and therefore the modification can be granted without a public hearing pursuant to Subtitle Z § 703.1.

6. The Commission disagrees with WECA that the Application should be processed as a Modification of Significance for the following reasons:

- A hearing is not needed to evaluate the Application.
 - The specific requests before the Commission, which are minor adjustments to the approved signage and storefront design of the Project, can easily be evaluated without a public hearing, based on the plans and information submitted by the Applicant; and
 - The issues raised by WECA do not require a public hearing. The issues revolve around an interpretation of the Order; the parties provided their respective arguments in their filings and a public hearing is not necessary as the Commission does not need to hear testimony to evaluate and address WECA’s claims;
- The Application is not a change in use that requires consideration as a Modification of Significance under (Subtitle Z § 703.6.).
 - As previously noted, Condition A.3. of the Order authorized the following uses in the Project in the areas marked as “Retail” on the Approved Plans: “arts, design, and creation; daytime care; eating and drinking establishments; entertainment, assembly, and performing arts; retail; and general or financial service use.” Accordingly, the Order clearly authorized “retail” use within the ground and cellar components of the Project. Under Subtitle B § 200.2(bb) of the Zoning Regulations, “Retail” use is defined as the “on-site sale of goods, wares, or merchandise,” and computer, clothing, and gift boutiques/shops are all cited as examples of retail uses. Based on the information submitted by the Applicant, the Campus Store clearly falls within this definition; the presence of other campus bookstores in similar Commission-mandated “retail” spaces supports this understanding;
- The Application does not constitute a change to the proffered public benefits and amenities that requires consideration as a Modification of Significance under Subtitle Z § 703.6 or otherwise undermines the proffered retail benefit of the PUD.
 - The Commission disagrees with WECA that the new Campus Store merely represents a relocation of an existing University-serving use. The Commission agrees with the Applicant that the increased size and location of the proposed Campus Store will allow it to expand and evolve to provide meaningful neighborhood-serving retail space; and
 - Contrary to WECA’s assertions, nothing in the Order states that the Applicant’s commitment was to provide “new” retail within the PUD, and nothing in the Order precludes the relocation of an existing retail use elsewhere in the neighborhood into the Project. The Commission agrees with the Applicant that the relocated Campus Store is a “neighborhood-defining” use that is consistent with the retail benefit proffered in the Order and will further the activation of the I Street retail corridor in accordance with the Campus Plan / PUD; and
- The Application is not inconsistent with the Commission’s prior Comprehensive Plan assessment and does not otherwise undermine the findings and conclusions that supported the Order.

- WECA’s claim that the Application is inconsistent with CP Policy ED-3.1.1’s goal for “attracting new businesses” ignores the fact that the policy also expressly states that retaining existing businesses and improving the mix of goods and services available to residents also support neighborhood commercial areas. The Application facilitates the continued vitality of the Campus Store through an improved location that will expand its retail presence and allow it to serve a greater customer base.
7. The Commission finds that the Application is consistent with the PUD as approved by the Order because the proposed adjustments to the signage and storefront plans to accommodate the Campus Store use are consistent with the intent and goals of the original approval. The Commission notes that the Applicant reduced the size of the proposed signage in response to WECA’s concerns and agrees with the Applicant that the removal of the 21st Street entrance will allow for more display space inside the Campus Store.

“GREAT WEIGHT” TO THE RECOMMENDATIONS OF OP

8. The Commission is required to give “great weight” to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.8.) (Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment, 141 A.3d 1079, 1087 (D.C. 2016).)
9. The Commission finds OP’s recommendation to approve the Application persuasive and concurs in that judgment.

“GREAT WEIGHT” TO THE WRITTEN REPORT OF THE ANC

10. The Commission must give “great weight” to the issues and concerns raised in a written report of the affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Z § 406.2.) To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (Wheeler v. District of Columbia Board of Zoning Adjustment, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)
11. The Commission acknowledges ANC 2A’s recommendations to approve the Application and concurs in that judgment. As previously noted, the ANC’s report did not cite any issues and concerns.

DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Applicant's request for a Modification of Consequence to the Approved Plans of in Z.C. Order No. 06-11O/06-12O to permit modification of the building signage and elimination of the 21st Street building entrance.

The conditions of Z.C. Order No. 06-11O/06-12O remain unchanged and in effect, except as modified by Z.C. Order No. 06-11V/06-12V and as follows (deletions shown in **bold** and ~~striketrough~~ text; additions in **bold** and underlined text):

Condition A.1. is hereby revised to read as follows:

1. The Project shall be developed in accordance with the plans marked as Exhibits 18F1-18F7 of the record, as modified by the plans marked as Exhibit 27A of the Record, and as modified by guidelines, conditions, and standards herein; **and as modified by the plans shown in Exhibits 9A and 9B of the record of Z.C. Case No. 06-11Y/06-12Y** (collectively, the "Plans").

VOTE (March 30, 2023): **4-0-1**

(Peter G. May, Robert E. Miller, Anthony J. Hood, and Joseph S. Imamura to **APPROVE**; 3rd Mayoral appointee seat vacant).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 06-11Y/06-12Y shall become final and effective upon publication in the *D.C. Register*; that is, on June 2, 2023.

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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OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

DISTRICT OF COLUMBIA REGISTER 2023 AGENCY SUBMISSION DEADLINE SCHEDULE

The *District of Columbia Register* is published weekly on Fridays, including on public holidays. The *District of Columbia Register* will be published on the following public holiday:

- Veteran's Day (Observed): Friday, November 10, 2023

The deadline for submitting notices for publication in the *District of Columbia Register* by District agencies, boards, commissions, and public charter schools is THURSDAY, noon of the PREVIOUS week. For example, the deadline for the Friday, January 13, 2023 *District of Columbia Register* is Thursday, noon on January 5, 2023.

The deadline for a Register to be published during a week that has an official District of Columbia holiday is WEDNESDAY noon of the PREVIOUS week. For example, Monday, January 16, 2023 (Martin Luther King Jr. Day) is an official District of Columbia holiday therefore, the deadline for the Friday, January 20, 2023 *District of Columbia Register* is Wednesday, noon on January 11, 2023.

If an official government holiday falls on a Thursday, the deadline for submitting documents is WEDNESDAY. Because Thursday, November 23, 2023 is Thanksgiving Day, the deadline for the December 1, 2023 *District of Columbia Register* is Wednesday, noon on November 22, 2023.

Documents that are uploaded after the noon deadline will be published in the next edition of the Register.

[DC Register Submission Deadline Schedules will be published at the end of each Register.](#)

Below is the 2023 District of Columbia Register Submission Deadline schedule.

OFFICE OF DOCUMENTS AND ADMINSTRATIVE ISSUANCES
DISTRICT OF COLUMBIA REGISTER
2023 AGENCY SUBMISSION DEADLINE SCHEDULE

D.C. Register Issue		Submission Deadline	
Vol. 70/1	January 6, 2023*	Wednesday	December 28, 2022
Vol. 70/2	January 13, 2023	Thursday	January 5, 2023
Vol. 70/3	January 20, 2023*	Wednesday	January 11, 2023
Vol. 70/4	January 27, 2023	Thursday	January 19, 2023
Vol. 70/5	February 3, 2023	Thursday	January 26, 2023
Vol. 70/6	February 10, 2023	Thursday	February 2, 2023
Vol. 70/7	February 17, 2023	Thursday	February 9, 2023
Vol. 70/8	February 24, 2023*	Wednesday	February 15, 2023
Vol. 70/9	March 3, 2023	Thursday	February 23, 2023
Vol. 70/10	March 10, 2023	Thursday	March 2, 2023
Vol. 70/11	March 17, 2023	Thursday	March 9, 2023
Vol. 70/12	March 24, 2023	Thursday	March 16, 2023
Vol. 70/13	March 31, 2023	Thursday	March 23, 2023
Vol. 70/14	April 7, 2023	Thursday	March 30, 2023
Vol. 70/15	April 14, 2023	Thursday	April 6, 2023
Vol. 70/16	April 21, 2023*	Wednesday	April 12, 2023
Vol. 70/17	April 28, 2023	Thursday	April 20, 2023
Vol. 70/18	May 5, 2023	Thursday	April 27, 2023
Vol. 70/19	May 12, 2023	Thursday	May 4, 2023
Vol. 70/20	May 19, 2023	Thursday	May 11, 2023
Vol. 70/21	May 26, 2023	Thursday	May 18, 2023
Vol. 70/22	June 2, 2023 *	Wednesday	May 24, 2023
Vol. 70/23	June 9, 2023	Thursday	June 1, 2023
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Vol. 70/26	June 30, 2023	Thursday	June 22, 2023
Vol. 70/27	July 7, 2023 *	Wednesday	June 28, 2023
Vol. 70/28	July 14, 2023	Thursday	July 6, 2023
Vol. 70/29	July 21, 2023	Thursday	July 13, 2023
Vol. 70/30	July 28, 2023	Thursday	July 20, 2023
Vol. 70/31	August 4, 2023	Thursday	July 27, 2023
Vol. 70/32	August 11, 2023	Thursday	August 3, 2023
Vol. 70/33	August 18, 2023	Thursday	August 10, 2023
Vol. 70/34	August 25, 2023	Thursday	August 17, 2023
Vol. 70/35	September 1, 2023	Thursday	August 24, 2023
Vol. 70/36	September 8, 2023*	Wednesday	August 30, 2023
Vol. 70/37	September 15, 2023	Thursday	September 7, 2023
Vol. 70/38	September 22, 2023	Thursday	September 14, 2023
Vol. 70/39	September 29, 2023	Thursday	September 21, 2023
Vol. 70/40	October 6, 2023	Thursday	September 28, 2023
Vol. 70/41	October 13, 2023*	Wednesday	October 4, 2023
Vol. 70/42	October 20, 2023	Thursday	October 12, 2023
Vol. 70/43	October 27, 2023	Thursday	October 19, 2023
Vol. 70/44	November 3, 2023	Thursday	October 26, 2023
Vol. 70/45	November 10, 2023*	Wednesday	November 1, 2023
Vol. 70/46	November 17, 2023	Thursday	November 9, 2023
Vol. 70/47	November 24, 2023*	Wednesday	November 15, 2023
Vol. 70/48	December 1, 2023	Wednesday	November 22, 2023
Vol. 70/49	December 8, 2023	Thursday	November 30, 2023
Vol. 70/50	December 15, 2023	Thursday	December 7, 2023
Vol. 70/51	December 22, 2023	Thursday	December 14, 2023
Vol. 70/52	December 29, 2023*	Wednesday	December 20, 2023
Vol. 71/1	January 5, 2024*	Wednesday	December 27, 2023

*Weeks with District of Columbia Government public holidays.

Last Updated November 28, 2022