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District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 26-43 to allow the Alcoholic Beverage and Cannabis Board to extend the hours of operation and sales of alcoholic beverages for cultural, sporting, and tourism-related events for Board registered licensees
- D.C. Council enacts Act 26-51 to propose measures that prohibit private disability insurance providers from reducing short-term disability insurance benefits
- D.C. Council schedules a public hearing to discuss creating a hiring preference for graduates of transitional employment programs and how criminal history is reviewed in the hiring process (Bill 26-185)
- Department Behavioral Health solicits a partner to provide a comprehensive care management program for District residents with Opioid Use Disorder and Stimulant Use Disorder
- Board of Elections schedules a public hearing to consider proposed initiative measure "Use of RFK Site for Homes Not Stadiums Act of 2025"
- Department of Health Care Finance extends Medicaid supplemental payments to personal care and home health aides, supported employment providers, and adult day health program providers
- Executive Office of the Mayor appoints members of America's Semiquincentennial - District of Columbia 250 Commission (Mayor's Order 2025-49)
- Public Service Commission schedules two community hearings to gather input on "Washington Gas Light Company's Strategically Targeted Pipe Replacement Plan"
- Office of Victim Services and Justice Grants announces availability of Fiscal Year 2026 crime victim services grants

DISTRICT OF COLUMBIA REGISTER

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OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

SUITE 8700 - 899 NORTH CAPITOL STREET, NE - UNION SQUARE - WASHINGTON, D.C. 20002 - (202) 727-5090

MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. ACTS

A26-43 On-Premises and On-Site Extended Hours Program Amendment Act of 2025 (B26-23) ..... 004876 - 004877

A26-44 Certificate of Need Improvement Amendment Act of 2025 (B26-25) ..... 004878 - 004887

A26-45 Clemency Board Waiver Authority Temporary Amendment Act of 2025 (B26-37) ..... 004888 - 004889

A26-46 Second Chance Clarification Temporary Amendment Act of 2025 (B26-152) ..... 004890 - 004891

A26-47 Unlicensed Establishment Enforcement Clarification Temporary Amendment Act of 2025 (B26-163) ..... 004892 - 004895

A26-48 Modification Nos. M0009, M0010, M0011, M0012, M0013, and M0014 to Contract No. CW101626 with Collaborative Solutions for Communities Approval and Payment Authorization Emergency Act of 2025 (B26-170) ..... 004896 - 004897

A26-49 Modification Nos. M0008, M0009, M0010, M0011, M0012, and M0013 to Contract No. CW101233 with My Sister's Place, lnc. Approval and Payment Authorization Emergency Act of 2025 (B26-171) ..... 004898 - 004899

A26-50 Modification Nos. M0009, M0010, M0011, M0012, and M0013 to Contract No. CW101632 with KBEC Group, Inc. Approval and Payment Authorization Emergency Act of 2025 (B26-172) ..... 004900 - 004901

A26-51 Short-Term Disability Insurance Benefit Protection Clarification Emergency Amendment Act of 2025 (B26-190) ..... 004902 - 004904

A26-52 Foreclosure Moratorium and Homeowner Assistance Fund Coordination Emergency Act of 2025 (B26-193) ..... 004905 - 004908

A26-53 Association Meeting Flexibility Congressional Review Emergency Amendment Act of 2025 (B26-195) ..... 004909 - 004911

A26-54 Tenant Payment Plan Phasing Emergency Act of 2025 (B26-196) ..... 004912 - 004915

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

D.C. ACTS CONT'D

A26-55 Residential Tranquility Second Congressional Review Emergency Amendment Act of 2025 (B26-198) ..... 004916 - 004918

A26-56 Secure DC Pretrial Detention Extension and Reporting Congressional Review Emergency Amendment Act of 2025 (B26-209) ..... 004919 - 004921

A26-57 Modification Nos. 15, 16, 17, 17a, 17b, 17c, and 18 to Contract No. CW98887 with Great American Corporation Approval and Payment Authorization Emergency Act of 2025 (B26-214) ..... 004922 - 004923

A26-58 On-Premises and On-Site Extended Hours Program Emergency Amendment Act of 2025 (B26-192) ..... 004924 - 004926

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation -
Bills B26-0229 and B26-0230 and Proposed Resolutions PR26-0177 and PR26-0178 ..... 004927 - 004928

COUNCIL HEARINGS

Notices of Public Hearings -
B26-136 Special Election in the Office of Delegate Amendment Act of 2025 ..... 004929 - 004930
B26-43 Marion S. Barry Summer Youth Employment Program Creditable Service Benefit Amendment Act of 2025 ..... 004929 - 004930
B26-182 Universal Paid Leave Portability Amendment Act of 2025 ..... 004929 - 004930
B26-185 Fair Hiring Opportunities for Public Employment (HOPE) Amendment Act of 2025 ..... 004929 - 004930

B26-223 John R. Thompson Jr. High School Designation Act of 2025 004931

Notices of Public Roundtables -
PR 26-129 Historic Preservation Review Board Matthew Bell Confirmation Resolution of 2025 ..... 004932 - 004933
PR 26-130 Historic Preservation Review Board Patrick Williams Confirmation Resolution of 2025 ..... 004932 - 004933

PR 26-159 Metropolitan Washington Airports Authority Christopher Bell Confirmation Resolution of 2025 ..... 004934 - 004935

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

COUNCIL HEARINGS CONT'D

Notices of Public Roundtables - cont'd

PR 26-168 Board of Trustees of the University of the District of Columbia Michael Dannenberg Confirmation Resolution of 2025.....004936 - 004937

PR 26-169 Board of Trustees of the University of the District of Columbia David Croom Confirmation Resolution of 2025.....004936 - 004937

PR 26-170 Board of Trustees of the University of the District of Columbia Dr. Abidemi Oyedele Confirmation Resolution of 2025.....004936 - 004937

OTHER COUNCIL ACTIONS

Notice of Reprogramming Requests -

26-0021 Request to reprogram Fiscal Year 2025 Local funds budget authority in the amount of $1,018,212 within the District of Columbia Public Schools (DCPS).....004938 - 004939

26-0022 Request to reprogram Capital funds budget authority and allotment in the amount of $339,200 from the Department of General Services (DGS) to the Office of State Superintendent of Education (OSSE).....004938 - 004939

26-0023 Request to reprogram Fiscal Year 2025 Local funds budget authority in the amount of $7,000,000 between the Repayment of Loans and Interest and the Commercial Paper Program .....004938 - 004939

26-0024 Request to reprogram Capital funds budget authority and allotment in the amount of $12,240,027 from the Department of General Services (DGS) to the Department of Aging and Community Living (DACL).....004938 - 004939

26-0025 Request to reprogram Pay-As-You-Go (PAYGO) Capital funds budget authority and allotment in the amount of $400,000 from the District Department of Transportation (DDOT) to DDOT's operating budget .....004938 - 004939

Notice of Re-referred Proposed Legislation -

B26-184 Helping Incentivize Returning Citizen Employment (HIRE) Amendment Act of 2025.....004940

B26-186 Justice-Involved Youth in Community Act of 2025.....004940

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage and Cannabis Administration -

ALA - ANC 2B - Renewal - READVERTISEMENT 004941
ALA - ANC 2B - Renewal - RESCIND 004942
Class C & D Renewal Placards for April 25, 2025 ..... 004943 - 004966
East of the River Station, LLC (TBD) - ANC 8A - New 004967
Jobsite Hospitality - ANC 6E - New 004968

Elections, Board of -
Notice of Public Hearing - Receipt and Intent to Review Initiative Measure - Use of RFK Site for Homes Not Stadiums Act of 2025 ..... 004969 - 004971

Public Service Commission -
Notice of Community Hearing - Formal Case No. 1179 - Washington Gas Light Company's Strategically Targeted Pipe Replacement Plan - June 3 and 17, 2025 ..... 004972 - 004973

Notice of Virtual Community Hearing - Formal Case No. 1179 - Washington Gas Light Company's Strategically Targeted Pipe Replacement Plan - June 17, 2025 ..... 004974 - 004976

Zoning Adjustment, Board of - June 18, 2025 - Public Hearings
21298 Justin Riordan and Zach Bache - ANC 5B ..... 004977 - 004980
21299 3121 Warder Street, LLC - ANC 1E ..... 004977 - 004980
21301 The Church of the Pilgrims, LLC - ANC 2B & 2D ..... 004977 - 004980
21302 Tyler Mott - ANC 4D ..... 004977 - 004980

Zoning Commission - Cases
24-14 Emory United Methodist Church - Zoning Map Amendment @ Square 2672, Lot 718 (1459 Columbia Road, N.W.) (Rescheduled) ..... 004981 - 004984

24-15 901 Monroe Street, LLC - Consolidated PUD & Related Zoning Map Amendment @ Square 3829, Lot 23 ..... 004985 - 004988

24-18 Living Classrooms Foundation - Text Amendment to Subtitle A§ 301.3(h) and Subtitle K §§ 200.6-200.9, 230.5-230.6, and 239.1 ..... 004989 - 004995

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING

Health Care Finance, Department of -
Amend 29 DCMR (Public Welfare),
Ch. 42 (Home and Community-Based Services Waiver for Persons who are Elderly and Individuals with Physical Disabilities),
Sections 4200, 4201, 4202, 4204, 4205, 4207, 4209 – 4234, 4237, 4238, 4239, 4241 – 4246, 4252, 4253, 4254, and 4299 (Definitions),
Ch. 50 (Medicaid Reimbursements for Personal Care Aide Services),
Sections 5000, 5003, 5006, 5007, 5009, 5015, and 5099 (Definitions),
Ch. 101 (Services My Way Program),
Sec. 10102 (Participant-Directed Community Support Services: Service Description),
to modify the scope of covered waiver services, to clarify restrictions related to participant enrollment and provider reimbursement, and to update requirements for service providers under the Waiver for Persons who are Elderly and Individuals with Physical Disabilities program ..... 004996 - 005040

Health Care Finance, Department of -
Amend 29 (Public Welfare),
Ch. 50 (Medicaid Reimbursements for Personal Care Aide Services),
Sec. 5019 (ARPA Supplemental Payment for Personal Care Aides) is added,
Ch. 90 (Home and Community-Based Services Waiver for Individual and Family Support),
Sec. 9037 (ARPA Supplemental Payment for Supported Employment Providers) is added,
Ch. 97 (Adult Day Health Program Services),
Sec. 9724 (ARPA Supplemental Payment for Adult Day Health Program Providers) is added,
Ch. 99 (Home Health Services),
Sec. 9907 (ARPA Supplemental Payment for Home Health Aides) is added,
to extend Medicaid supplemental payments to direct care workers for delivering eligible services for dates of services through March 31, 2025 ..... 005041 - 005046

EMERGENCY RULEMAKING

Alcoholic Beverage and Cannabis Administration -
Amend 23 DCMR (Alcoholic Beverages),
Ch. 3 (Limitations on Licenses),
Sec. 304 (Adams Morgan Moratorium Zone),
to extend Adams Morgan Moratorium Zone for three years and increase the cap on the number of permitted tavern licenses to sixteen; Seventh Emergency Rulemaking to prevent the Sixth Emergency Rulemaking from expiring in light of continuing review by the District of Columbia Council ..... 005047 - 005050

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

EMERGENCY AND PROPOSED RULEMAKING

Alcoholic Beverage and Cannabis Administration -
Amend 22 DCMR (Health),
Subtitle C (Medical Marijuana) is renamed,
Subtitle C (Medical Cannabis),
Ch. 1 (General Provisions),
Sec. 100 (Applicability),
Sec. 101 (Signature Requirements) is added ..... 005051 - 005211

Ch. 2 (Conditions of Registration),
Sec. 200 (General Provisions) ..... 005051 - 005211

Ch. 3 (Use of Medical Marijuana) is renamed,
Ch. 3 (Use of Medical Cannabis),
Sec. 300 (Use by Qualifying Patient, Transportation by Caregiver, and Limitations on Medical Marijuana), is renamed
Sec. 300 (Medical Use of Cannabis),
Sec. 301 (Barring Notices), is renumbered
Sec. 302 (Barring Notices),
Sec. 301 (Barring Notices), is renamed
Sec. 301 (Medical Cannabis Possession and Purchase Limits) ..... 005051 - 005211

Ch. 5 (Qualifying Patients),
Sections 500 - 503,
Sec. 504 (Temporary Non-Resident Medical Cannabis Patient Card) is added,
Sec. 505 (Self-Certification Form) is added ..... 005051 - 005211

Ch. 6 (Caregivers),
Sec. 601 (Caregiver Qualifications),
Sec. 602 (Caregiver Application),
Sec. 603 (Marijuana Obtained from Designated Dispensary) is renamed,
Sec. 603 (Medical Cannabis Obtained from Internet Retailer or Retailer) ..... 005051 - 005211

Ch. 7 (Registration Cards), Sections 700, 701, and 702..... 005051 - 005211

Ch. 8 (Recommending Authorized Practitioners), is renamed
Ch. 8 (Authorized Practitioners),
Sec. 801 (Form of Recommendation),
Sec. 803 (No Office at a Dispensary, Cultivation Center, or Testing Laboratory), is renamed
Sec. 803 (Prohibited Office Locations) ..... 005051 - 005211

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

EMERGENCY AND PROPOSED RULEMAKING CONT'D

Alcoholic Beverage and Cannabis Administration – cont'd
Amend 22 DCMR (Health), cont'd
Subtitle C (Medical Marijuana) is renamed,
Subtitle C (Medical Cannabis), cont'd
Ch. 10 (Enforcement Actions), is renamed
Ch. 10 (Enforcement),
Sec. 1000 (Complaints Against Patients, Caregivers or Recommending Authorized Physicians), is renamed
Sec. 1000 (Enforcement Authority),
Sec. 1001 [REPEALED], is renamed
Sec. 1001 (Examination of Premises and Books and Records),
Sec. 1002 (Revocation, Suspension, or Fines – General Provisions), is renamed
Sec. 1002 (Notice of Investigative Reports),
Sec. 1003 (Notice of Contemplated Action and Hearing), is renamed
Sec. 1003 (Authorization to Issue Fines, Suspend, and Revoke Licenses),
Sec. 1004 (Notice of Summary Suspension or Revocation Action and Hearing), is renamed
Sec. 1004 (General Violations),
Sec. 1005 (Unlawful and Disorderly Purpose Violation) is added,
Sec. 1006 [RESERVED] is added,
Sec. 1007 (Prohibition on Unauthorized Sales) is added,
Sec. 1008 (Illegal Consumption) is added,
Sec. 1009 (Open Containers) is added,
Sec. 1010 (Mandatory Revocation) is added ..... 005051 - 005211

Ch. 12 (Investigations and Inspections), is renamed
Ch. 12 [RESERVED] ..... 005051 - 005211

Ch. 13 (Fees),
Sec. 1300 (Registration, Renewal, and Replacement Fees), is renamed
Sec. 1300 (Patient and Caregiver Registration Fees),
Sec. 1301 (Payment of Medical Cannabis Facility Annual Fees) is added,
Sec. 1302 (Application Fees) is added,
Sec. 1303 (License and Endorsement Fees) is added,
Sec. 1304 (Determining Cultivation Center Tier) is added,
Sec. 1305 (Canopy Measurement) is added,
Sec. 1306 (Determining Manufacturer Category) is added ..... 005051 - 005211

Ch. 14 (Medical Marijuana Advisory Committee),
Sec. 1400 (Composition of Advisory Committee),
Sec. 1401 (Duties and Responsibilities of the Advisory Committee) ..... 005051 - 005211

Ch. 19 (Inquiries to the Board), is added
Sec. 1900 (Complaints),
Sec. 1901 (Letters of Information),
Sec. 1902 (Advisory Opinions),
Sec. 1903 (Declaratory Orders) ..... 005051 - 005211

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

EMERGENCY AND PROPOSED RULEMAKING CONT'D

Alcoholic Beverage and Cannabis Administration – cont'd
Amend 22 DCMR (Health), cont'd
Subtitle C (Medical Marijuana) is renamed,
Subtitle C (Medical Cannabis), cont'd
Ch. 50 (Registration, Licensing, and Enforcement of Cultivation Centers, Dispensaries, and Testing Laboratories), is renamed
Ch. 50 (Licensed Medical Cannabis Businesses),
Sec. 5000 (Measuring Distances),
Sec. 5002 (Permissible Activities and Limitations on Cultivation Centers, Dispensaries, and Testing Laboratories), is deleted
Sec. 5003 (Location and Ownership), is renumbered
Sec. 5002 (Location and Ownership),
Sec. 5003 (Location and Ownership), is renamed
Sec. 5003 [RESERVED] ..... 005051 - 005211

Ch. 51 (Registration and Permit Categories),
Sec. 5100, 5101, and 5103,
Sec. 5105 (Medical Marijuana Certification Provider Permit) is renamed,
Sec. 5105 (Medical Cannabis Certification Provider Permit),
Sec. 5106 (Manager Certification), is renamed
Sec. 5106 (Manager License),
Sec. 5107 (Notice to Advisory Commissions) is repealed and renamed,
Sec. 5107 [RESERVED],
Sec. 5108 (Posted Notice to the Public) is repealed and renamed,
Sec. 5108 [RESERVED],
Sec. 5109 (Comments from ANCS Located in an Affected Ward) is repealed and renamed, Sec. 5109 [RESERVED] ..... 005051 - 005211

Ch. 52 (Registration Limitations),
Sec. 5200 (Limitation on the Number of Dispensaries, Cultivation Centers, and Testing Laboratories), is deleted,
Sec. 5201 (Registration Applications Near Schools and Recreation Centers), is renumbered and renamed
Sec. 5200 (Distance Requirements),
Sec. 5201 (Registration Applications Near Schools and Recreation Centers), is renamed
Sec. 5201 [RESERVED] ..... 005051 - 005211

Ch. 54 (Registration Applications),
Sec. 5400 (General Qualifications for All Applicants), is renamed
Sec. 5400 (Qualifications for Licensure),
Sec. 5401 (Open Application Period and Required Letter of Intent), is renamed
Sec. 5401 (Open Application Period),
Sec. 5402 (Selection Process), is renamed
Sec. 5402 (Application Requirements),
Sec. 5403 (Selection Criteria), is renamed
Sec. 5403 (Application Contents),

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

EMERGENCY AND PROPOSED RULEMAKING CONT'D

Alcoholic Beverage and Cannabis Administration – cont'd
Amend 22 DCMR (Health), cont'd
Subtitle C (Medical Marijuana) is renamed,
Subtitle C (Medical Cannabis), cont'd
Ch. 54 (Registration Applications), cont'd
Sec. 5404 (Application Format and Contents), is renamed
Sec. 5404 (Application for a Substantial Change),
Sec. 5405 (Dispensary Registration Application Requirements), is renamed
Sec. 5405 (Abandonment of Application),
Sec. 5406 (Cultivation Center Registration Requirements), is renamed
Sec. 5406 (Application Certification and Signature),
Sec. 5407 (Cultivation Center, Dispensary, and Testing Laboratory Registration Issuance), is renamed
Sec. 5407 (Board Authority to Issue Licenses),
Sec. 5408 (Director, Officer, Member, Incorporator, and Agent Registration Requirements),
Sec. 5409 (Employee Registration Requirements),
Sec. 5410 (Manager's Registration Requirements), is renamed
Sec. 5410 (Manager's License Requirements),
Sec. 5411 (Criminal Background Checks),
Sec. 5412 (Registration Prohibited in Residential Use District), is renamed
Sec. 5412 (License Prohibited in Residential Use District),
Sec. 5413 (Restrictions on Ownership and Holding a Conflict of Interest), is renamed
Sec. 5413 (Restrictions on Ownership and Holding a Conflicting Interest),
Sec. 5414 (Renewal Process), is renamed
Sec. 5414 (Renewal Application),
Sec. 5415 [REPEALED], is renamed
Sec. 5415 (Security Plan),
Sec. 5416 [REPEALED], is renamed
Sec. 5416 (Conditional License),
Sec. 5417 [REPEALED], is renamed
Sec. 5417 (Social Equity Applicant Status),
Sec. 5418 (Limitation on Successive Applications After Denial),
Sec. 5420 (Medical Cannabis Certified Business Enterprise Affidavit) is added,
Sec. 5421 (Appropriateness Requirement) is added,
Sec. 5422 (Presumption of Appropriateness) is added,
Sec. 5423 (Denial for Violations of the Law) is added,
Sec. 5424 (Spousal Interest in License) is added,
Sec. 5425 (Notice by Board) is added,
Sec. 5426 (Licensee Notice Requirement) is added,
Sec. 5427 (Standing to File Protest) is added,
Sec. 5428 (Filing a Protest) is added,
Sec. 5429 (ANC Comments) is added,
Sec. 5430 (Extending the Licensure Period) is added,
Sec. 5431 (Application Review) is added,
Sec. 5432 (Roll Call Hearing) is added,
Sec. 5433 (Protest Status Hearing) is added,

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

EMERGENCY AND PROPOSED RULEMAKING CONT'D

Alcoholic Beverage and Cannabis Administration – cont'd
Amend 22 DCMR (Health), cont'd
Subtitle C (Medical Marijuana) is renamed,
Subtitle C (Medical Cannabis), cont'd
Ch. 54 (Registration Applications), cont'd
Sec. 5434 (Party Dismissal) is added,
Sec. 5435 (Establishment of Geographic Boundaries in a Protest) is added,
Sec. 5436 (Decisions of the Board) is added,
Sec. 5437 (Protest Parties) is added,
Sec. 5438 (Mediation) is added,
Sec. 5439 (Protest Hearings) is added,
Sec. 5440 (Settlement Agreements) is added,
Sec. 5441 (Successor ANC) is added,
Sec. 5442 (Automatic Termination) is added,
Sec. 5443 (Board Review of Settlement Agreements) is added,
Sec. 5444 (Unilateral Amendment or Termination) is added,
Sec. 5445 (Enforceable Settlement Agreement Provisions) is added,
Sec. 5446 (Unenforceable Settlement Agreement Provisions) is added,
Sec. 5447 (Discovery of Licensee Documents) is added,
Sec. 5448 (Qualifications Hearing) is added,
Sec. 5449 (Unlicensed Establishment Application) is added,
Sec. 5450 [RESERVED] is added ..... 005051 - 005211

Ch. 55 (Registration Changes),
Sec. 5501 (Individual Ownership, Partnership, Limited Liability Company or Partnership, and Corporate Changes),
Sec 5502 (Transfer of Equal or Majority Ownership or Control) ..... 005051 - 005211

Ch. 56 (General Operating Requirements),
Sec. 5601 (Posting of Identification Requirement by Dispensary), is renamed
Sec. 5601 (Posting of Identification Requirement by Retailer and Internet Retailer),
Sec. 5602 (Hours of Operation, Sale, Service, and Delivery),
Sec. 5604 (Manager's Registration) is renamed
Sec. 5604 (Manager's Application),
Sections 5606, 5607, 5608, and 5611,
Sec. 5612 (Production of Valid Photo Identification Required), is renamed
Sec. 5612 (Production of Valid Identification Required),
Sec. 5614 (Co-Location and Integration),
Sec. 5615 (Seed-To-Sale Tracking System), is renamed
Sec. 5615 (Seed-To-Sale Tracking),
Sections 5616, 5620, 5621, and 5622,
Sec. 5623 (Manufacturing Restrictions at Cultivation Centers) is added,
Sec. 5624 (Retailer Delivery Endorsement) is added,
Sec. 5625 (Safe-Use Treatment Facility) is added,
Sec. 5626 (Summer Garden Endorsement) is added,
Sec. 5627 (Mandatory Training) is added,
Sec. 5628 (Management Agreement) is added ..... 005051 - 005211

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

EMERGENCY AND PROPOSED RULEMAKING CONT'D

Alcoholic Beverage and Cannabis Administration – cont'd
Amend 22 DCMR (Health), cont'd
Subtitle C (Medical Marijuana) is renamed,
Subtitle C (Medical Cannabis), cont'd
Ch. 57 (Prohibited and Restricted Activities),
Sec. 5700 (Sale and Purchase of Medical Marijuana by Dispensaries), is renamed
Sec. 5700 (Sale, Purchase, and Possession of Medical Cannabis),
Sec. 5703 (Delivery of Medical Marijuana), is renamed
Sec. 5703 (Delivery of Medical Cannabis),
Sec. 5706 (Tie-In Purchases Prohibited),
Sec. 5707 (Minimum Age and Entry Requirements),
Sec. 5709 (Medical Cannabis and Paraphernalia Restrictions), is renamed
Sec. 5709 (Medical Cannabis Sale, Distribution, and Dispensing Restrictions) ..... 005051 - 005211

Ch. 59 (Records and Reports),
Sec. 5900 (Cultivation Center Books and Records), is renamed
Sec. 5900 (Cultivation Center and Manufacturer Books and Records),
Sec. 5901 (Cultivation Center Invoices), is renamed
Sec. 5901 (Cultivation Center and Manufacturer Invoices),
Sec. 5902 (Dispensary Books and Records), is renamed
Sec. 5902 (Courier and Retailer Books and Records),
Sec. 5903 (Cultivation Center Reports), is renamed
Sec. 5903 (Cultivation Center and Manufacturer Reports),
Sec. 5904 (Dispensary Reports), is renamed
Sec. 5904 (Courier and Retailer Reports),
Sec. 5906 (Retention and Inspection of Books and Records),
Sec. 5907 (Reporting Director, Officer, Member, Incorporator, Agent, Employee, and Manager Changes), is renamed
Sec. 5907 (Reporting Corporate Officer, Manager, and Other Licensed Staff Changes) ..... 005051 - 005211

Ch. 60 (Board Approval Procedures) is repealed..... 005051 - 005211

Ch. 61 (Mandatory Revocation and Mandatory Suspension),
Sec. 6100 (Mandatory Revocation or Suspension of Registration), is renamed
Sec. 6100 [RESERVED] ..... 005051 - 005211

Ch. 62 (Enforcement Proceedings and Hearings),
Sec. 6200 (Complaints Against Dispensaries, Cultivation Centers, and Affiliated Employees or Officers), is renamed
Sec. 6200 [RESERVED],
Sec. 6201 (Revocation, Suspension, or Fines – General Provisions), is renamed
Sec. 6201 (Revocation and Suspension – General Provisions),
Sec. 6202 (Notice of Contemplated Action and Hearing), is renamed
Sec. 6202 [RESERVED],
Sec. 6203 (Notice of Summary Suspension or Summary Revocation Action or Hearing), is renamed
Sec. 6203 (Summary Suspension or Revocation),

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

EMERGENCY AND PROPOSED RULEMAKING CONT'D

Alcoholic Beverage and Cannabis Administration – cont'd
Amend 22 DCMR (Health), cont'd
Subtitle C (Medical Marijuana) is renamed,
Subtitle C (Medical Cannabis), cont'd
Ch. 62 (Enforcement Proceedings and Hearings), cont'd
Sec. 6205 (Notice to District Agencies),
Sec. 6206 (Notice of Suspension or Revocation to Public),
Sec. 6207 (Examination of Premises and Books and Records) is repealed,
Sec. 6210 (Cease and Desist) is added,
Sec. 6211 (Cancellation Due to Eviction) is added,
Sec. 6212 (Request for Hearing on Citation) is added,
Sec. 6213 (Offer-In-Compromise) is added..... 005051 - 005211

Ch. 63 (Sliding Scale Program), is renamed
Ch. 63 (Penalties), Sections 6300 – 6306..... 005051 - 005211

Ch. 64 (Testing Laboratories),
Sec. 6401 (General Provisions),
Sec. 6402 (Testing Laboratory Registration Application Requirements and Selection Process), is renamed
Sec. 6402 (Testing Laboratory License Application),
Sec. 6407 (Standard Operating Procedure Requirements) is repealed,
Sec. 6409 (Testing Requirements and Methodologies) is repealed,
Sec. 6410 (Result Reporting) is repealed..... 005051 - 005211

Ch. 65 (Cannabis Testing) is added,
Sections 6500 – 6509..... 005051 - 005211

Ch. 66 (Adulterated Cannabis) is added,
Sec. 6600 (Prohibition on Distributing Adulterated Products) ..... 005051 - 005211

Ch. 67 (Couriers) is added,
Sec. 6700 (Couriers) ..... 005051 - 005211

Ch. 96 (Moratoriums) is added,
Sec. 9600 – 9603..... 005051 - 005211

Ch. 97 (Hearing Procedures) is added,
Sections 9700 – 9724..... 005051 - 005211

Ch. 98 (Sliding Scale Program) is added,
Sec. 9800 (Sliding Scale Program) ..... 005051 - 005211

Ch. 99 (Definitions), Sec. 9900 (Definitions) ..... 005051 - 005211

to amend the licensing process for medical cannabis businesses and to make other changes; Sixth Emergency and Proposed Rulemaking to make minor amendments to the Fifth Emergency and Proposed Rulemaking published on December 13, 2024 at 71 DCR 015088.....005051 - 005211

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

EMERGENCY AND PROPOSED RULEMAKING CONT'D

Health, Department of (DC Health) -
Amend 17 DCMR (Business, Occupations, and Professionals),
Ch. 54 (Registered Nursing),
Sec. 5405 (Licensure by Endorsement),
Ch. 55 (Practical Nursing),
Sec. 5505 (Licensure by Endorsement),
to adopt a pathway to expedite the issuance of a District of Columbia nursing license to applicants who hold a multistate nursing license in good standing..... 005212 - 005213

NOTICES, OPINIONS, AND ORDERS
MAYOR'S ORDERS

2025-048 Amendment — America's Semiquincentennial - District of Columbia 250 Commission .....005214 - 005215

2025-049 Appointments — America's Semiquincentennial - District of Columbia 250 Commission (13 members).....005216 - 005217

2025-054 Delegation — Authority to the Director of the Department of Buildings to Promulgate, as part of the Construction Codes, Regulations to Implement the Provisions of the Migratory Local Wildlife Protection Act of 2022 .....005218 - 005219

Note: Mayor's Order 2025-054 was published in the April 18, 2025 *D.C. Register* with the incorrect effective date. The corrected Mayor's Order 2025-054 is published in this edition.

2025-057 Delegation — Authority to the Chief of the Fire and Emergency Medical Services Department to Announce and Support the 54th Annual HEROES (Honor Every Responsible Officer's Eternal Sacrifice), Inc. Golf Tournament.....005220

NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES

Alcoholic Beverage and Cannabis Administration -
ABC Board's Calendar for April 30, 2025 ..... 005221 - 005222

Behavioral Health, Department of -
Notice of Funding Availability -
Comprehensive Care Management for Individuals with Opioid Use Disorder and/or Stimulant Use Disorder.....005223 - 005224

Briya Public Charter School -
Request for Proposals - General Contractor Services 005225

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES

Capital City Public Charter School -
Request for Proposals - Multiple Services and Supplies....005226

Clemency Board, Office of the District of Columbia -
Notice of Closed Meeting - May 9, 2025....005227
Notice of Public Meeting - May 9, 2025.... 005228 - 005229

Early Childhood Academy Public Charter School -
Request for Proposals -
General Contractor....005230
Legal Services - Borrower's Counsel....005231

Elections, Board of -
Certification of ANC–SMD (13) Vacancies: 2A05, 2A06, 2A07, 2F08, 4A06, 4A07, 4B04, 5A05, 6E04, 7D02, 7E05, 7E07, 8D02....005232

Energy and Environment, Department of -
Climate Commitment Act Interagency Taskforce Meeting - April 23, 2025....005233
Notice of Public Comment on Air Quality Issues - Reproposal of Alternative NOX RACT for Capitol Power Plant....005234 - 005235

Notice of Solicitation of Public Comment - Intent to Issue Water Quality Certification -
WQC-DC-2024-143 Straughan Environmental, Inc....005236 - 005242

Health, Department of (DC Health) -
Board of Social Work - Public Notice of Change to Start Time for April 2025 Meeting - April 28, 2025 - 12:00 pm....005243

Ingenuity Prep Public Charter School -
Request for Proposals - Multiple Services....005244

Licensing and Consumer Protection, Department of -
D.C. Board of Accountancy Meeting - May 2, 2025....005245
D.C. Board of Barber and Cosmetology Meeting - May 5, 2025....005246
D.C. Board of Funeral Directors Meeting - May 1, 2025....005247

Planning and Economic Development, Office of the Deputy Mayor for -
Walter Reed Army Medical Center Community Advisory Committee Meeting - May 5, 2025....005248

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES

Public Charter School Board, DC -
Special Board Meeting - April 29, 2025 ..... 005249 - 005250
Updated Notice of Charter Reviews - Multiple Schools:
Social Justice Public Charter School and
The Sojourner Truth School Public Charter School -
Open for Public Comment Accepted Until April 29, 2025 ..... 005251 - 005252

Public Service Commission -
Notice of Final Tariff - Electric Tariff 00-2 - Potomac Electric Power
Company's Surcharge Update ..... 005253 - 005254
Notice of Final Tariff - Formal Case No. 1155 and Electric
Tariff 2022-06 - Potomac Electric Power Company's
Plug-In Vehicle Tariff ..... 005255 - 005256

The SEED Public Charter School -
Request for Proposals - Facilities Condition Assessment 005257

Victim Services and Justice Grants, Office of -
Notice of Funding Availability - Fiscal Year 2026 Consolidated Victim
Services Request for Applications 005258

Water and Sewer Authority, DC -
Executive Committee Meeting - May 5, 2025 005259

Zoning Adjustment Board of - Cases
21255 Paul Wallace - ANC 3E - Order ..... 005260 - 005262
21266 Julia Howell and Marco Davis - ANC 4E - Order ..... 005263 - 005265
21271 Biemmnet S. Eshete - ANC 4D - Order ..... 005266 - 005268

Zoning Adjustment, Board of - May 21, 2025 - Public Meeting
20566A TowerCo 2013, LLC - ANC 5B ..... 005269 - 005271
21300 Joseph P. Catlett, Trustee, and John K. Jenkins, Trustee -
ANC 3D ..... 005269 - 005271

Zoning Adjustment, Board of - June 4, 2025 - Public Meeting
20915A Takoma Lot 5, LLC - ANC 4B ..... 005272 - 005274
21306 Helen Jackson and Zakiya Jackson - ANC 7E ..... 005272 - 005274

Zoning Commission - Cases
16-18G Georgetown University - Order ..... 005275 - 005297
16-18H Georgetown University - Order ..... 005298 - 005303
18-03B Dancing Crab Properties, LLC and
10009 Fields Road, Inc. - Order ..... 005304 - 005309
25-02 NW One Phase 3 Owner, LLC - Notice of Filing 005310

Notice of Closed Meeting for Joint Training - April 29, 2025 005311

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-43

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2025

To amend section 25-723 of the District of Columbia Official Code to allow the Alcoholic Beverage and Cannabis Board to extend the hours of operation, sales, service, and consumption of alcoholic beverages for cultural events, sporting events, or tourism-related events for licensees registered with the Alcoholic Beverage and Cannabis Board.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "On-Premises and On-Site Extended Hours Program Amendment Act of 2025".

Sec. 2. Section 25-723 of the District of Columbia Official Code is amended as follows:

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

"(g)(1) Except as provided in § 25-724, for a licensee operating under an on-premises retailer's license, manufacturer's license holding an on-site sales and consumption permit, or a temporary license, the Board may extend the hours of sales, service, and consumption of alcoholic beverages until 4:00 a.m., and the hours of operation to 24 hours a day, for cultural events, sporting events, or tourism-related events, if the licensee:

"(A) Registers with the Board;

"(B) Pays a minimum registration fee of $100; and

"(C) Provides written notice no later than 3 calendar days before the first day of the cultural event, sporting event, or tourism-related event to the Board of its extended hours of operation, sales, service, and consumption.

"(2) The Board shall provide written notification to the Metropolitan Police Department at least 48 hours before extended hours of operation, sales, service, and consumption under this subsection will take effect. The written notification shall include the list of establishments eligible to participate in the extended hours under this subsection.

"(3) To the extent feasible, the Board shall provide notice of extended hours of operation, sales, service, and consumption pursuant to this subsection in the District of Columbia Register, and shall, within 24 hours of that publication, post notice of these extended hours on ABCA's website.

ENROLLED ORIGINAL

"(4) The fees collected pursuant to this subsection shall be deposited into the Alcoholic Beverage and Cannabis Administration Fund established by § 25-210.

"(5) For the purposes of this subsection, the term:

"(A) "Cultural event" means an event or gathering that aims to highlight the customs, arts, music, dances, or cuisines of various cultures through performances and displays of artistic expression.

"(B) "Sporting event" means a professional or amateur event involving a game or athletic competition that occurs either once annually or every 4 years that is organized by a league or association.

"(C) "Tourism-related event" means an event, such as a major festival, convention, or trade show, with the potential to attract visitors from outside a 50-mile radius of the District, and that is likely to produce a significant positive financial impact for the District.".

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), and 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. Code § 1-206(c)(1)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
APRIL 22, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-44

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2025

To amend the Health Services Planning Program Re-establishment Act of 1996 to exempt from the certificate of need process digital-only telehealth platforms and providers, federally qualified health centers, outpatient or residential behavioral health services, and primary care, dental care, and specialty care providers, to define group practice and nonpatient care project, to remove the 3 year maximum on certificate of need applications for active projects, to increase the capital expenditure thresholds, and to require the State Health Planning and Development Agency to update the capital expenditure and medical equipment spending thresholds every 2 years, to increase the number of beds that must be added or removed at a health care facility in order to trigger a certificate of need; to amend the Health-Care and Community Residence Facility Hospice and Home Care Licensure Act of 1983 to require the Department of Health to create a registration process for entities offering primary, dental, and specialty care, virtual provider networks, virtual telehealth platforms, and federally qualified health centers, and to require the Department of Health to post information about certificate of need applications for the previous 3 years on its website; to amend the District of Columbia Health Occupations Revision Act of 1985 to rename the Board of Integrative Healthcare to the Board of Acupuncture, Chiropractic, and Naturopathic Physicians, to decrease the size of the Board of Acupuncture, Chiropractic, and Naturopathic Physicians from 9 to 7 members, to create a pathway for graduate social workers to become licensed without passing an examination, and to clarify that cottage food businesses can sell products wholesale; and to make other technical amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Certificate of Need Improvement Amendment Act of 2025".

Sec. 2. The Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-401 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 44-401) is amended as follows:

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

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

(i) Sub-subparagraph (i) is amended as follows:

(I) Strike the phrase "$6 million" and insert the phrase "$15 million" in its place.

(II) Strike the phrase "SHPDA may, by rule, adjust this threshold annually to reflect the change in the Hospital Construction Cost Index issued by the U.S. Department of Commerce;" and insert the phrase "SHPDA shall, by rule, adjust this threshold every 2 years to reflect the change in the Producer Price Index for New Health Care Building Construction issued by the United States Bureau of Labor Statistics or a comparable index;" in its place.

(ii) Sub-subparagraph (ii) is amended as follows:

(I) Strike the phrase "$3.5 million" and insert the phrase "$5 million" in its place.

(II) Strike the phrase "SHPDA may, by rule, adjust this threshold annually to reflect the change in the Hospital Construction Cost Index issued by the U.S. Department of Commerce;" and insert the phrase "SHPDA shall, by rule, adjust this threshold every 2 years to reflect the change in the Producer Price Index for New Health Care Building Construction issued by the United States Bureau of Labor Statistics or a comparable index;" in its place.

(iii) Sub-subparagraph (iii) is amended by striking the phrase "equipment;" and inserting the phrase "equipment; except, for the replacement of existing major medical equipment with new equipment intended for the same purpose;" in its place.

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

"(C) The term "capital expenditure" shall not include an expenditure on a nonpatient care project or renovations of existing facilities that do not increase or decrease the number of licensed beds or types of services provided by the facility.".

(2) Paragraph (6B)(B) is amended to read as follows:

"(B) The term "diagnostic health care facility" shall not include any facility that would be exempt from the definition of health care facility under paragraph (10) of this section.".

(3) A new paragraph (9B) are added to read as follows:

"(9B)(A) "Group practice" means a group of 2 or more health professionals legally organized as a partnership, professional corporation, foundation, not-for-profit corporation, faculty practice plan, or similar association authorized to do business in the District of Columbia, for which:

"(i) Each health professional who is a member of the group is licensed to practice in the District of Columbia and provides substantially the full range of services that a health professional with that license routinely provides, including medical care,

consultation, diagnosis, or treatment, through the joint use of shared office space, facilities, equipment and personnel;

"(ii) Substantially all of the services of the health professionals who are members of the group are provided through the group and are billed under a billing number assigned to the group and amounts so received are treated as receipts of the group;

"(iii) The overhead expenses of, and the income generated from, the practice are distributed in accordance with methods previously determined by group members;

"(iv) Except as provided in subparagraph (B) of this pararaph, no health professional who is a member of the group directly or indirectly receives compensation based on the volume or value of referrals made by the health professional; and

"(v) Members of the group personally conduct no less than 75 percent of the physician-patient encounters of the group practice.

"(B) A health professional in a group practice may be paid a share of overall profits of the group, or a productivity bonus based on services personally performed or services incident to such personally performed services, so long as the share or bonus is not determined in any manner which is directly related to the volume or value of referrals made by such health professional.

"(C) In the case of a faculty practice plan associated with a hospital, institution of higher education, or medical school with an approved medical residency training program in which health professional members may provide a variety of different specialty services and provide professional services both within and outside the group, as well as perform other tasks such as research, subparagraph (A) of this paragraph shall apply only with respect to the services provided within the faculty practice plan.".

(4) Paragraph (10) is amended to read as follows:

"(10)(A) "Health care facility" or "HCF" means any private general hospital, psychiatric hospital, other specialty hospital, rehabilitation facility, skilled nursing facility, intermediate care facility, freestanding emergency department, urgent care facility, ambulatory surgical facility with at least one operating room, kidney disease treatment center, freestanding hemodialysis facility, diagnostic health care facility, home health agency, hospice, or other comparable health care facility which has an annual operating budget of at least $500,000.

"(B) The term "health care facility" shall not include:

"(i) A private office facility, clinic, or other establishment with no operating room where one or more health professionals provide primary care services, specialty care services, or dental services according to the applicable scope of practice of the health professional's licensure;

"(ii) A virtual provider network or virtual telehealth platform;

"(iii) A facility providing outpatient or residential behavioral health services subject to the exclusive regulatory authority of the Department of Behavioral Health;

"(iv) A federally qualified health center, as defined in section 1861(aa)(4) of the Social Security Act, approved July 30, 1965 (79 Stat. 313; 42 U.S.C. § 1395x(aa)(4)), or an entity that has been determined by the Health Resources and Services Administration of the United States Department of Health and Human Services to meet the definition of a federally qualified health center, but does not receive funding under section 330 of the Public Health Service Act, approved October 11, 1996 (110 Stat. 3626; 42 U.S.C. § 254b) ("federally qualified health center look-alike"); or

"(v) A health care facility licensed or to be licensed as a community residence facility, except for an intermediate care facility, or an Assisted Living Residence as defined by section 201(4) of the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code § 44-102.01(4)).".

(5) Paragraph (12) is amended by striking the phrase "those outpatient behavioral health services subject to the exclusive regulatory authority of the Department of Behavioral Health and services provided by physicians, dentists, HMOs, and other individual providers in individual or group practice." and inserting the phrase "any service provided by an entity that would be exempt from the definition of health care facility under paragraph (10) of this section." in its place.

(6) Paragraph (14)(A) is amended as follows:

(A) Sub-subparagraph (i) is amended by striking the phrase "SHPDA may, by rule, adjust this threshold annually to reflect the change in the Consumer Price Index issued by the Bureau of Labor Statistics, United States Department of Labor;" and inserting the phrase "SHPDA shall, by rule, adjust this threshold every 2 years to reflect the change in the Producer Price Index for Medical Equipment and Supplies Manufacturing issued by the United States Bureau of Labor Statistics or such comparable index;" in its place.

(B) Sub-subparagraph (ii) is amended by striking the phrase "$2 million;" and inserting the phrase "$2 million; except, that the SHPDA shall, by rule, adjust this threshold every 2 years to reflect the change in the Producer Price Index for Medical Equipment and Supplies Manufacturing issued by the United States Bureau of Labor Statistics or such comparable index;" in its place.

(C) Sub-subparagraph (iii) is amended by striking the phrase "$350,000." and inserting the phrase "$350,000; except, that the SHPDA shall, by rule, adjust this threshold every 2 years to reflect the change in the Producer Price Index for Medical Equipment and Supplies Manufacturing issued by the United States Bureau of Labor Statistics or such comparable index.".

(7) Paragraph (15) is amended as follows:

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

(i) Sub-subparagraph (iii) is amended to read as follows:

"(iii) Any new health service with a physical location; or".

(ii) Sub-subparagraph (iv) is amended by striking the phrase "or 10%" and inserting the phrase "or 20%" in its place.

(B) Subparagraph (B) is amended by striking the phrase "SHPDA may, by rule, adjust this threshold annually to reflect the change in the medical care component of the Consumer Price Index issued by the Bureau of Labor Statistics, U.S. Department of Labor," and inserting the phrase "SHPDA shall, by rule, adjust this threshold every 2 years to reflect the change in the medical care component of the Consumer Price Index issued by the Bureau of Labor Statistics, U.S. Department of Labor or a comparable index," in its place.

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

"(15A) "Nonpatient care project" means any capital project by a healthcare facility or a hospital that does not solely, directly or indirectly, impact clinical procedures, treatments, patient interactions, or clinical areas, such as the construction or renovation of administrative offices, purchase of non-medical equipment, such as office furniture or information technology systems, including electronic medical records, renovation or replacement of electrical, heating, cooling, ventilation systems, elevator and escalators or other means of ingress and egress, or fire and life safety systems, and other projects that are focused solely on supporting the administrative functions of the facility.".

(9) Paragraph (20) is amended by striking the phrase "rendered to patients" and inserting the phrase "rendered to a patient, regardless of the patient's residency," in its place.

(10) New paragraphs (21) and (22) are added to read as follows:

"(21) "Virtual provider network" means a provider-owned and managed entity which employs or contracts with licensed health care providers, and which exclusively provides telehealth or telemedicine health care services through a virtual telehealth platform. The term "virtual provider network" shall not include an entity that maintains a physical facility, office, or other similar location in any jurisdiction where a person may go to seek care in person.

"(22) "Virtual telehealth platform" means a digital-only telehealth or telemedicine entity which facilitates the ability of patients to access licensed health care providers by exclusively providing health care services through a virtual provider network. The term "virtual telehealth platform" shall not include an entity that maintains a physical facility, office, or other similar location in any jurisdiction where a person may go to seek care in person.".

(b) Section 3 (D.C. Official Code § 44-402) is amended by repealing subsection (b-1).

(c) Section 4(c) (D.C. Official Code § 44-403(c)) is amended as follows:

(1) Paragraph (3) is amended by striking the phrase "Two representatives of incorporated associations of health care facilities in the District;" and inserting the phrase "One representative of an incorporated association of health care facilities in the District;" in its place.

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

"(3A) One representative of an incorporated association of hospitals in the District;".

(d) Section 8(b) (D.C. Official Code § 44-407(b)) is amended as follows:

(1) Paragraphs (3) and (14) are repealed.

(2) Paragraph (19) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(3) Paragraph (20) is amended by striking the period and inserting the phrase "; and" in its place.

(4) A new paragraph (21) is added to read as follows:

"(21) Any proposal by a virtual telehealth platform or virtual provider network to provide access to, offer, or develop health care services exclusively via a virtual telehealth platform to District residents.".

(e) Section 9(b) (D.C. Official Code § 44-408(b)) is amended by striking the phrase "no more than 3 years old." and inserting the phrase "no more than 5 years old." in its place.

(f) Section 10(f) (D.C. Official Code § 44-409(f)) is amended as follows:

(1) The existing language is designated as paragraph (1).

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

"(2) The Department shall post on its website a list of complete certificate of need applications received by the SHPDA in the previous 3 years, including the name of the applicant, a brief description of the proposed new health care entity or service, and the SHPDA's determination regarding the application.".

(g) Section 12(a) (D.C. Official Code § 44-411(a)) is amended by striking the phrase "; except that no certificate of need shall be effective for more than 3 years from the original date of issuance." and inserting a period in its place.

(h) Section 21(c) (D.C. Official Code § 44-420(c)) is repealed.

Sec. 3. Clarifying and technical amendments.

(a) The Health-Care and Community Residence Facility Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501 *et seq.*), is amended as follows:

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

"Sec. 3a. Registration of certain health care entities.

"(a) The Director of the Department of Health ("Department") shall create a registration process for the following entities:

"(1) A private office facility, clinic, or other establishment with no operating room where a health professional or group of health professionals provide primary care services, specialty care services, or dental services according to the applicable scope of practice of the health professional's licensure;

"(2) A virtual provider network or virtual telehealth platform operating in the District; and

"(3) A federally qualified health center, as defined in section 1861(aa)(4) of the Social Security Act, approved July 30, 1965 (79 Stat. 313; 42 U.S.C. § 1395x(aa)(4)), or an entity that has been determined by the Health Resources and Services Administration of the United States Department of Health and Human Services to meet the definition of a federally qualified health center, but does not receive funding under section 330 of the Public Health Service Act, approved October 11, 1996 (110 Stat. 3626; 42 U.S.C. § 254b) ("federally qualified health center look-alike").

"(b) The registration process shall:

"(1) Take less than a median of 10 business days for the Department to review and approve once a completed application has been submitted, unless the Department notifies the applicant of an issue;

"(2) Require that the facility submit to the Department only information that is accessible and reasonable, such as its physical location, names of providers, provider capacity, and types of insurance accepted;

"(3) Not require registration renewal more frequently than every 3 years; and

"(4) Not require a registration or renewal fee above $100 per year of registration; provided, that the Department may adjust this fee periodically to reflect the change in the Consumer Price Index issued by the Bureau of Labor Statistics, United States Department of Labor through rulemaking.

"(c) A new entity that meets the requirements of subsection (a) of this section shall register with the Department before beginning operation.

"(d) Notwithstanding subsection (a) of this section, existing entities that meet the requirements of subsection (a) of this section for registration shall have 2 years from the effective date of this section to complete the registration process.

"(e) Entities that own or operate more than one physical location shall complete the registration process for each location separately.

"(f) The revenue generated from the registration or renewal fees under subsection (b) of this section shall be placed in the Health Occupations Regulation Fund, established by section 4904 of the Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-733).".

(2) Section 5 (D.C. Official Code § 44-504) is amended as follows:

(A) Subsection (a)(2)(A) is amended by striking the word "licenses" and inserting the phrase "licenses and registrations" in its place.

(B) Subsection (j) is amended by striking the phrase "rules that establish or modify license fees" and inserting the phrase "rules that establish or modify license or registration fees" in its place.

(3) Section 10 (D.C. Official Code § 44-509) is amended as follows:

(A) Subsection (b) is amended by striking the phrase "or other entity from operating a facility or agency" and inserting the phrase "entity described in section 3a, or other entity from operating a facility or agency" in its place.

(B) Subsection (e)(1) is amended by striking the phrase "a facility or agency" and inserting the phrase "an entity described in section 3a or a facility or agency" in its place.

(b) Section 4931(3) of the Department of Health Functions Clarification Act of 2001, effective January 25, 2014 (D.C. Law 20-63; D.C. Official Code § 7-742.01(3)), is amended by striking the phrase "through direct, retail, and online sales," and inserting the phrase "through direct, retail, wholesale to licensed food establishments, and online sales," in its place.

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

(1) The table of contents is amended by striking the phrase "Sec. 224. Board of Integrative Healthcare." and inserting the phrase "Sec. 224. Board of Acupuncture, Chiropractic, and Naturopathic Physicians." in its place.

(2) Section 101(1) (D.C. Official Code § 3-1201.01(1)) is amended by striking the phrase "Integrative Healthcare" and inserting the phrase "Acupuncture, Chiropractic, and Naturopathic Physicians" in its place.

(3) Section 203(a)(2A) (D.C. Official Code § 3-1202.03(a)(2A)) is amended by striking the phrase "Integrative Healthcare" and inserting the phrase "Acupuncture, Chiropractic, and Naturopathic Physicians" in its place.

(4) Section 216(f) (D.C. Official Code § 3-1202.16(f)) is amended by striking the phrase "Integrative Healthcare" and inserting the phrase "Acupuncture, Chiropractic, and Naturopathic Physicians" in its place.

(5) Section 224 (D.C. Official Code § 3-1202.24) is amended as follows:

(A) The section heading is amended by striking the phrase "Integrative Healthcare" and inserting the phrase "Acupuncture, Chiropractic, and Naturopathic Physicians" in its place.

(B) Subsection (a) is amended by striking the phrase "Integrative Healthcare to consist of 9 members" and inserting the phrase "Acupuncture, Chiropractic, and Naturopathic Physicians to consist of 7 members" in its place.

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

"(c) Of the members of the Board, 2 shall be acupuncturists licensed in the District, 2 shall be doctors of chiropractic licensed in the District, 2 shall be naturopathic physicians licensed in the District, and one shall be a consumer member.".

(D) Subsection (e) is amended by striking the phrase "Of the members initially appointed under this section, 3 shall be appointed for a term of one year, 3 shall be appointed for a term of 2 years, and 3 shall be appointed for a term of 3 years." and inserting the phrase "Of the members initially appointed under this section, 2 shall be appointed for a term of

one year, 2 shall be appointed for a term of 2 years, and 3 shall be appointed for a term of 3 years." in its place.

(E) Subection (f) is amended as follows:

(i) Paragraph (3) is amended by striking the semicolon and inserting the phrase "; and" in its place.

(ii) Paragraph (4) is repealed.

(6) Section 504 (D.C. Official Code § 3-1205.04) is amended by striking the phrase "Integrative Healthcare" wherever it appears and inserting the phrase "Acupuncture, Chiropractic, and Naturopathic Physicians" in its place.

(7) Section 506 (D.C. Official Code § 3-1205.06) is amended by adding a new subsection (f) to read as follows:

"(f) Notwithstanding any other provision of this section, the examination requirement under this section shall not apply to an individual applying for licensure as a licensed graduate social worker under section 802.".

(8) Section 621 (D.C. Official Code § 3-1206.21) is amended by striking the phrase "Integrative Healthcare" wherever it appears and inserting the phrase "Acupuncture, Chiropractic, and Naturopathic Physicians" in its place.

(9) Section 802 (D.C. Official Code § 3-1208.02) is amended as follows:

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

"(a) The Board of Social Work shall license as a graduate social worker a person who, in addition to meeting the requirements of title V, except the examination requirement under section 506, has a master's degree or a doctorate from a social work program accredited by the Council on Social Work Education.".

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

"(c) To renew their license as a licensed graduate social worker, a person shall, prior to the first time renewing their license, either:

"(1) Pass a national examination or

"(2) Obtain 1,500 hours in the practice of social work under the supervision of a social worker licensed under sections 803 or 804.".

(d) Section 2(f)(73) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Code § 1-523.01(f)(73)) is amended by striking the phrase "Integrative Healthcare" and inserting the phrase "Acupuncture, Chiropractic, and Naturopathic Physicians" in its place.

Sec. 4. Applicability.

(a) Sections 2 and 3(a) shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

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

ENROLLED ORIGINAL

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

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

Sec. 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) and 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)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
APRIL 22, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-45

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2025

To amend, on a temporary basis, section 205 of the Clemency Board Establishment Act of 2018 to authorize the Clemency Board to, for applicants seeking a pardon, grant a waiver of the 5-year waiting period.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Clemency Board Waiver Authority Temporary Amendment Act of 2025".

Sec. 2. Section 205 of the Clemency Board Establishment Act of 2018, effective December 13, 2018 (D.C. Law 22-197; D.C. Official Code § 24-481.05), is amended by adding a new subsection (f) to read as follows:

"(f) The Board may, upon written request of the applicant, grant a waiver of the requirements of subsection (c)(1) of this section; provided, that:

"(1) The Board shall only grant a waiver under this subsection where the Board is in receipt of notice from the Office of the Pardon Attorney that the Pardon Attorney or the President of the United States has provided the applicant with a waiver of the 5-year requirement pursuant to § 9-140.112 of the Department of Justice Manual;

"(2) The Board may decline to grant a waiver under this subsection even when the Board is in receipt of the notice described in paragraph (1) of this subsection;

"(3) The Board shall not grant a waiver under this subsection when the applicant is on probation, parole, or supervised release;

"(4) The Board may request additional information from the applicant to support their request for a waiver of subsection (c)(1) of this section, which may include a request to meet with the applicant to discuss their waiver request;

"(5) The Board shall provide the applicant with written notice of the Board's decision to grant or deny a waiver request pursuant to this subsection; and

"(6) Prior to the Board making a determination whether to grant a request for a waiver pursuant to this subsection, the applicant's application shall be deferred until a determination is made.".

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Offiacial 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 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).

(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
APRIL 22, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-46

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2025

To amend, on a temporary basis, section 16-805(c)(1) of the District of Columbia Official Code to clarify the timeline for the automatic sealing of nonconvictions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Second Chance Clarification Temporary Amendment Act of 2025".

Sec. 2. Section 16-805(c)(1) of the District of Columbia Official Code is amended as follows:

(a) Subparagraph (A) is amended by striking the phrase "prior to the effective date of the Second Chance Amendment Act of 2022, passed on 2nd reading on December 20, 2022 (Enrolled version of Bill 24-63)" and inserting the phrase "on or before September 30, 2027" in its place.

(b) Subparagraph (B) is amended by striking the phrase "the effective date of the Second Chance Amendment Act of 2022, on 2nd reading on December 20, 2022 (Enrolled version of Bill 24-63), shall be sealed" and inserting the phrase "October 1, 2027, shall be sealed by October 1, 2027, or" in its place.

Sec. 3. Applicability.

This act shall apply as of March 1, 2025.

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

ENROLLED ORIGINAL

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)).

(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
APRIL 22, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-47

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2025

To amend, on a temporary basis, the Legalization of Marijuana for Medical Treatment Initiative of 1999 to amend the definition of an unlicensed establishment to include establishments that sell Schedule I substances or products that contain Schedule I substances, to authorize enforcement actions to be taken against all unlicensed establishments beginning on April 1, 2025, regardless of whether the unlicensed establishments have an application pending application before the Alcoholic Beverage and Cannabis Board , to authorize certain enforcement actions before April 1, 2025, against an unlicensed establishment that has an application before the Alcoholic Beverage and Cannabis Board if the unlicensed establishment sells a Schedule I substance or a product that contains a Schedule I substance, to authorize summary closures and related enforcement actions to continue for as long as the imminent danger to the public persists and is likely to recur, and to allow the Alcoholic Beverage and Cannabis Administration and Metropolitan Police Department to take related enforcement actions against a licensed medical cannabis establishment that engages in certain unlawful activity.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unlicensed Establishment Enforcement Clarification Temporary Amendment Act of 2025".

Sec. 2. The Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-1671.01) is amended as follows:

(1) A new paragraph (20B-i) is added to read as follows:

"(20B-i) "Schedule I substance" means a controlled substance listed in section 204 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-902.04), or rules implementing that section.".

(2) Paragraph (22) is amended to read as follows:

"(22) "Unlicensed establishment" means:

"(A) A sole proprietorship, partnership, or other business entity that:

"(i) Sells, exchanges as part of a commercial transaction, or delivers cannabis and cannabis products;

"(ii) Operates at or delivers from a specific location in the District; and

"(iii) Is not licensed by ABCA as a cultivation center, retailer, internet retailer, manufacturer, courier, or testing laboratory; or

"(B) For purposes of section 9(c-1), (g), (h), and (i), a sole proprietorship, partnership, or other business entity that:

"(i) Sells, exchanges as part of a commercial transaction, or delivers Schedule I substances or products that contain Schedule I substances; and

"(ii) Operates at or delivers from a specific location in the District.".

(b) Section 7b (D.C. Official Code § 7-1671.06b) is amended by adding a new subsection (a-1) to read as follows:

"(a-1) Notwithstanding any other provision of this section, an unlicensed establishment may be summarily closed and padlocked pursuant to section 9(g) after April 1, 2025.".

(c) Section 9 (D.C. Official Code § 7-1671.08) is amended as follows:

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

"(c-1) It shall be a violation of this act for a licensed establishment or an unlicensed establishment (regardless of whether the unlicensed establishment has an application pending before the ABC Board) to sell, exchange as part of a commercial transaction, or deliver Schedule I substances or products that contain Schedule I substances.".

(2) Subsection (b) is amended by redesignating the second paragraph (1) as paragraph (2).

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

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

(i) Strike the phrase "this title" and insert the phrase "this act" in its place.

(ii) Strike the phrase "cannabis products" and insert the phrase "cannabis products, Schedule I substances, or products that contain Schedule I substances" in its place.

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

"(6) The ABC Board may continue the summary closure, padlocking of the premises, and seizure of cannabis, cannabis products, Schedule I substances, and products containing Schedule I substances until the imminent danger that triggered the summary closure is abated. Even if the imminent danger that triggered the summary closure is abated, the ABC Board may continue the summary closure, order of padlocking, and seizure of cannabis, cannabis

products, Schedule I substances, and products containing Schedule I substances, if the ABC Board determines, in its reasonable judgment, the imminent danger is likely to recur.".

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

"(g-1)(1) The ABC Board may summarily close and order the padlocking, by ABCA or MPD without a prior hearing, of a licensed establishment, and ABCA or MPD may seize all cannabis, cannabis products, Schedule I substances, and products containing Schedule I substances found at the premises, if, after an inspection, ABCA determines that the licensed establishment presents an imminent danger to the health and safety of the public for the reasons set forth in subsection (g)(2)(C) through (G) of this section.

"(2) ABCA shall provide the licensed establishment's owner and the property owner with written notice of the summary closure and the right to request a hearing.

"(3) The owner of the licensed establishment shall have 5 business days after service of the notice of summary closure to request a hearing with the ABC Board, which shall hold a hearing within 5 business days of a timely request.

"(4) The ABC Board shall issue a written decision within 5 business days after the hearing, or if no hearing is requested, within 10 business days after the service of the notice.".

"(5) The ABC Board may continue the summary closure, padlocking of the premises, and seizure of cannabis, cannabis products, Schedule I substances, and products containing Schedule I substances until the imminent danger that triggered the summary closure is abated. Even if the imminent danger that triggered the summary closure is abated, the ABC Board may continue the summary closure, order of padlocking, and seizure of cannabis, cannabis products, Schedule I substances, and products containing Schedule I substances, if the ABC Board determines, in its reasonable judgment, the imminent danger is likely to recur.".

(5) Subsection (h) is amended as follows:

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

"(1) ABCA or the Metropolitan Police Department may post signage at the site of the unlicensed establishment or licensed establishment indicating that activity that violates this act has been found to have occurred at the establishment.".

(B) Paragraph (2) is amended by striking the phrase "unlicensed establishment" and inserting the phrase "unlicensed establishment or licensed establishment" in its place.

(6) Subsection (i)(1) is amended to read as follows:

"(i)(1) An ABCA investigator may test cannabis and cannabis products found at a licensed establishment or unlicensed establishment to quantify their THC content and may test other substances and products found at a licensed establishment or unlicensed establishment for the presence and quantity of a Schedule I substance.".

Sec. 3. Fiscal impact statement.

ENROLLED ORIGINAL

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

Sec. 4. Effective date.

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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
APRIL 22, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-48

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2025

To approve, on an emergency basis, Modification Nos. M0009, M0010, M0011, M0012, M0013, and M0014 to Contract No. CW101626 with Collaborative Solutions for Communities, 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 "Modification Nos. M0009, M0010, M0011, M0012, M0013, and M0014 to Contract No. CW101626 with Collaborative Solutions for Communities Approval and Payment Authorization Emergency Act of 2025".

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. M0009, M0010, M0011, M0012, M0013, and M0014 to Contract No. CW101626 with Collaborative Solutions for Communities and authorizes payment in the not-to-exceed amount of $1,732,633.44 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
APRIL 22, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-49

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2025

To approve, on an emergency basis, Modification Nos. M0008, M0009, M0010, M0011, M0012, and M0013 to Contract No. CW101233 with My Sister's Place, Inc., 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. M0008, M0009, M0010, M0011, M0012, and M0013 to Contract No. CW101233 with My Sister's Place, Inc. Approval and Payment Authorization Emergency Act of 2025".

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. M0008, M0009, M0010, M0011, M0012, and M0013 to Contract No. CW101233 with My Sister's Place, Inc. and authorizes payment in the not-to-exceed amount of $1,694,810.52 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
APRIL 22, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-50

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2025

To approve, on an emergency basis, Modification Nos. M0009, M0010, M0011, M0012, and M0013 to Contract No. CW101632 with KBEC Group, Inc., 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. M0009, M0010, M0011, M0012, and M0013 to Contract No. CW101632 with KBEC Group, Inc. Approval and Payment Authorization Emergency Act of 2025".

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. M0009, M0010, M0011, M0012, and M0013 to Contract No. CW101632 with KBEC Group, Inc. and authorizes payment in the not-to-exceed amount of $1,403,657.97 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
APRIL 22, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-51

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2025

To amend, on an emergency basis, the Universal Paid Leave Amendment Act of 2016 to prohibit private disability insurance providers from reducing short-term disability benefits based on actual or estimated paid leave benefits to which an eligible individual may be entitled to from the District, regardless of the jurisdiction in which the insurance policy was issued or written; and to amend the Insurance Trade and Economic Development Amendment Act of 2000 to make the prohibition on offsetting or reducing benefits under a private market short-term disability insurance policy based on estimated or actual benefits received under the Universal Paid Leave Amendment Act of 2016 enforceable under that law, regardless of the jurisdiction in which the insurance policy was issued or written.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Short-Term Disability Insurance Benefit Protection Clarification Emergency Amendment Act of 2025".

Sec. 2. Section 107(j)(1) of the Universal Paid Leave Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.07(j)(1)), is amended to read as follows:

"(j)(1) No insurer may offset or reduce benefits or income available to an eligible individual under an individual or group policy for temporary or short-term disability insurance based on estimated or actual benefits the eligible individual may or does receive under this act, regardless of the jurisdiction in which such policy was issued, executed, written, or delivered.".

Sec. 3. Section 120a the Insurance Trade and Economic Development Amendment Act of 2000, effective April 2, 2001 (D.C. Law 13-265; D.C. Official Code § 31-2231.20a), is amended as follows:

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

"(a) No insurer may offset or reduce benefits or income available to an eligible individual under a temporary or short-term disability insurance policy, based on estimated or actual benefits

the eligible individual may or does receive under the Universal Paid Leave Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.01 *et seq.*), regardless of in which jurisdiction such policy was executed, written, or delivered.".

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

"(c) For the purposes of this section, the term:

"(1) "Eligible individual" shall have the same meaning as provided in section 101(6) of the Universal Paid Leave Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.01(6)).

"(2) "Self-insured employer" shall have the same meaning as provided in section 101(19A) of the Universal Paid Leave Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.01(19A)).".

Sec. 4. Applicability.

This act shall apply as of July 10, 2024.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
APRIL 22, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-52

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2025

To preserve, on an emergency basis, foreclosure protections for homeowners who applied for funding from the DC Homeowner Assistance Fund program before September 30, 2022, and whose applications remain under review, pending approval, pending payment, or under appeal, and to require that notices continue to be sent to homeowners informing them of the DC Homeowner Assistance Fund program before a foreclosure action.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Foreclosure Moratorium and Homeowner Assistance Fund Coordination Emergency Act of 2025".

Sec. 2. Foreclosure moratorium.

(a)(1) From July 1, 2022, through September 30, 2022, no residential foreclosure may be initiated or conducted under section 539 or section 95 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1274/1204; D.C. Official Code §§ 42-815 and 42-816) ("section 539 or section 95"), no sale may be initiated or conducted under section 313(c) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.13(c)), and no judgment foreclosing the right of redemption shall be entered under D.C. Official Code § 47-1378 if:

(A) A homeowner or their representative applies for financial assistance to cure a debt or default with funds from the Department of Housing and Community Development's DC Homeowner Assistance Fund ("DC HAF"), or a similar government fund established to assist homeowners impacted by the COVID-19 public emergency or public health emergency declared pursuant to the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301 *et seq.*) ("financial assistance application");

(B) The financial assistance application is under review, pending approval, pending payment, or under appeal; and

(C) Proof of the financial assistance application status described in subparagraph (B) of this paragraph is presented, as a paper copy or through an electronic

medium, including through communications facilitated by the online DC HAF application portal, to the mortgage lender, condominium association, homeowners association, or tax sale purchaser, or to an agent acting as a representative for any housing or financing entity to which the homeowner is indebted.

(2)(A) Beginning on July 25, 2022, a mortgage lender, condominium association, homeowners association, or tax sale purchaser, or an agent acting as a representative for any housing or financing entity to which a homeowner is indebted, may begin to send notices to warn of intention to initiate or continue foreclosure actions, but no foreclosure action described in paragraph (1) of this subsection may proceed prior to 30 days after a homeowner is first sent a warning notice.

(B) Before September 30, 2022, all foreclosure notices and foreclosure warning notices sent pursuant to subparagraph (A) of this paragraph shall:

(i) Be sent by postal and electronic mail to a homeowner's last known home and email address;

(ii) Inform the homeowner of DC HAF and the program's potential ability to cure eligible housing debts, including the specific type of debt or debts owed to the entity sending the notice; and

(iii) Explain the September 30, 2022, deadline to apply to DC HAF to delay or prevent further foreclosure action.

(C) After October 1, 2022, all foreclosure notices and foreclosure warning notices sent pursuant to subparagraph (A) of this paragraph shall:

(i) Be sent by postal and electronic mail to a homeowner's last known home and email address; and

(ii) Inform the homeowner of DC HAF and the program's potential ability to cure eligible housing debts, including the specific type of debt or debts owed to the entity sending the notice.

(D) If, prior to the effective date of the Foreclosure Moratorium and Homeowner Assistance Fund Coordination Emergency Amendment Act of 2022, effective November 22, 2022 (D.C. Act 24-674; D.C. Official Code § 42-851.01), a mortgage lender, condominium association, homeowners association, or tax sale purchaser, or an agent acting as a representative for any housing or financing entity to which a homeowner is indebted sent a notice of an intention to initiate, notice to initiate, or notice to continue foreclosure actions without information about DC HAF, a new notice must be sent prior to the continuation of any foreclosure action informing the homeowner of the availability of DC HAF and the program's potential ability to cure eligible housing debts, including the specific type of debt or debts owed to the entity sending the notice;

(3) The Mayor, or the Mayor's designee, shall ensure:

(A) A homeowner applying for DC HAF relief, or for similar government funds established to assist homeowners impacted by the COVID-19 public emergency or public

health emergency declared pursuant to the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301 *et seq.*), is provided with documentation in a timely and ongoing manner that will enable the applicant to present proof of financial assistance application status as described in paragraph (1)(C) of this subsection; and

(B) Editable sample foreclosure warning notices that include information about debt relief available through DC HAF are published on the DC HAF website for use by housing or financing entities to which a homeowner may be indebted.

(b)(1) If a homeowner submitted a DC HAF financial assistance application prior to September 30, 2022 and provided proof of the application status pursuant to subsection (a)(1)(C) of this section, and the application remains under review, pending approval, pending payment, or under appeal as of September 30, 2022, until such time as DC HAF payments can be made or the homeowner's application is denied following appeal, if any, the homeowner shall not be subject to a:

(A) Residential foreclosure initiated or conducted under section 539 or section 95;

(B) Sale initiated or conducted under section 313(c) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42- 1903.13(c)); or

(C) Judgment foreclosing the right of redemption under D.C. Official Code § 47-1378.

(2) The Mayor shall make every effort to make DC HAF payments as quickly as practicable to qualified homeowners, their representatives, or housing or financing entities to which a homeowner is indebted to cure any debts or defaults eligible for assistance.

Sec. 3. Applicability.

This act shall apply as of October 16, 2024.

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 a veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
APRIL 22, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-53

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2025

To amend, on an emergency basis, due to congressional review, the Condominium Act of 1976 to authorize condominium unit owners' associations to conduct virtual meetings and clarify voting and quorum requirements for such meetings; to amend section 29-910 of the District of Columbia Official Code to allow cooperatives to conduct remote meetings; and to amend sections 29-1005.06, 29-1005.07, and 29-1008.11(b) of the District of Columbia Official Code to allow limited equity cooperatives to conduct remote meetings.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this Act may be cited as the "Association Meeting Flexibility Congressional Review Emergency Amendment Act of 2025".

Sec. 2. Section 303 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.03), is amended as follows:

(a) Subsection (b) is amended by repealing paragraph (4).

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

"(f) Notwithstanding any language contained in this act or in the condominium instruments:

"(1) Meetings of the unit owners' association, executive board, or committees may be conducted or attended by telephone conference, video conference, or similar electronic means. If a meeting is conducted by telephone conference, video conference, or similar electronic means, the equipment or system used must permit any unit owner in attendance to hear and be heard by, and to comprehend what is said by, all other unit owners participating in the meeting. Any unit owner, board member, or committee member attending such meeting shall be deemed present for quorum purposes.

"(2) A link or instructions on how to access an electronic meeting shall be included in the notice required under subsection (a) of this section.

"(3) Any matters requiring a vote of the unit owners' association at an annual or regular meeting may be set by the executive board for a vote, and a ballot may be delivered with

the notice required under subsection (a) of this section. The executive board may set a reasonable deadline for a ballot to be returned to the association.

"(4) The executive board may authorize unit owners to submit votes by electronic transmission up to 7 days before the scheduled date of any meeting of the unit owners, and unit owners who submit votes during such period shall be deemed to be present and voting in person at such meeting.".

Sec. 3. Title 29 of the District of Columbia Official Code is amended as follows:

(a) Section 29-910 is amended by striking the phrase "If authorized by the articles or bylaws" and inserting the phrase "Regardless of whether remote regular and special meetings of members are authorized by the articles or bylaws" in its place.

(b) Section 29-1005.06(c) is amended by striking the phrase "Unless the organic rules otherwise provide, members" and inserting the word "Members" in its place.

(c)Section 29-1005.07(e) is amended by striking the phrase "Unless the organic rules otherwise provide, members" and inserting the word "Members" in its place.

(d)Section 29-1008.11(b) is amended by striking the phrase "Unless the organic rules otherwise provide, a" and inserting the word "A" in its place.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
APRIL 22, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-54

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 23, 2025

To require, on an emergency basis, that providers of commercial or residential rental property offer and maintain any rent payment plan agreed upon between March 11, 2020, and July 25, 2022, with eligible tenants, and to maintain the minimum requirements for such a plan.

BE IT ENACTED BY THE COUNCIL DISTRICT OF COLUMBIA, That this act may be cited as the "Tenant Payment Plan Phasing Emergency Act of 2025".

Sec. 2 Tenant payment plans.

(a) From March 11, 2020, through July 25, 2022 ("program period"), a provider shall offer a rent-payment-plan program ("program") for eligible tenants. Under its program, a provider shall:

(1) Make a payment plan available to an eligible tenant for the payment of gross rent, contractual increases agreed to in a commercial lease's rent escalation tables, and any other amounts that come due under the lease during the program period and prior to the cessation of tenancy ("covered time period"), with a minimum term length of one year unless a shorter payment plan term length is requested by the eligible tenant;

(2) Waive any fee, interest, or penalty that arises out of an eligible tenant entering into a payment plan;

(3) Not report to a credit reporting agency as delinquent the rent subject to the payment plan;

(4) Provide that an eligible tenant does not lose any rights under the lease by entering into the payment plan; and

(5) Notify all tenants of the availability, terms, and application process for its program.

(b)(l) Tenants entering into a payment plan shall be required to make payments in equal monthly installments for the duration of the payment plan unless a different payment schedule is requested by the tenant.

(2) A provider shall permit a tenant that has entered into a payment plan to pay an amount greater than the monthly amount provided for in the payment plan.

(3) A provider shall not require or request a tenant to provide a lump-sum payment under a payment plan.

(4) A provider shall agree in writing to the terms of a payment plan.

(c) A provider shall utilize existing procedures or, if necessary, establish new procedures to provide a process by which an eligible tenant may apply for a payment plan, which may include requiring the tenant to submit supporting documentation. A provider shall permit an application for a payment plan to occur online or by telephone.

(d) A provider shall approve each application for a payment plan submitted during a covered time period in which an eligible tenant:

(1) Demonstrates to the provider evidence of a financial hardship resulting directly or indirectly from the COVID-19 public health emergency, regardless of an existing delinquency or a future inability to make rental payments established prior to the start of the COVID-19 public health emergency; and

(2) Agrees in writing to make payments in accordance with the payment plan.

(e)(1) A provider who receives an application for a payment plan shall retain the application, whether approved or denied, for at least 3 years.

(2) Upon request of the tenant, a provider shall make an application for a payment plan available to:

(A) For residential tenants, the Rent Administrator and the Office of the Tenant Advocate; and

(B) For commercial tenants, the Department of Licensing and Consumer Protection.

(f)(1) A residential tenant whose application for a payment plan is denied may file a written complaint with the Rent Administrator. The Rent Administrator shall forward the complaint to the Office of Administrative Hearings for adjudication.

(2) A commercial tenant whose application for a payment plan is denied may file a written complaint with the Department of Licensing and Consumer Protection.

(g) Tenant payment plans may not contain any waiver of the tenant's rights under the tenant's lease or District of Columbia law. A tenant entering into a tenant payment plan retains the right to contest the amount of rent due unless this is agreed to in writing by both parties.

(h) During the program period, unless the provider has offered a rent payment plan pursuant to this section and approved a rent payment plan pursuant to subsection (d) of this section, that provider shall be prohibited from filing any collection lawsuit or eviction for nonpayment of rent; provided, that the tenant does not default on the terms of the payment plan.

(i) For the purposes of this act, the term:

(1) "COVID-19 public health emergency" means the emergencies declared in the Declaration of Public Emergency (Mayor's Order 2020-045) together with the Declaration of

Public Health Emergency (Mayor's Order 2020-046), both declared on March 11, 2020, including any extension of those declared emergencies.

(2) "Eligible tenant" means a tenant that:

(A) Has notified a provider of an inability to pay all or a portion of the rent due as a result of the COVID-19 public health emergency;

(B) Is not a franchisee unless the franchise is owned by a District resident; and

(C) Has leased from a provider:

(i) A residential property;

(ii) Commercial retail space; or

(iii) Commercial space that is less than 6,500 square feet in size and that comprises all or part of a commercial building.

(3) "Housing provider" means a person or entity who is a residential landlord, residential owner, residential lessor, residential sublessor, residential assignee, or the agent of any of the foregoing or any other person receiving or entitled to receive the rents or benefits for the use or occupancy of any residential rental unit within a housing accommodation within the District.

(4) "Non-housing provider" means a person or entity who is a non-residential landlord, non-residential owner, non-residential lessor, non-residential sublessor, non-residential assignee, a non-residential agent of a landlord, owner, lessor, sublessor, or assignee, or any other person receiving or entitled to receive rents or benefits for the use or occupancy of a commercial unit.

(5) "Provider" means a housing provider or a non-housing provider.

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

UNSIGNED

Mayor
District of Columbia
APRIL 22, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-55

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2025

To amend, on an emergency basis, due to congressional review, the Residential Tranquility Act of 2010 to prohibit persons targeting a residence for purposes of a demonstration from using sound amplifying devices in a residential zone between 7:00 p.m. and 9:00 a.m., and to prohibit a person from launching or throwing a projectile onto the residential property of another with the intent to cause fear, intimidate, or retaliate against any person living or working at that residence; and to amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to provide that the term expiration date for a Council appointment to the Corrections Information Council shall be December 7th of the year in which the term expires.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Residential Tranquility Second Congressional Review Emergency Amendment Act of 2025".

Sec. 2. The Residential Tranquility Act of 2010, effective May 26, 2011 (D.C. Law 18-374; D.C. Official Code § 22-2751 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 22-2751) is amended by adding a new paragraph (4) to read as follows:

"(4) "Sound amplifying device" means any machine, device, or loudspeaker that amplifies sound of the human voice, music, or any other sound. The term "sound amplifying device" shall not include automobile audio systems when used and heard only by the occupants of the vehicle in which the automobile audio system is installed, personal hearing aids, or headphones.".

(b) Section 3 (D.C. Official Code § 22-2752) is amended by adding new subsections (a-1) and (a-2) to read as follows:

"(a-1) It is unlawful for a person to use a sound amplifying device to target a residence for purposes of a demonstration between 7:00 p.m. and 9:00 a.m. in Residential Zones, Residential Flat Zones, or Residential Apartment Zones, as those terms are defined in the District of Columbia Zoning Regulations.

"(a-2) It is unlawful to continue or resume targeting a residence in violation of this law after being instructed by a law enforcement officer to cease targeting a residence in violation of this law.".

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

"Sec. 3a. Throwing projectiles at residential property.

"(a) It is unlawful for any person to launch or throw a projectile onto the residential property of another with the intent to cause fear, intimidate, or retaliate against any person living or working at that residence.

"(b) A person who violates this section, upon conviction, shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than 90 days, or both.".

Sec. 3. Section 11201a(b)(2) of the National Capital Revitalization and Self-Government Improvement Act of 1997, effective October 2, 2010 (D.C. Law 18-233; D.C. Official Code § 24-101.01(b)(2)), is amended by adding a new subparagraph (B-i) to read as follows:

"(B-i) Notwithstanding any other provision of law, the term expiration date for a Council appointment to the Corrections Information Council shall be December 7th of the year in which the term expires.".

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

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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
APRIL 22, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-56

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2025

To amend, on an emergency basis, due to congressional review, the Secure DC Omnibus Amendment Act of 2024 to amend the sunset date of certain pretrial detention provisions; and to amend the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001 to clarify certain reporting requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Secure DC Pretrial Detention Extension and Reporting Congressional Review Emergency Amendment Act of 2025".

Sec. 2. The Secure DC Omnibus Amendment Act of 2024, effective June 8, 2024 (D.C. Law 25-175; 71 DCR 2732), is amended as follows:

(a) Section 18(c)(2) is amended by striking the phrase "225 days after the effective date of the Secure DC Omnibus Amendment Act of 2024, passed on 2nd reading on March 5, 2024 (Enrolled version of Bill 25-345)" and inserting the phrase "on July 15, 2025" in its place.

(b) Section 30(k) is amended by striking the phrase "225 days after the applicability date of subsections (f), (g), (h) of this section" and inserting the phrase "on July 15, 2025" in its place.

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

(a) Subsection (b-9) is amended as follows:

(1) The lead-in language is amended by striking the phrase "no later than 180 days after the applicability date of section 30(f), (g), and (h) of the Secure DC Omnibus Amendment Act of 2024, passed on 2nd reading on March 5, 2024 (Enrolled version of Bill 24-345) ("Secure DC Omnibus")" and inserting the phrase "no later than May 7, 2025" in its place.

(2) Paragraph (2) is amended by striking the phrase "and after the effective date of the Secure DC Omnibus" and inserting the phrase ", after the effective date of the Prioritizing Public Safety Emergency, and after the effective date of the Secure DC Omnibus" in its place.

(3) Paragraph (3) is amended by striking the phrase "and after the effective date of the Secure DC Omnibus" and inserting the phrase ", after the effective date of the Prioritizing Public Safety Emergency, and after the effective date of the Secure DC Omnibus" in its place.

(4) Paragraph (4) is amended by striking the phrase "and after the effective date of the Secure DC Omnibus" and inserting the phrase ", after the effective date of the Prioritizing Public Safety Emergency, and after the effective date of the Secure DC Omnibus" in its place.

(b) Subsection (b-10) is amended as follows:

(1) The lead-in language is amended by striking the phrase "for juveniles" and inserting the phrase "for juveniles no later than May 7, 2025" in its place.

(2) Paragraph (2) is amended by striking the phrase "and after the applicability date of section 28 of the Secure DC Omnibus" and inserting the phrase "after the effective date of the Prioritizing Public Safety Emergency, and after the effective date of the Secure DC Omnibus" in its place.

(3) Paragraph (3) is amended by striking the phrase "and after the applicability date of section 28 of the Secure DC Omnibus" and inserting the phrase "after the effective date of the Prioritizing Public Safety Emergency, and after the effective date of the Secure DC Omnibus" in its place.

(4) Paragraph (4) is amended by striking the phrase "and after the applicability date of section 28 of the Secure DC Omnibus" and inserting the phrase ", after the effective date of the Prioritizing Public Safety Emergency, and after the effective date of the Secure DC Omnibus" in its place.

(5) Paragraph (5) is amended by striking the phrase "and after the applicability date of section 28 of the Secure DC Omnibus" and inserting the phrase ", after the effective date of the Prioritizing Public Safety Emergency, and after the effective date of the Secure DC Omnibus" in its place.

(6) Paragraph (6) is amended by striking the phrase "and after the applicability date of section 28 of the Secure DC Omnibus" and inserting the phrase ", after the effective date of the Prioritizing Public Safety Emergency, and after the effective date of the Secure DC Omnibus" in its place.

(7) Paragraph (7) is amended by striking the phrase "and after the applicability date of section 28 of the Secure DC Omnibus" and inserting the phrase ", after the effective date of the Prioritizing Public Safety Emergency, and after the effective date of the Secure DC Omnibus" in its place.

Sec. 4. Applicability.

This act shall apply as of January 1, 2025.

Sec. 5. Fiscal impact statement.

ENROLLED ORIGINAL

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

Mayor
District of Columbia
APPROVED
APRIL 22, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-57

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2025

To approve, on an emergency basis, Modification Nos. 15, 16, 17, 17a, 17b, 17c, and 18 to Contract No. CW98887 with Great American Corporation, 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, 16, 17, 17a, 17b, 17c, and 18 to Contract No. CW98887 with Great American Corporation Approval and Payment Authorization Emergency Act of 2025".

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. 15, 16, 17, 17a, 17b, 17c, and 18 to Contract No. CW98887 with Great American Corporation and authorizes payment in the not-to-exceed amount of $4,841,171.40 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
APRIL 22, 2025

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-58

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2025

To amend, on an emergency basis, section 25-723 of the District of Columbia Official Code to allow the Alcoholic Beverage and Cannabis Board to extend the hours of operation, sales, service, and consumption of alcoholic beverages for cultural events, sporting events, or tourism-related events for licensees registered with the Alcoholic Beverage and Cannabis Board.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "On-Premises and On-Site Extended Hours Program Emergency Amendment Act of 2025".

Sec. 2. Section 25-723 of the District of Columbia Official Code is amended as follows:

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

"(g)(1) Except as provided in § 25-724, for a licensee operating under an on-premises retailer's license, manufacturer's license holding an on-site sales and consumption permit, or a temporary license, the Board may extend the hours of sales, service, and consumption of alcoholic beverages until 4:00 a.m., and the hours of operation to 24 hours a day, for cultural events, sporting events, or tourism-related events, if the licensee:

"(A) Registers with the Board;

"(B) Pays a minimum registration fee of $100; and

"(C) Provides written notice no later than 3 calendar days before the first day of the cultural event, sporting event, or tourism-related event to the Board of its extended hours of operation, sales, service, and consumption.

"(2) The Board shall provide written notification to the Metropolitan Police Department at least 48 hours before extended hours of operation, sales, service, and consumption under this subsection will take effect. The written notification shall include the list of establishments eligible to participate in the extended hours under this subsection.

"(3) To the extent feasible, the Board shall provide notice of extended hours of operation, sales, service, and consumption pursuant to this subsection in the District of Columbia

Register, and shall, within 24 hours of that publication, post notice of these extended hours on ABCA's website.

"(4) The fees collected pursuant to this subsection shall be deposited into the Alcoholic Beverage and Cannabis Administration Fund established by § 25-210.

"(5) For the purposes of this subsection, the term:

"(A) "Cultural event" means an event or gathering that aims to highlight the customs, arts, music, dances, or cuisines of various cultures through performances and displays of artistic expression.

"(B) "Sporting event" means a professional or amateur event involving a game or athletic competition that occurs either once annually or every 4 years that is organized by a league or association.

"(C) "Tourism-related event" means an event, such as a major festival, convention, or trade show, with the potential to attract visitors from outside a 50-mile radius of the District, and that is likely to produce a significant positive financial impact for the District.".

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

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. Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
APRIL 22, 2025

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE OF INTENT TO ACT ON NEW LEGISLATION

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

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

COUNCIL OF THE DISTRICT OF COLUMBIA PROPOSED LEGISLATION

B26-0229 Personal Property Tax Simplification Amendment Act of 2025

Intro. 04-21-2025 by Councilmembers Henderson, Frumin, Allen, Pinto, Lewis George, Bonds, Nadeau, R. White, and Chairman Mendelson and referred to the Committee on Business and Economic Development

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B26-0230 Automatic Retirement Savings Act of 2025

Intro. 04-21-2025 by Councilmembers Henderson, Nadeau, R. White, Frumin, Allen, and Pinto and referred to the Committee on Executive Administration and Labor

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PR26-0177 District of Columbia Board of Elections Karyn Greenfield Confirmation Resolution of 2025

Intro. 04-21-2025 by Chairman Mendelson and referred to the Committee on Executive Administration and Labor

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PR26-0178 Real Property Tax Appeals Commission Frank Sanders, Jr. Confirmation Resolution of 2025

Intro. 04-21-2025 by Chairman Mendelson and referred to the Committee on Business and Economic Development

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON EXECUTIVE ADMINISTRATION AND 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

B26-136 - Special Election in the Office of Delegate Amendment Act of 2025

B26-43 - Marion S. Barry Summer Youth Employment Program Creditable Service Benefit Amendment Act of 2025

B26-182 - Universal Paid Leave Portability Amendment Act of 2025

B26-185 - Fair Hiring Opportunities for Public Employment (HOPE) Amendment Act of 2025

On

May 9, 2025 at 11:00am in Room 500

In Person and via Zoom

https://dccouncil-us.zoom.us/j/89590121504?pwd=qW7dt3jcemD54QJmM18HjX8lzMeHah.1

On May 9, 2025 at 11:00 am, At-Large Councilmember Anita Bonds will hold a public hearing on four bills: B26-136 - **Special Election in the Office of Delegate Amendment Act of 2025,** B26-43 - **Marion S. Barry Summer Youth Employment Program Creditable Service Benefit Amendment Act of 2025**, B26-182 - **Universal Paid Leave Portability Amendment Act of 2025**, B26-185 - **Fair Hiring Opportunities for Public Employment (HOPE) Amendment Act of 2025**.

B26-136, the **Special Election in the Office of Delegate Amendment Act of 2025**, would require that the Board of Elections hold a special election to fill a vacancy in the office of Delegate within 49 days after the declaration by the Speaker of the House of Representatives of extraordinary circumstances, which is defined as more than 100 vacancies in the House of Representatives.

B26-43, the **Marion S. Barry Summer Youth Employment Program Creditable Service Benefit Amendment Act of 2025**, provides that participation in a Marion S. Barry Summer Youth Employment Program will contribute to creditable service for purposes of retirement for a participant meeting the specified requirements who becomes a District government employee.

B26-182, the **Universal Paid Leave Portability Amendment Act of 2025,** amend the Universal Paid Leave Act of 2016 to provide that an individual may be eligible for benefits if they are unemployed and not receiving unemployment insurance benefits.

B26-185, the **Fair Hiring Opportunities for Public Employment (HOPE) Amendment Act of 2025,** creates a hiring preference for graduates of transitional employment programs and clarifies how criminal history is reviewed in the hiring process.

Persons who wish to testify are requested to register on the District's Hearing Management System, linked here: https://lims.dccouncil.gov/hearings/. This hearing is open to all public witnesses. **Witnesses must register by 5:00PM on May 7, 2025.** 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. **The record will close at 5:00 p.m. on Wednesday, May 22, 2025.**

The hearing can be viewed on Cable Channel 13 (DCCTV), at www.dccouncil.gov and www.entertainment.dc.gov, and on the Committee on Executive Administration and Labor's YouTube (https://www.youtube.com/@EALCommittee/streams).

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.

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.

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 26-223, John R. Thompson Jr. High School Designation Act of 2025

on

Monday, May 12, 2025 at 4:00 p.m.

Hearing Room 412 (Track B)
John A. Wilson Building
1350 Pennsylvania Avenue NW
DC Council Website (www.dccouncil.gov)

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on **Bill 26-223, "**John R. Thompson Jr. High School Designation Act of 2025." The hearing will be held at **4:00 p.m. on Monday, May 12, 2025.**

The stated purpose of Bill 26-223 is to officially designate the school in Lot 0899 in Square 1356, bounded by MacArthur Boulevard, N.W., Q St. N.W., Clark Place N.W., and Laverock Place N.W., as "John R. Thompson Jr. High School." Currently, the school has no official name but is commonly called MacArthur High School. Since its founding, the school community, including students, parents, teachers, non-instructional school staff, and nearby residents, have discussed a permanent name for the school. The community recently agreed John R. Thompson Jr., a native Washingtonian and renowned basketball player, coach, teacher, and advocate, is an appropriate representative of the school's mission and partnered with Council to introduce Bill 26-223 to name the school after him.

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 Thursday, May 8, 2025**. **Testimony is limited to three minutes**. Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding 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 Evan Cash, Committee and Legislative Director, at (202) 724-8196 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 (https://lims.dccouncil.gov/hearings) 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 5:00 pm on Tuesday, May 27, 2025.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC ROUNDTABLE

on

PR 26-129, "Historic Preservation Review Board Matthew Bell Confirmation Resolution of 2025"
PR 26-130, "Historic Preservation Review Board Patrick Williams Confirmation Resolution of 2025"

on

Wednesday, April 30, 2025 at 2:00 p.m.
(or immediately following the preceding hearing)

Room 412 (Track B)
John A. Wilson Building
1350 Pennsylvania Avenue NW
DC Council Website (www.dccouncil.gov)

Council Chairman Phil Mendelson announces a public roundtable before the Committee of the Whole on **PR 26-129**, the "Historic Preservation Review Board Matthew Bell Confirmation Resolution of 2025" and **PR 26-130**, the "Historic Preservation Review Board Patrick Williams Confirmation Resolution of 2025." The public roundtable will be held at **2:00 p.m. on Wednesday, April 30, 2025.**

The stated purpose of PR 26-129 and PR 26-130 is to confirm the nominations for reappointment of Matthew Bell as an architect member of the Historic Preservation Review Board (the Board) and Patrick Williams as an architectural historian member of the Board, both for a term ending July 21, 2028. The Board is the official body of advisors appointed by the Mayor to guide the government and public on the preservation of historic buildings and property in the District of Columbia. The Board also assists with the implementation of federal preservation programs and the review of federal projects in the District. The purpose of the roundtable is to receive testimony as to the fitness of the nominees.

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, April 28, 2025**. **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 Evan Cash, Committee and Legislative Director, at (202) 724-7002 or ecash@dccouncil.gov.

Public witnesses may participate in person or virtually via the Internet on the Zoom Video Conference platform. Testimony should be submitted through the Council's Hearing Management System (https://lims.dccouncil.gov/hearings) in advance of the hearing. That 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 5:00 pm on May 14, 2025.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC ROUNDTABLE

on

PR 26-159, "Metropolitan Washington Airports Authority Christopher Bell Confirmation Resolution of 2025"

on

Wednesday, April 30, 2025 at 2:30 p.m.
(or immediately following the preceding hearing)

Room 412 (Track B)
John A. Wilson Building
1350 Pennsylvania Avenue NW
DC Council Website (www.dccouncil.gov)

Council Chairman Phil Mendelson announces a public roundtable before the Committee of the Whole on **PR 26-159**, the "Metropolitan Washington Airports Authority Christopher Bell Confirmation Resolution of 2025." The public roundtable will be held at **2:30 p.m. on Wednesday, April 30, 2025.**

The stated purpose of PR 26-159 is to confirm the nomination of Christopher Bell to the Metropolitan Washington Airports Authority Board of Directors, filling a vacant seat formerly held by Joslyn Williams, for the remainder of an unexpired term to end January 5, 2031. The Metropolitan Washington Airports Authority ("MWAA") is an independent body created through an interstate compact between the Commonwealth of Virginia, the State of Maryland, and the District of Columbia that promotes, develops, and operates Washington Dulles International Airport and the Ronald Reagan Washington National Airport. The MWAA Board of Directors governs the activities of the Authority. Its members are appointed by the Governors of Virginia and Maryland, the Mayor of the District, and the President of the United States. The purpose of this roundtable is to receive testimony as to the fitness of Mr. Bell for appointment the Board.

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, April 28, 2025**. **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 Evan Cash, Committee and Legislative Director, at (202) 724-7002 or ecash@dccouncil.gov.

Public witnesses may participate in person or virtually via the Internet on the Zoom Video Conference platform. Testimony should be submitted through the Council's Hearing Management System (https://lims.dccouncil.gov/hearings) in advance of the hearing. That 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 5:00 pm on May 14, 2025.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC ROUNDTABLE

on

PR 26-168, "Board of Trustees of the University of the District of Columbia Michael Dannenberg Confirmation Resolution of 2025"

PR 26-169, "Board of Trustees of the University of the District of Columbia David Croom Confirmation Resolution of 2025"

PR 26-170, "Board of Trustees of the University of the District of Columbia Dr. Abidemi Oyedele Confirmation Resolution of 2025"

on

Wednesday, April 30, 2025 at 1:00 p.m.

Room 412 (Track B)
John A. Wilson Building
1350 Pennsylvania Avenue NW
DC Council Website (www.dccouncil.gov)

Council Chairman Phil Mendelson announces a public roundtable before the Committee of the Whole on **PR 26-168**, the "Board of Trustees of the University of the District of Columbia Mr. Michael Dannenberg Confirmation Resolution of 2025," **PR 26-169**, the "Board of Trustees of the University of the District of Columbia Mr. David Croom Confirmation Resolution of 2025," and **PR 26-170**, the "Board of Trustees of the University of the District of Columbia Dr. Abidemi Oyedele Confirmation Resolution of 2025." The public roundtable will be held at **1:00 p.m. on Wednesday, April 30, 2025.**

The purpose of PR 26-168, PR 26-169, and PR 26-170 is to confirm the Mayor's nominations to appoint Michael Dannenberg, David Croom, and Dr. Abidemi Oyedele to the Board of Trustees of the University of the District of Columbia for terms to expire May 15, 2028, 2028, and 2029, respectively. According to D.C. Official Code §38-1202.01, UDC is governed by a Board of Trustees comprised of 15 members. Of these, 11 are appointed by the Mayor with the advice and consent of the Council, three are alumni from either the University or one of its predecessor institutions, and one is a full-time student elected by the UDC student body. This roundtable will serve as an opportunity for the Committee to hear from constituents, students, faculty, and others with regard to the fitness of the nominees to serve on UDC's Board.

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, April 28, 2025**. **Testimony is limited to three minutes**. Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding 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 Hannah Kozik, Legislative Policy Advisor, at (202) 724-8137 or hkozik@dccouncil.gov.

Public witnesses may participate in person or virtually via the Internet on the Zoom Video Conference platform. Testimony should be submitted through the Council's Hearing Management System (https://lims.dccouncil.gov/hearings) in advance of the hearing. That 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 5:00 p.m. on Wednesday, May 14, 2025.

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. 26-0021: Request to reprogram Fiscal Year 2025 Local funds budget authority in the amount of $1,018,212 within the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary Monday April 21, 2025. The funds are needed to support administrative addons such as supply cards and special pay for eligible school-based employees.

RECEIVED: 14-day review begins April 22, 2025

Reprog. 26-0022: Request to reprogram Capital funds budget authority and allotment in the amount of $339,200 from the Department of General Services (DGS) to the Office of State Superintendent of Education (OSSE) was filed in the Office of the Secretary Monday April 21, 2025. The Funds are needed for the separating and reconstructing of the Charles Sumner School's HVAC/MEP building systems.

RECEIVED: 14-day review begins April 22, 2025

Reprog. 26-0023: Request to reprogram Fiscal Year 2025 Local funds budget authority in the amount of $7,000,000 between the Repayment of Loans and Interest and the Commercial Paper Program was filed in the Office of the Secretary Monday April 21, 2025. The funds are needed to offset increased short-term interest rates to prevent a deficit and ensure timely payment.

RECEIVED: 14-day review begins April 22, 2025

Reprog. 26-0024: Request to reprogram Capital funds budget authority and allotment in the amount of $12,240,027 from the Department of General Services (DGS) to the Department of Aging and Community Living (DACL) was filed in the Office of the Secretary Monday April 21, 2025. This request reprograms capital funds from the DACL-owned and DGS-implemented Ward 8 Senior Wellness project to a newly established DACL capital project with the same name.

RECEIVED: 14-day review begins April 22, 2025

Reprog. 26-0025: Request to reprogram Pay-As-You-Go (PAYGO) Capital funds budget authority and allotment in the amount of $400,000 from the District Department of Transportation (DDOT) to DDOT's operating budget was filed in the Office of the Secretary Monday April 21, 2025. This reprogramming will fund developing the Downtown Transportation Plan that has been deemed ineligible for capital funding.

RECEIVED: 14-day review begins April 22, 2025

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE OF RE-REFERRED PROPOSED LEGISLATION

The following proposed legislation has been re-referred:

B26-184, "Helping Incentivize Returning Citizen Employment (HIRE) Amendment Act of 2025"

Re-referred to the Committee on Business and Economic Development with comments from the Committee on Executive Administration and Labor.

B26-186, "Justice-Involved Youth in Community Act of 2025"

Re-referred to the Committee on Judiciary and Public Safety with comments from the Committee on Youth Affairs.

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
****4/25/2025**

****READVERTISEMENT**

Notice is hereby given that:
License Number: ABRA-123684 **License Class/Type: C Restaurant**
Applicant: Ala1320, LLC
Trade Name: ALA
SMD: 2B05

Has applied for the renewal of an alcoholic beverage license at the premises:

1320 19TH STREET NW, WASHINGTON, DC 20036

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

****6/9/2025**

A HEARING WILL BE HELD ON:
****6/30/2025**

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 12 am	8 am - 12 am	-
Monday:	7 am - 1 am	8 am - 1 am	-
Tuesday:	7 am - 1 am	8 am - 1 am	-
Wednesday:	7 am - 1 am	8 am - 1 am	-
Thursday:	7 am - 1 am	8 am - 1 am	-
Friday:	7 am - 1 am	8 am - 1 am	-
Saturday:	7 am - 1 am	8 am - 1 am	-

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	7 am - 12 am	8 am - 12 am
Monday:	7 am - 12 am	8 am - 12 am
Tuesday:	7 am - 12 am	8 am - 12 am
Wednesday:	7 am - 12 am	8 am - 12 am
Thursday:	7 am - 12 am	8 am - 12 am
Friday:	7 am - 12 am	8 am - 12 am
Saturday:	7 am - 12 am	8 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
****3/14/2025**

****RESCIND**

Notice is hereby given that:
License Number: ABRA-123684 **License Class/Type: C Restaurant**
Applicant: Ala1320, LLC
Trade Name: ALA
SMD: 2B05

Has applied for the renewal of an alcoholic beverage license at the premises:

1320 19TH STREET NW, WASHINGTON, DC 20036

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

****4/28/2025**

A HEARING WILL BE HELD ON:
****5/19/2025**

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 12 am	8 am - 12 am	-
Monday:	7 am - 1 am	8 am - 1 am	-
Tuesday:	7 am - 1 am	8 am - 1 am	-
Wednesday:	7 am - 1 am	8 am - 1 am	-
Thursday:	7 am - 1 am	8 am - 1 am	-
Friday:	7 am - 1 am	8 am - 1 am	-
Saturday:	7 am - 1 am	8 am - 1 am	-

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	7 am - 12 am	8 am - 12 am
Monday:	7 am - 12 am	8 am - 12 am
Tuesday:	7 am - 12 am	8 am - 12 am
Wednesday:	7 am - 12 am	8 am - 12 am
Thursday:	7 am - 12 am	8 am - 12 am
Friday:	7 am - 12 am	8 am - 12 am
Saturday:	7 am - 12 am	8 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-001008 **License Class/Type: C Club**
Applicant: American Foreign Service
Trade Name: Foreign Service Club
SMD: 2A07

Has applied for the renewal of an alcoholic beverage license at the premises:

2101 E STREET NW, WASHINGTON, DC 20037

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 12 am	11 am - 12 am	-
Monday:	11 am - 12 am	11 am - 12 am	-
Tuesday:	11 am - 12 am	11 am - 12 am	-
Wednesday:	11 am - 12 am	11 am - 12 am	-
Thursday:	11 am - 12 am	11 am - 12 am	-
Friday:	11 am - 12 am	11 am - 12 am	-
Saturday:	11 am - 12 am	11 am - 12 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-076804 **License Class/Type: C Restaurant**
Applicant: The Griffin Group, LLC
Trade Name: Jont/Colada Shop/Bresca
SMD: 2F01

Has applied for the renewal of an alcoholic beverage license at the premises:

1904 14TH STREET NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Entertainment Sidewalk Cafe Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Monday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Thursday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Friday:	8 am - 3 am	8 am - 3 am	6 pm - 3 am
Saturday:	8 am - 3 am	8 am - 3 am	6 pm - 3 am

	Hours Of Sidewalk Cafe Operation	Hours of Summer Garden Operation
Sunday:	8 am - 11 pm	11 am - 11 pm
Monday:	8 am - 11 pm	11 am - 11 pm
Tuesday:	8 am - 11 pm	11 am - 11 pm
Wednesday:	8 am - 11 pm	11 am - 11 pm
Thursday:	8 am - 11 pm	11 am - 11 pm
Friday:	8 am - 12 am	11 am - 11:30 pm
Saturday:	8 am - 12 am	11 am - 11:30 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-078949 **License Class/Type: C Restaurant**
Applicant: JBS Inc
Trade Name: Rocklands Barbeque and Grilling Company
SMD: 3B02

Has applied for the renewal of an alcoholic beverage license at the premises:

2416 WISCONSIN AVENUE NW, WASHINGTON, DC 20007

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 9 pm	10 am - 9 pm	-
Monday:	11 am - 10 pm	11 am - 10 pm	-
Tuesday:	11 am - 10 pm	11 am - 10 pm	-
Wednesday:	11 am - 10 pm	11 am - 10 pm	-
Thursday:	11 am - 10 pm	11 am - 10 pm	-
Friday:	11 am - 10 pm	11 am - 10 pm	-
Saturday:	11 am - 10 pm	11 am - 10 pm	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-083696 **License Class/Type: C Restaurant**
Applicant: Hill Country DC, LLC
Trade Name: Hill Country
SMD: 2C03

Has applied for the renewal of an alcoholic beverage license at the premises:

410 7TH STREET NW, WASHINGTON, DC 20004

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Cover Charge Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 1 am	11 am - 1am	12 pm - 11 pm
Monday:	11 am - 1 am	11 am - 1 am	12 pm - 12 am
Tuesday:	11 am - 1 am	11 am - 1 am	12 pm - 12 am
Wednesday:	11 am - 2 am	11 am - 2 am	12 pm - 12 am
Thursday:	11 am - 2 am	11 am - 2 am	12 pm - 12 am
Friday:	11 am - 2am	11 am - 2 am	12 pm - 1 am
Saturday:	11 am - 2 am	11 am - 2 am	12 pm - 1 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-092127 **License Class/Type: D Restaurant**
Applicant: Meat and Foods, LLC
Trade Name: Meat and Foods
SMD: 5E03

Has applied for the renewal of an alcoholic beverage license at the premises:

247 FLORIDA AVENUE NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	9 am - 12 am	11 am - 12 am	-
Monday:	9 am - 12 am	11 am - 12 am	-
Tuesday:	9 am - 12 am	11 am - 12 am	-
Wednesday:	9 am - 12 am	11 am - 12 am	-
Thursday:	9 am - 12 am	11 am - 12 am	-
Friday:	9 am - 12 am	11 am - 12 am	-
Saturday:	9 am - 12 am	11 am - 12 am	-

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	12 pm - 9 pm	12 pm - 9 pm
Monday:	12 pm - 9 pm	12 pm - 9 pm
Tuesday:	12 pm - 9 pm	12 pm - 9 pm
Wednesday:	12 pm - 9 pm	12 pm - 9 pm
Thursday:	12 pm - 9 pm	12 pm - 9 pm
Friday:	12 pm - 9 pm	12 pm - 9 pm
Saturday:	12 pm - 9 pm	12 pm - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-092426 **License Class/Type: C Restaurant**
Applicant: 3566 14th Street NW LLC
Trade Name: La Dulce Noche
SMD: 1D07

Has applied for the renewal of an alcoholic beverage license at the premises:

3566 14TH STREET NW, WASHINGTON, DC 20010

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	9 am - 3 am	9 am - 2 am	-
Monday:	9 am - 3 am	9 am - 2 am	-
Tuesday:	9 am - 3 am	9 am - 2 am	-
Wednesday:	9 am - 3 am	9 am - 2 am	-
Thursday:	9 am - 3 am	9 am - 2 am	-
Friday:	9 am - 3 am	9 am - 3 am	-
Saturday:	9 am - 3 am	9 am - 3 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-101682 **License Class/Type: C Multipurpose**
Applicant: TSBL, LLC
Trade Name: Karma
SMD: 5C02

Has applied for the renewal of an alcoholic beverage license at the premises:

2221 ADAMS PLACE NE, WASHINGTON, DC 20018

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 3 am	10 am - 2 am	7 pm - 11 pm
Monday:	6 pm - 3 am	6 pm - 2 am	7 pm - 11 pm
Tuesday:	6 pm - 3 am	6 pm - 2 am	7 pm - 11 pm
Wednesday:	6 pm - 3 am	6 pm - 2 am	7 pm - 11pm
Thursday:	6 pm - 3 am	6 pm - 2 am	7 pm - 11 pm
Friday:	6 pm - 4 am	6 pm - 3 am	7 pm - 2 am
Saturday:	9 am - 4 am	10 am - 3 am	12 am - 2 am

	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	10 am - 3 am	10 am - 2 am
Monday:	6 pm - 3 am	6 pm - 2 am
Tuesday:	6 pm - 3 am	6 pm - 2 am
Wednesday:	6 pm - 3 am	6 pm - 2 am
Thursday:	6 pm - 3 am	6 pm - 2 am
Friday:	6 pm - 4 am	6 pm - 3 am
Saturday:	9 am - 4 am	10 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-109955 **License Class/Type: C Restaurant**
Applicant: MHG Navy Yard, LLC
Trade Name: Circa at Navy Yard/ El Bebe
SMD: 8F02

Has applied for the renewal of an alcoholic beverage license at the premises:

99 M STREET SE, WASHINGTON, DC 20003

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Entertainment Sidewalk Cafe Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Monday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Thursday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Friday:	8 am - 3 am	8 am - 3 am	6 pm - 3 am
Saturday:	8 am - 3 am	8 am - 3 am	6 pm - 3 am

	Hours Of Sidewalk Cafe Operation	Hours of Summer Garden Operation
Sunday:	10 am - 12 am	10 am - 12 am
Monday:	10 am - 12 am	10 am - 12 am
Tuesday:	10 am - 12 am	10 am - 12 am
Wednesday:	10 am - 12 am	10 am - 12 am
Thursday:	10 am - 12 am	10 am - 12 am
Friday:	10 am - 1 am	10 am - 1 am
Saturday:	10 am - 1 am	10 am - 1 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-112244 **License Class/Type: C Hotel**
Applicant: NW DC Operating, LLC
Trade Name: The Darcy Hotel
SMD: 2B04

Has applied for the renewal of an alcoholic beverage license at the premises:

1515 RHODE ISLAND AVENUE NW, WASHINGTON, DC 20005

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Dancing Entertainment Sidewalk Cafe Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	24 hr - 24 hr	10 am - 1 am	11 am - 12 am
Monday:	24 hr - 24 hr	8 am - 1 am	11 am - 12 am
Tuesday:	24 hr - 24 hr	8 am - 1 am	11 am - 12 am
Wednesday:	24 hr - 24 hr	8 am - 1 am	11 am - 12 am
Thursday:	24 hr - 24 hr	8 am - 1 am	11 am - 1 am
Friday:	24 hr - 24 hr	8 am - 1 am	11 am - 1 am
Saturday:	24 hr - 24 hr	8 am - 1 am	11 am - 1 am

	Hours Of Sidewalk Cafe Operation	Hours of Summer Garden Operation
Sunday:	7 am - 10 pm	10 am - 1 am
Monday:	7 am - 10 pm	8 am - 1 am
Tuesday:	7 am - 10 pm	8 am - 1 am
Wednesday:	7 am - 10 pm	8 am - 1 am
Thursday:	7 am - 10 pm	8 am - 1 am
Friday:	7 am - 10 pm	8 am - 1 am
Saturday:	7 am - 10 pm	8 am - 1 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-112489 **License Class/Type: D Restaurant**
Applicant: FishScale, Inc.
Trade Name: FishScale
SMD: 1B02

Has applied for the renewal of an alcoholic beverage license at the premises:

637 FLORIDA AVENUE NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	closed - closed	closed - closed	-
Monday:	9am - 2am	9am - 2am	-
Tuesday:	9am - 2am	9am - 2am	-
Wednesday:	9am - 2am	9am - 2am	-
Thursday:	9am - 2am	9am - 2am	-
Friday:	9am - 2am	9am - 2am	-
Saturday:	9am - 2am	9am - 2am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-115608 **License Class/Type: C Restaurant**
Applicant: Mia Spiti, LLC
Trade Name: Martha Dear
SMD: 1D04

Has applied for the renewal of an alcoholic beverage license at the premises:

3110 MOUNT PLEASANT STREET NW, WASHINGTON, DC 20010

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	12noon - 12am	12noon - 12am	-
Monday:	12noon - 12am	12noon - 12am	-
Tuesday:	12noon - 12am	12noon - 12am	-
Wednesday:	12noon - 12am	12noon - 12am	-
Thursday:	12noon - 12am	12noon - 12am	-
Friday:	12noon - 12am	12noon - 12am	-
Saturday:	12noon - 12am	12noon - 12am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-116122 **License Class/Type: C Restaurant**
Applicant: Baker's B read DC, LLC
Trade Name: Junction Bistro Bar & Bakery
SMD: 6C02

Has applied for the renewal of an alcoholic beverage license at the premises:

238 MASSACHUSETTS AVENUE NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	6am - 11pm	8am - 11pm	-
Monday:	6am - 11pm	8am - 11pm	-
Tuesday:	6am - 11pm	8am - 11pm	-
Wednesday:	6am - 11pm	8am - 11pm	-
Thursday:	6am - 12am	8am - 12am	-
Friday:	6am - 12am	8am - 12am	-
Saturday:	6am - 12am	8am - 12am	-

	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	6am - 11pm	8am - 11pm
Monday:	6am - 11pm	8am - 11pm
Tuesday:	6am - 11pm	8am - 11pm
Wednesday:	6am - 11pm	8am - 11pm
Thursday:	6am - 11pm	8am - 11pm
Friday:	6am - 11pm	8am - 11pm
Saturday:	6am - 11pm	8am - 11pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-116335 **License Class/Type: C Restaurant**
Applicant: FISH CHARM PENN Corp.
Trade Name: Hilo Poke & Sushi
SMD: 1C07

Has applied for the renewal of an alcoholic beverage license at the premises:

2439 18TH STREET NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11:45 am - 10 pm	11:45 am - 10 pm	-
Monday:	11:45 am - 10 pm	11:45 am - 10 pm	-
Tuesday:	11:45 am - 10 pm	11:45 am - 10 pm	-
Wednesday:	11:45 am - 10 pm	11:45 am - 10 pm	-
Thursday:	11:45 am - 10 pm	11:45 am - 10 pm	-
Friday:	11:45 am - 12 am	11:45 am - 12 am	-
Saturday:	11:45 am - 12 am	11:45 am - 12 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-117477 **License Class/Type: C Restaurant**
Applicant: Entice Lounge, LLC
Trade Name: Entice Lounge
SMD: 1C06

Has applied for the renewal of an alcoholic beverage license at the premises:

1725 COLUMBIA ROAD NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10am - 2am	10am - 2am	11am - 2am
Monday:	10am - 2am	10am - 2am	6pm - 2am
Tuesday:	10am - 2am	10am - 2am	6pm - 2am
Wednesday:	10am - 2am	10am - 2am	6pm - 2am
Thursday:	10am - 2am	10am - 2am	6pm - 2am
Friday:	10am - 3am	10am - 3am	6pm - 3am
Saturday:	10am - 3am	10am - 3am	11am - 3am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-119067 **License Class/Type: C Restaurant**
Applicant: FJP Food Hall DC, Inc.
Trade Name: Luna Hall
SMD: 2C01

Has applied for the renewal of an alcoholic beverage license at the premises:

623 H STREET NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 2 am	8 am - 2 am	-
Monday:	8 am - 2 am	8 am - 2 am	-
Tuesday:	8 am - 2 am	8 am - 2 am	-
Wednesday:	8 am - 2 am	8 am - 2 am	-
Thursday:	8 am - 2 am	8 am - 2 am	-
Friday:	8 am - 3 am	8 am - 3 am	-
Saturday:	8 am - 3 am	8 am - 3 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-119786 **License Class/Type: D Restaurant**
Applicant: Egyptian Street Food DC, LLC
Trade Name: Egyptian Street Food by Fava Pot
SMD: 2B05

Has applied for the renewal of an alcoholic beverage license at the premises:

1817 M STREET NW, WASHINGTON, DC 20036

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	-
Monday:	11 am - 2 am	11 am - 2 am	-
Tuesday:	11 am - 2 am	11 am - 2 am	-
Wednesday:	11 am - 2 am	11 am - 2 am	-
Thursday:	11 am - 2 am	11 am - 2 am	-
Friday:	11 am - 3 am	11 am - 3 am	-
Saturday:	11 am - 3 am	11 am - 3 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-123548 **License Class/Type: C Restaurant**
Applicant: 1201 K Street F&B Tenant, LLC and Michele's Eaton, LLC
Trade Name: Michele's/Bakers Daughter - Eaton
SMD: 2C04

Has applied for the renewal of an alcoholic beverage license at the premises:

1201 K STREET NW, WASHINGTON, DC 20005

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Cover Charge Dancing Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	24 Hours - 24 Hours	8 am - 2 am	8 am - 2 am
Monday:	24 Hours - 24 Hours	8 am - 2 am	8 am - 2 am
Tuesday:	24 Hours - 24 Hours	8 am - 2 am	8 am - 2 am
Wednesday:	24 Hours - 24 Hours	8 am - 2 am	8 am - 2 am
Thursday:	24 Hours - 24 Hours	8 am - 2 am	8 am - 2 am
Friday:	24 Hours - 24 Hours	8 am - 3 am	8 am - 3 am
Saturday:	24 Hours - 24 Hours	8 am - 3 am	8 am - 3 am

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	6 am - 12 am	8 am - 12 am
Monday:	6 am - 12 am	8 am - 12 am
Tuesday:	6 am - 12 am	8 am - 12 am
Wednesday:	6 am - 12 am	8 am - 12 am
Thursday:	6 am - 12 am	8 m - 12 am
Friday:	6 am - 12 am	8 am - 12 am
Saturday:	6 am - 12 am	8 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-127277 **License Class/Type: C Hotel**
Applicant: Jemal's Georgetown 31st Street, L.L.C.
Trade Name: Canal House Georgetown
SMD: 2E05

Has applied for the renewal of an alcoholic beverage license at the premises:

1023 31ST STREET NW, WASHINGTON, DC 20007

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	24hrs	6 am - 2 am	8 am - 3 am
Monday:	24hrs	6 am - 2 am	8 am - 2 am
Tuesday:	24hrs	6 am - 2 am	8 am - 2 am
Wednesday:	24hrs	6 am - 2 am	8 am - 2 am
Thursday:	24hrs	6 am - 2 am	8 am - 2 am
Friday:	24hrs	6 am - 3 am	8 am - 3 am
Saturday:	24hrs	6 am - 3 am	8 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-127898 **License Class/Type: C Restaurant**
Applicant: MCDC, LLC
Trade Name: Mezcal Cantina
SMD: 2C01

Has applied for the renewal of an alcoholic beverage license at the premises:

777 6TH STREET NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Dancing Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Monday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Thursday:	8 am - 2 am	8 am - 2 am	8 am - 2 am
Friday:	8 am - 3 am	8 am - 3 am	8 am - 3 am
Saturday:	8 am - 3 am	8 am - 3 am	8 am - 3 am

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	8 am - 12 am	8 am - 12 am
Monday:	8 am - 12 am	8 am - 12 am
Tuesday:	8 am - 12 am	8 am - 12 am
Wednesday:	8 am - 12 am	8 am - 12 am
Thursday:	8 am - 12 am	8 am - 12 am
Friday:	8 am - 12 am	8 am - 12 am
Saturday:	8 am - 12 am	8 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-129638 **License Class/Type: C Restaurant**
Applicant: SJ Entertainment LLC
Trade Name: Grand Central
SMD: 1C07

Has applied for the renewal of an alcoholic beverage license at the premises:

2447 18TH STREET NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Cover Charge Dancing Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	8pm - 2 am
Monday:	11 am - 2 am	11 am - 2 am	8pm - 2am
Tuesday:	11 am - 2 am	11 am - 2 am	8pm - 2am
Wednesday:	11 am - 2 am	11 am - 2 am	8pm - 2am
Thursday:	11 am - 2 am	11 am - 2 am	8 pm - 2 am
Friday:	11 am - 3 am	11 am - 3 am	8 pm - 3 am
Saturday:	11 am - 3 am	11 am - 3 am	8 pm - 3 am

	Hours Of Sidewalk Cafe Operation	Hours Of Sales Sidewalk Cafe
Sunday:	11 am - 11 pm	11 am - 11 pm
Monday:	11 am - 11 pm	11 am - 11 pm
Tuesday:	11 am - 11 pm	11 am - 11 pm
Wednesday:	11 am - 11 pm	11 am - 11 pm
Thursday:	11 am - 11 pm	11 am - 11 pm
Friday:	11 am - 12 am	11 am - 12 am
Saturday:	11 am - 12 am	11 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-129755 **License Class/Type: C Restaurant**
Applicant: Logan Partnership, LLC
Trade Name: Barrel House Cafe & Bar
SMD: 2F04

Has applied for the renewal of an alcoholic beverage license at the premises:

1341 14TH STREET NW, WASHINGTON, DC 20005

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Cover Charge Dancing Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 1 am	10 am - 1 am	11 am - 1 am
Monday:	7 am - 1 am	11 am - 1 am	11 am - 1 am
Tuesday:	7 am - 1 am	11 am - 1 am	11 am - 1 am
Wednesday:	7 am - 1 am	11 am - 1 am	11 am - 1 am
Thursday:	7 am - 1 am	11 am - 1 am	11 am - 1 am
Friday:	7 am - 2 am	11 am - 2 am	11 am - 2 am
Saturday:	7 am - 2 am	10 am - 2 am	11 am - 2 am

	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	7 am - 11 pm	10 am - 11 pm
Monday:	7 am - 11 pm	11 am - 11 pm
Tuesday:	7 am - 11 pm	11 am - 11 pm
Wednesday:	7 am - 11 pm	11 am - 11 pm
Thursday:	7 am - 11 pm	11 am - 11 pm
Friday:	7 am - 12 am	11 am - 12 am
Saturday:	7 am - 12 am	10 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-130100 **License Class/Type: C Restaurant**
Applicant: Queen Bee DC, LLC
Trade Name: Bar Angie
SMD: 2A06

Has applied for the renewal of an alcoholic beverage license at the premises:

2300 N STREET NW, WASHINGTON, DC 20037

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 1 am	11 am - 1 am	11 am - 1 am
Monday:	8 am - 11 pm	11 am - 11 pm	11 am - 11 pm
Tuesday:	8 am - 11 pm	11 am - 11 pm	11 am - 11 pm
Wednesday:	8 am - 11 pm	11 am - 11 pm	11 am - 11 pm
Thursday:	8 am - 11 pm	11 am - 11 pm	11 am - 11 pm
Friday:	8 am - 1 am	11 am - 1 am	11 am - 1 am
Saturday:	8 am - 1 am	11 am - 1 am	11 am - 1 am

	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	8 am - 11 pm	11 am - 11 pm
Monday:	8 am - 11 pm	11 am - 11 pm
Tuesday:	8 am - 11 pm	11 am - 11 pm
Wednesday:	8 am - 11 pm	11 am - 11 pm
Thursday:	8 am - 11 pm	11 am - 11 pm
Friday:	8 am - 11 pm	11 am - 11 pm
Saturday:	8 am - 11 pm	11 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-130414 **License Class/Type: C Restaurant**
Applicant: Perkins International Restaurant Holding, LLC
Trade Name: Fuddruckers
SMD: 2C01

Has applied for the renewal of an alcoholic beverage license at the premises:

781 7TH STREET NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 11 pm	11 am - 11 pm	4 pm - 10 pm
Monday:	11 am - 11 pm	11 am - 11 pm	4 pm - 10 pm
Tuesday:	11 am - 11 pm	11 am - 11 pm	4 pm - 10 pm
Wednesday:	11 am - 11 pm	11 am - 11 pm	4 pm - 10 pm
Thursday:	11 am - 11 pm	11 am - 11 pm	4 pm - 10 pm
Friday:	11 am - 1 am	11 am - 1 am	4 pm - 12 am
Saturday:	11 am - 1 am	11 am - 1 am	4 pm - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
4/25/2025

Notice is hereby given that:
License Number: ABRA-131844 **License Class/Type: C Restaurant**
Applicant: Ali Boyz, LLC
Trade Name: Ben's Chili Bowl/Ben's Next Door/Ben's Upstairs
SMD: 6A02

Has applied for the renewal of an alcoholic beverage license at the premises:

1001 H STREET NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

6/9/2025

A HEARING WILL BE HELD ON:
6/30/2025

AT 10:00 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002

ENDORSEMENT(S): Dancing Entertainment Sidewalk Cafe Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	6 am - 2 am	8 am - 2 am	6 am - 2 am
Monday:	6 am - 2 am	8 am - 2 am	6 am - 2 am
Tuesday:	6 am - 2 am	8 am - 2 am	6 am - 2 am
Wednesday:	6 am - 2 am	8 am - 2 am	6 am - 2 am
Thursday:	6 am - 2 am	8 am - 2 am	6 am - 2 am
Friday:	6 am - 3 am	8 am - 3 am	6 am - 3 am
Saturday:	6 am - 3 am	8 am - 3 am	6 am - 3 am

	Hours Of Sidewalk Cafe Operation	Hours of Summer Garden Operation
Sunday:	8 am - 10 pm	8 am - 11 pm
Monday:	8 am - 10 pm	8 am - 11 pm
Tuesday:	8 am - 10 pm	8 am - 11 pm
Wednesday:	8 am - 10 pm	8 am - 11 pm
Thursday:	8 am - 10 pm	8 am - 11 pm
Friday:	8 am - 10 pm	8 am - 12 am
Saturday:	8 am - 10 pm	8 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	April 25, 2025
Protest Petition Deadline:	June 9, 2025
Roll Call Hearing Date:	June 30, 2025
Protest Hearing Date:	August 13, 2025
License No.:	ABRA-132046
Licensee:	East of the River Station, LLC
Trade Name:	TBD
License Class:	Retailer's Class "C" Tavern
Address:	1111 Marion Barry Avenue, S.E.
Contact:	Yutong Zhou: (908) 239-8737, yutong@sinobergraft.com

WARD 8 ANC 8A SMD 8A06

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 June 30, 2025, at 10 a.m., Suite 4200 - B, 899 North Capitol Street, N.E., Washington, DC 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline. The **Protest Hearing date** is scheduled for **August 13, 2025, at 1:30 p.m.**

NATURE OF OPERATION

New Class "C" Tavern. Indoor seating for 147 with a capacity of 587. Summer Garden with seating for 67 and a capacity of 200. Total Occupancy Load of the entire establishment is 787. The Licensee is also requesting an Entertainment Endorsement with Cover Charge to provide Live Entertainment and Dancing Inside Premises and for the Outdoor Summer Garden. Holiday Extension of Hours Endorsement.

HOURS OF OPERATION, ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION, AND LIVE ENTERTAINMENT INSIDE PREMISES AND FOR THE OUTDOOR SUMMER GARDEN

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

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	April 25, 2025
Protest Petition Deadline:	June 9, 2025
Roll Call Hearing Date:	June 30, 2025
Protest Hearing Date:	August 13, 2025
License No.:	ABRA-131016
Licensee:	Jobsite Hospitality LLC
Trade Name:	Jobsite Hospitality
License Class:	Retailer's Class "C" Tavern
Address:	101 Constitution Avenue, N.W.
Contact:	Christina Gonzalez: (213) 417-2357, christina@liquorlicense.com

WARD 6 ANC 6E SMD 6E08

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 June 30, 2025, at 10 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline. The **Protest Hearing date** is scheduled on **August 13, 2025, at 1:30 p.m.**

NATURE OF OPERATION

The Establishment will be a rooftop Tavern utilizing a Summer Garden with seating for 50 and a Total Occupancy Load of 646.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR THE PREMISES/SUMMER GARDEN

Sunday through Saturday 1pm – 12am

DC BOARD OF ELECTIONS

NOTICE OF PUBLIC HEARING

RECEIPT AND INTENT TO REVIEW INITIATIVE MEASURE

The Board of Elections shall consider in a public hearing whether the proposed measure, "Use of RFK Site For Homes Not Stadiums Act of 2025," is a proper subject matter for initiative at the Board's regular meeting on Wednesday, July 2, 2025 at 10:30 a.m., at 1015 Half Street SE, Suite 750, Washington DC 20003. The Board will meet remotely. Members of the public can only access the meeting by using the following information:

Join from PC, Mac, iPad, or Android:
https://us06web.zoom.us/j/87926020719

Phone one-tap:
+13126266799,,87926020719# US (Chicago)
+16468769923,,87926020719# US (New York)

Join via audio:
+1 312 626 6799 US (Chicago)
+1 646 876 9923 US (New York)
+1 646 931 3860 US
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
+1 309 205 3325 US
+1 669 900 6833 US (San Jose)
+1 689 278 1000 US
+1 719 359 4580 US
+1 253 205 0468 US
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 360 209 5623 US
+1 386 347 5053 US
+1 408 638 0968 US (San Jose)
+1 507 473 4847 US
+1 564 217 2000 US
+1 669 444 9171 US
Webinar ID: 879 2602 0719
International numbers available: https://us06web.zoom.us/u/kcsa7upTGY

In making a proper subject matter determination, the Board does not consider the merits of a proposed measure. Instead, it may consider only whether the proposed measure meets the subject matter requirements set forth in District of Columbia law. Specifically, the Board must reject the proposed measure if it determines that:

- The measure conflicts with or seeks to amend the Title IV of the DC Home Rule Act ("the District Charter");
- The measure conflicts with the U.S. Constitution;
- The measure has not been properly filed;
- The verified statement of contributions (the measure committee's statement of organization and report of receipts and expenditures) was not timely filed;
- The measure would authorize discrimination in violation of the DC Human Rights Act;
- The measure would negate or limit a budgetary act of the DC Council; or
- The measure would appropriate funds

Those who wish to testify at the hearing on the propriety of the proposed measure in light of the above-referenced criteria should contact the Board's Office of the General Counsel at 202-727-2194 or ogc@dcboe.org and provide their name, address, telephone number, and name of the organization represented (if any) by no later than Thursday, June 26, 2025 at 4:00 p.m. Any written testimony or memoranda should be submitted for the record to the Board's Office of the General Counsel, 1015 Half Street SE, Suite 750, Washington, DC 20003 or at ogc@dcboe.org by that date and time as well. Individuals shall be permitted a maximum of three minutes for oral presentations. Representatives of organizations shall be permitted a maximum of five minutes for oral presentations.

The Short Title, Summary Statement, and Legislative Text of the proposed initiative, as submitted to the Board by the proposer(s) of the measure, read as follows:

SHORT TITLE

Use of RFK Site for Homes Not Stadiums Act of 2025

SUMMARY STATEMENT

If enacted, this Initiative would mandate the creation of a Special Purpose Zone for the RFK Memorial Stadium for which the Zoning Commission could permit residential, commercial, recreational, educational and cultural uses, but not use for a stadium for professional athletic teams.

LEGISLATIVE TEXT

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "RFK Stadium Permissible Uses Act of 2025."

Sec. 2. Section 1 of the Act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia and for other purposes, approved Jun 20, 1938, 52 Stat. 797, ch. 534, as amended by the Act to Amend the Act providing for the zoning of the District of Columbia and the regulation of the location height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia and for other purposes, approved March 4,

1942, 56 Stat. 122, ch. 126 (D.C. Official Code §6-641.01), is hereby further amended by adding the following language at the end of such section 1:

> "The Commission shall create a special purpose zone encompassing the Robert F. Kennedy Memorial Stadium Campus, the boundaries of which are set forth in the survey conducted pursuant to section 2(d)1) of the Robert F. Kennedy Memorial Stadium Campus Revitalization Act (Pub. L. No. 118-274), and shall provide by regulation for such uses of the Campus as are provided for in that Act and in the Declaration of Covenants executed pursuant to that Act; except that such regulation shall not permit the use of any part of the Campus for purposes of construction or operation of any stadium or arena (including accessory buildings or structures) that has as its primary purpose the hosting of professional athletic team events."

Section 3. Effective date.

This act shall take effect following 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.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF COMMUNITY HEARINGS

FORMAL CASE NO. 1179, IN THE MATTER OF THE INVESTIGATION INTO WASHINGTON GAS LIGHT COMPANY'S STRATEGICALLY TARGETED PIPE REPLACEMENT PLAN,

1. By this Notice, the Public Service Commission of the District of Columbia (Commission) schedules two (2) community hearings seeking community input on the application submitted by the Washington Gas Light Company (WGL) on September 27, 2024, for Approval of the District strategic Accelerated Facility Enhancement Plan (SAFE Plan).[1] The District SAFE Plan seeks authorization to undertake targeted replacement of certain vintage materials on its system and to recover the costs associated with the Plan through the previously approved surcharge mechanism for WGL's accelerated pipe program. The District SAFE Plan covers March 1, 2025, through December 31, 2027. The Company proposes one overarching program comprised of projects selected based on the system risk-reduced-per-dollar spent with replacement activity reporting focused on six (6) sub-categories of identified assets for Distribution Main and Distribution Services. WGL indicates that through its SAFE Plan, the Company intends to replace 12 miles of main and replace or remediate an estimated 2,612 service only, 966 service replacements with main, and 554 Service transfers in its distribution system over the three years of the plan, at a total estimated cost of $215 million. In addition, as part of the Plan, the Company proposes a Customer Choice Pilot Program that will provide customers with advance notice of replacement work and allow them to opt out if they intend to cease service with WGL.

2. The Commission published a Public Notice on October 11, 2024, regarding this application in the *D.C. Register* in *Formal Case No. 1179*, the formal case established to adjudicate WGL's application. WGL's SAFE Plan can be viewed on the Commission website at www.dcpsc.org. Once at the website, open the "eDocket" tab, click on the "Search Database," and input "FC1179" as the case number and "51" as the item number.

3. The two (2) community hearings scheduled will be held at the following locations on the specified dates:

Tuesday, June 3, 2025
Anacostia Neighborhood Library
1800 Marion Barry Avenue
Washington, D.C. 20020, 5:30 p.m.

Tuesday, June 17, 2025 (Hybrid)*
D.C Public Service Commission
Hearing Room
1325 G Street, NW, 8th Floor
Washington, D.C. 20005, 5:30 p.m.

*Participants and witnesses can participate in person or virtually only at the June 17, 2025, hearing.

[1] *Formal Case No. 1179*, Washington Gas Light Company's Revised Application for Approval of The District Strategic Accelerated Facility Enhancement Plan, filed September 27, 2024 ("District SAFE Plan").

Those who wish to testify at the community hearings should contact the Commission Secretary by 5:00 p.m., three (3) business days before the date of the hearing, by sending an email to PSC-CommissionSecretary@dc.gov or calling (202) 626-5150. Representatives of organizations shall be permitted to have a maximum of five (5) minutes for oral presentations. Individuals shall have a maximum of three (3) minutes for oral presentations. If an organization or an individual is unable to offer comments at the community hearing, written statements may be submitted by email to PSC- CommissionSecretary@dc.gov, or through the Commission's eDocket system at https://edocket.dcpsc.org/public/public_comments referencing the *Formal Case No. 1179* Docket. Additional instructions will be provided before the hearing for persons who have provided notice of their intent to participate virtually.

4. Any person who is deaf or hard of hearing, who cannot readily understand or communicate in spoken English, or persons with disabilities who need special accommodations to participate in the hearing must contact the Commission Secretary by the close of business, seven (7) days before the date of the community hearing. Persons testifying in Spanish, Chinese, Amharic, French, Vietnamese, or Korean must also contact the Commission Secretary by close of business five (5) business days before the date of the hearing. The number to call to request special accommodation and interpretation services is (202) 626-5150.

A TRUE COPY: **BY DIRECTION OF THE COMMISSION:**

CHIEF CLERK: **BRINDA WESTBROOK-SEDGWICK**
COMMISSION SECRETARY

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

PUBLIC NOTICE OF VIRTUAL COMMUNITY HEARING

FORMAL CASE NO. 1179, IN THE MATTER OF THE INVESTIGATION INTO WASHINGTON GAS LIGHT COMPANY'S STRATEGICALLY TARGETED PIPE REPLACEMENT PLAN,

1. On September 27, 2024, Washington Gas Light Company (WGL) filed for Approval of the District strategic Accelerated Facility Enhancement Plan (SAFE Plan).[1] The District SAFE Plan seeks authorization to undertake targeted replacement of certain vintage materials on its system and to recover the costs associated with the SAFE Plan through the previously approved surcharge mechanism for WGL's accelerated pipe program. The District SAFE Plan covers March 1, 2025, through December 31, 2027. The Company proposes one overarching program comprised of projects selected based on the system risk-reduced-per-dollar spent with replacement activity reporting focused on six (6) sub-categories of identified assets for Distribution Main and Distribution Services. WGL indicates that through its SAFE Plan, the Company intends to replace 12 miles of main and replace or remediate an estimated 2,612 service only, 966 service replacements with main, and 554 Service transfers in its distribution system over the three years of the plan, at a total estimated cost of $215 million. In addition, as part of the SAFE Plan, the Company proposes a Customer Choice Pilot Program that will provide customers with advance notice of replacement work and allow them to opt out if they intend to cease service with WGL.

2. By this notice, the Public Service Commission of the District of Columbia (Commission) schedules two community hearings to solicit community input on WGL's SAFE Plan. The community hearings are scheduled for **June 3, 2025, in the Anacostia Neighborhood Library at 1800 Marion Barry Avenue, SE, from 5:30 p.m. to 7:30 p.m.; and June 17, 2025, in the Commission Hearing Room at 1325 G Street, NW, Suite 800, from 5:30 p.m. to 7:30 p.m.** Through this Public Notice, the Commission provides instructions for virtual participation at the June 17, 2025, 5:30 p.m. community hearing held in the Commission Hearing room. The Commission cannot accommodate virtual participation at the June 3, 2025, community hearing. Those who have questions about testifying virtually at the June 17, 2025, community hearing should contact the Commission Secretary at psc-commissionsecretary@dc.gov or 202-626-5150. If an organization or an individual is unable to offer virtual comments or attend in person, written statements may be submitted via the Commission's Comments Module, located at https://edocket.dcpsc.org/public/public_comments or through email at psc-commissionsecretary@dc.gov.

[1] *Formal Case No. 1179*, Washington Gas Light Company's Revised Application for Approval of The District Strategic Accelerated Facility Enhancement Plan, filed September 27, 2024 ("District SAFE Plan").

Platform and Equipment

WebEx will serve as the platform to access the FC1179 Community Hearing (Hearing) virtually.

The WebEx platform will be hosted by the Commission's Office of the Commission Secretary (OCMS) - to allow OCMS to manage the participants' access during the proceeding.

The Commission strongly encourages virtual participants to join via computer, laptop, tablet, or mobile device with audio/video capabilities and reliable high-speed internet. Participants will also be able to access the hearing via telephone.

Participation

Individuals or organizations that would like to participate in the FC1179 Community Hearing must access the hearing using the following WebEx credentials:

Joining via computer:

https://dcnet.webex.com/dcnet/j.php?MTID=mb19f847e8009f1355fe37488708490c6

Event number: 2303 227 2994
Event password: xERmJDXQ753

Please ensure to enter your first and last name when accessing the hearing.

Joining via phone:

Dial: 1-650-479-3208
Access Code: 2303 227 2994

Please join at least fifteen (15) minutes before the hearing is scheduled to start.

Hearing and Post Hearing

All participants must ensure audio remains muted until requested to testify by OCMS.

OCMS will acknowledge/announce the participant using the name that appears on screen. Once the participant has been recognized, OCMS will unmute the microphone.

Individuals or organizations will be called to speak in the order they appear on screen. Should a participant not be present when called upon, the person will be passed, and the next participant will be called. After the list of virtual participants has been exhausted, OCMS will recall those participants previously passed.

A transcript will be made available through eDocket within 72 hours of the conclusion of the hearing.

3. Copies of the WGL Application may be obtained by visiting the Commission's website at www.dcpsc.org. Once at the website, open the "eDocket System" tab, click on "Search Current Dockets," and input "FC1179" as the case number and "51" as the item number. Copies of any comments or testimony filed on the Application may be obtained by opening the "eDocket System" tab, clicking on "Search Current Dockets," and inputting "FC1179" as the case number.

A TRUE COPY: **BY DIRECTION OF THE COMMISSION:**

CHIEF CLERK: **BRINDA WESTBROOK-SEDGWICK**
COMMISSION SECRETARY

BOARD OF ZONING ADJUSTMENT
NOTICE OF VIRTUAL PUBLIC HEARING

TIME AND PLACE: Wednesday, June 18, 2025, @9:30 a.m.
Via WebEx: https://dcoz.dc.gov/BZA06-18-2025
Via Telephone: 202-860-2110 Access Code: 2319 957 5121
Via YouTube: https://www.youtube.com/c/DCOfficeofZoning
Instructions: https://dcoz.dc.gov/release/virtual-public-hearings
Witness Sign Up: https://dcoz.dc.gov/service/sign-testify

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 FIVE

Application of:	**Justin Riordan and Zach Bache**
Case No.:	**21298**
Address:	1306 Girard Street N.E. (Square 3958, Lots 8 and 9)
ANC:	**5B**
Relief:	Special Exception from: • the side yard requirements of Subtitle D § 208.2 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2) Area Variance from: • the lot dimension requirements of Subtitle D § 202.1 (pursuant to Subtitle X § 1002) • the accessory building area requirements of Subtitle D § 5003.1(pursuant to Subtitle X § 1002)
Project:	To subdivide a lot, and to construct a detached, two-story with cellar, principal dwelling unit in the R-1B Zone.

WARD ONE

Application of:	**3121 Warder Street, LLC**
Case No.:	**21299**
Address:	3121 Warder Street N.W. (Square 3049, Lot 47)
ANC:	**1E**
Relief:	Special Exception under: • the new residential conversion requirements of Subtitle U § 320.2 (pursuant to Subtitle X § 901.2)
Project:	To construct a third story with roof deck, and a three-story rear addition with basement, and convert to a three-unit apartment house, an existing, attached, two-story with basement, principal dwelling unit in the RF-1 Zone.

WARD TWO

Application of:	**The Church of the Pilgrims, LLC**
Case No.:	**21301**
Address:	2201 P Street N.W. (Square 2510, Lot 807)
ANC:	**2B & 2D**
Relief:	Special Exception under: • the daytime care uses of Subtitle U § 203.1(h) (pursuant to Subtitle X § 901.2)
Project:	To permit a child development center for 74 children and 18 staff, in an existing, attached, two-story, with basement, religious building in the R-3 Zone.

WARD FOUR

Application of:	**Tyler Mott**
Case No.:	**21302**
Address:	4921 1st Street N.W. (Square 3401, Lot 14)
ANC:	**4D**
Relief:	Special Exception under: • the new residential development standards of Subtitle U § 421.1 (pursuant to Subtitle X § 901.2)
Project:	To construct two additional dwelling units, to an existing, semi-detached, two-story with basement, four-unit apartment building in the RA-1 Zone.

PLEASE NOTE:

This public hearing will be held virtually through WebEx. Information for parties and the public to participate, view, or listen to the public hearing will be provided on the Office of Zoning website and in the case record for each application or appeal by the Friday before the hearing date. Visit https://dcoz.dc.gov/watchlive.

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.

To review an application and exhibits in the case record, visit the Interactive Zoning Information System ("IZIS") at https://dcoz.dc.gov/CaseRecord.

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 at least 24 hours prior to the start of the hearing on OZ's website at https://dcoz.dc.gov/service/sign-testify or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2, the Board may impose time limits on the testimony of all individuals and organizations.

Individuals and organizations may also submit written comments to the Board by uploading submissions via IZIS at https://app.dcoz.dc.gov/Login.aspx or sent by email to bzasubmissions@dc.gov. Written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing. If you are unable to use either of these means of submission, please contact Robert Reid at (202) 727-5471 for further assistance.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311

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 በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ 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
Quí vị có cần trợ giúp gì để tham gia không?
Nếu quí 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
CARL BLAKE, VICE-CHAIRPERSON
CHRISHAUN SMITH, MEMBER,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
KEARA M. MEHLERT, SECRETARY, BOARD OF ZONING ADJUSTMENT
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
NOTICE OF RESCHEDULED[1] VIRTUAL PUBLIC HEARING

TIME AND PLACE: **June 6, 2025 @ 4:00 p.m.**
Via WebEx: https://dcoz.dc.gov/ZC24-14 (to participate & watch)
Via Telephone: 1-650-479-3208 Access code: 2305 638 2450 (audio participation & listen)
Via YouTube: https://www.youtube.com/c/DCOfficeofZoning (to watch)
Instructions: https://dcoz.dc.gov/release/virtual-public-hearings
Witness Sign Up: https://dcoz.dc.gov/service/sign-testify

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 24-14 (Emory United Methodist Church – Zoning Map Amendment @ Square 2672, Lot 718 (1459 Columbia Road, N.W.))

THIS CASE IS OF INTEREST TO ANC 1A

Oral and Written Testimony

- All who wish to testify in this case are **strongly encouraged** to sign up to do so **at least 24 hours prior to the start of the hearing** on OZ's website indicated above. Also, see below: *How to participate as a witness – oral statements*. **On the day of the hearing – by 3:00 p.m.**, call 202-727-0789 to sign up to testify.
- All written comments and/or testimony **must be submitted to the record at least 24 hours prior to the start of the hearing** – see below: *How to participate as a witness – written statements*.

On November 7, 2024, the Office of Zoning received an application from the Emory United Methodist Church (the "Applicant") requesting review and approval for a Zoning Map amendment from the RA-2 zone to the RA-4 zone for the property located at 1459 Columbia Road, N.W. (Square 2672, Lot 718) (the "Property").

The Property consists of approximately 19,460 square feet of land area (0.44 acres), and is located within the Columbia Heights neighborhood in northwest Washington, DC. The Property is located within Square 2672, which is bounded to the north by Irving Street, N.W., to the south by Columbia Road, N.W., to the east by 14th Street, N.W., and to the west by 15th Street, N.W. The Property is more particularly bound by a public alley to the north, Columbia Road, N.W., to the south, and multifamily housing developments to the east and to the west. The Property is within the jurisdictional boundaries of Advisory Neighborhood Commission ("ANC") 1A.

The area surrounding the Property is comprised of multifamily residential uses, neighborhood-serving retail uses, and commercial uses. Specifically, the area northeast of the Property, and south of Irving Street, N.W., and west of 14th Street, N.W., consists of the Highland Park Apartments, retail uses, and commercial uses, whereas the area south and west of the Property consists of moderate-density and medium-density residential uses. Further, the DC USA retail development is located less than 1,000 feet from the Property.

[1] This hearing was previously scheduled for June 2, 2025; no other changes have been made to this notice.

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.

The Property is located within the boundaries of the Mid-City Area Element of the Comprehensive Plan. The Comprehensive Plan Future Land Use Map designates the Property as Medium Density Residential. The Comprehensive Plan Generalized Policy Map designates the Property as a Neighborhood Conservation Area.

On March 18, 2025, the Office of Planning ("OP") submitted its setdown report to the Office of Zoning. The setdown report recommended the application be set down for a public hearing. The OP setdown report stated that the proposed map amendment would not be inconsistent with the Comprehensive Plan maps and written elements, including when viewed through a racial equity lens and that Inclusionary Zoning Plus would be appropriate for the map amendment. On March 27, 2025, the application was set down for a public hearing by the Commission.

On March 28, 2025, the Applicant filed its Prehearing Submission with the Commission.

The complete record in the case, including the Applicant's filings and the OP setdown report, can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System ("IZIS"), at https://app.dcoz.dc.gov/Content/Search/Search.aspx.

This virtual public hearing will be conducted in accordance with the contested case provisions of Subtitle Z § 400.

How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing on OZ's website at https://dcoz.dc.gov/ or by calling Ella Ackerman at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. Therefore, it is highly recommended that all written comments and/or testimony be submitted to the record at least 24 hours prior to the start of the hearing. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

1.	Applicant and parties in support	60 minutes collectively
2.	Parties in opposition	60 minutes collectively
3.	Organizations	5 minutes each
4.	Individuals	3 minutes each

Pursuant to Subtitle Z § 408.4, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

How to participate as a witness – written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at https://app.dcoz.dc.gov/Login.aspx; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Ella Ackerman at (202) 727-0789 for further assistance.

How to participate as a party

Any person who desires to participate as a party in this case must so request and must comply with the provisions of Subtitle Z § 404.1.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact OZ at dcoz@dc.gov or at (202) 727-6311.

Except for an affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status shall file with the Commission, not less than 14 days prior to the date set for the hearing, or 14 days prior to a scheduled public meeting if seeking advanced party status consideration, a Form 140 – Party Status Application, a copy of which may be downloaded from OZ's website at: https://app.dcoz.dc.gov/Help/Forms.html. This form may also be obtained from OZ at the address stated below.

"Great weight" to written report of ANC

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

ANTHONY J. HOOD, ROBERT E. MILLER, JOSEPH S. IMAMURA, TAMMY M. STIDHAM, GWEN MARCUS WRIGHT ---------- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advanceof the meeting. These services will be provided free of charge.

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참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

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。

Quí vị có cần trợ giúp gì để tham gia không? Nếu quí 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.

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 በኤሜል Zelalem.Hill@dc.gov ይገናኙ እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF VIRTUAL PUBLIC HEARING

TIME AND PLACE: **June 23, 2025 @ 4:00 p.m.**
Via WebEx: https://dcoz.dc.gov/ZC24-15 (to participate & watch)
Via Telephone: 1-650-479-3208 Access code: 2316 472 8233 (audio participation & listen)
Via YouTube: https://www.youtube.com/c/DCOfficeofZoning (to watch)
Instructions: https://dcoz.dc.gov/release/virtual-public-hearings
Witness Sign Up: https://dcoz.dc.gov/service/sign-testify

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. CASE NO. 24-15 (901 Monroe Street, LLC – Consolidated PUD & Related Zoning Map Amendment @ Square 3829, Lot 23)

THIS CASE IS OF INTEREST TO ANC 5B

Oral and Written Testimony

- All who wish to testify in this case are **strongly encouraged** to sign up to do so **at least 24 hours prior to the start of the hearing** on OZ's website indicated above. Also, see below: *How to participate as a witness – oral statements*. **On the day of the hearing – by 3:00 p.m.**, call 202-727-0789 to sign up to testify.
- All written comments and/or testimony **must be submitted to the record at least 24 hours prior to the start of the hearing** – see below: *How to participate as a witness – written statements*.

901 Monroe Street, LLC (the "Applicant") filed an application on November 11, 2024 requesting the Zoning Commission ("Commission") approve a consolidated Planned Unit Development and related amendment of the Zoning Map from the MU-3A and R-2 zones to the MU-5B zone (collectively, the "PUD Application") pursuant to Subtitle X, Chapter 3 and Subtitle Z § 300 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, "Zoning Regulations of 2016," to which all subsequent references herein are made unless otherwise specified) for the property known as 901 Monroe Street, N.E. - Lot 23 in Square 3829 (the "Property").

The Property is located across Monroe Street from the Brooks Mansion and the Brookland/CUA Metrorail Station and is bounded by 9th Street, N.E. to the west, Lawrence Street, N.E. to the south, 10th Street, N.E. to the east, and Monroe Street, N.E. to the north. The Property is part of the Brookland neighborhood of Ward 5 and includes approximately 60,000 square feet of land area. The Property is currently included in the MU-3A and R-2 zones. The Property is designated Mixed-Use - Moderate Density Commercial and Medium Density Residential on the Comprehensive Plan Future Land Use Map; and designated a Neighborhood Conservation Area on the Comprehensive Plan Generalized Policy Map.

Associated with the PUD, the Applicant proposes to rezone the Property to the MU-5B zone and to redevelop the Property with a new multi-family residential building providing approximately

233 residential units, with an approximate floor area ratio ("FAR") of 4.2 and a measured building height of approximately 75 feet (the "Project").

The Office of Planning filed a setdown report dated February 3, 2025, recommending that the Commission set the PUD Application down for a public hearing. The OP setdown report states that on balance, the proposal would not be inconsistent with the maps and policies of the Comprehensive Plan, including when viewed through a racial equity lens. At a public meeting on February 13, 2025, the Commission set down the PUD Application for a public hearing. The Applicant filed its prehearing statement in the case on April 7, 2025.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, Subtitle Z, Chapter 4.

How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ's website at https://dcoz.dc.gov/ or by calling Ella Ackerman at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. Therefore, **all written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing**. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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Pursuant to Subtitle Z § 408.4, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

How to participate as a witness – written statements

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How to participate as a party.
Any person who desires to participate as a party in this case must so request and must comply with the provisions of Subtitle Z § 404.1.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact OZ at dcoz@dc.gov or at (202) 727-6311.

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Quí vị có cần trợ giúp gì để tham gia không? Nếu quí 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.

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 በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF VIRTUAL PUBLIC HEARING

TIME AND PLACE: **June 16, 2025 @ 4:00 p.m.**
Via WebEx: https://dcoz.dc.gov/ZC24-18 (to participate & watch)
Via Telephone: 1-650-479-3208 Access code: 2300 258 3008 (audio participation & listen)
Via YouTube: https://www.youtube.com/c/DCOfficeofZoning (to watch)
Instructions: https://dcoz.dc.gov/release/virtual-public-hearings
Witness Sign Up: https://dcoz.dc.gov/service/sign-testify

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. CASE NO. 24-18 (Living Classrooms Foundation – Text Amendment to Subtitle A§ 301.3(h) and Subtitle K §§ 200.6-200.9, 230.5-230.6, and 239.1)

THIS CASE IS OF INTEREST TO ANC 8F

Oral and Written Testimony

- All who wish to testify in this case are **strongly encouraged** to sign up to do so **at least 24 hours prior to the start of the hearing** on OZ's website indicated above. Also, see below: *How to participate as a witness – oral statements*. **On the day of the hearing – by 3:00 p.m.**, call 202-727-0789 to sign up to testify.
- All written comments and/or testimony **must be submitted to the record at least 24 hours prior to the start of the hearing** – see below: *How to participate as a witness – written statements.*

On November 22, 2024, Living Classrooms Foundation ("Petitioner") filed a petition ("Petition") to the Zoning Commission ("Commission") proposing the following amendments to the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references herein refer unless otherwise specified):

Subtitle A, Authority and Applicability
Chapter 3, Administration and Enforcement
- §301.3(h) – to exempt buildings and structures within the SEFC-4 zone from the requirement for a separate lot of record.

Subtitle K, Special Purpose Zones
Chapter 2, Southeast Federal Zones – SEFC-1 through SEFC-4
- §§ 200.6 & 200.7: to add cultural, education, and institutional uses to the goals and objectives for the SEFC-4 zone;
- §200.8: to designate the far eastern portion of the SEFC-4 zone as an additional "Development Area" within the SEFC-4 zone;
- §§200.9, 230.5, & 230.6: to replace the existing combined lot development process for sharing density across lots in the SEFC-4 Zone with a more straightforward aggregation approach; and

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.

- §239.1: to add education, institutional, and eating and drinking establishment uses as uses that are permitted in the SEFC-4 zone after review and approval by the Commission in accordance with the standards specified in Subtitle K § 241 and procedures specified in Subtitle K § 242.

The proposed Petition would facilitate the development of the easternmost portion of the SEFC-4 zone, which is known as Parcel P3 under the Southeast Federal Center Master Plan ("Master Plan"), with a mixed-use educational and workforce development center ("Project") as called for under the Master Plan. The Petition will add the location of Parcel P3 as a development area within the SEFC-4 zone, allow for the Project's uses to be located on Parcel P3 with Commission approval, exempt waterfront development on Parcel P3 and elsewhere in the SEFC-4 Zone from the subdivision requirements, and simplify and clarify the floor area ratio ("FAR") density aggregation principles applicable in the SEFC-4 zone. Pursuant to existing provisions in Subtitle K, Chapter 2 as well as provisions proposed in this Petition, the development of the Project itself would be subject to further Design Review by the Commission.

The Office of Planning ("OP") filed a March 31, 2025 report, recommending that the Commission set down the proposed text amendments for a public hearing. OP's analysis concluded that the text amendments are not inconsistent with the Comprehensive Plan, including the Comprehensive Plan maps, Citywide Elements, the Lower Anacostia Waterfront and Near Southwest Area Element, when evaluated through a racial equity lens, or with other adopted public policies and active programs applicable to the proposed text amendments, including the Master Plan and the Anacostia Waterfront Initiative Framework Plan.

At its April 10, 2025 public meeting, the Commission voted to set down the proposed text amendments for a public hearing as a rulemaking case.

The complete record in this case, including the OP Setdown Report and video of the public meeting, can be viewed online at the Office of Zoning website, through the Interactive Zoning Information System (IZIS), at https://app.dcoz.dc.gov/Content/Search/Search.aspx

PROPOSED TEXT AMENDMENT

The proposed amendments to the text of the Zoning Regulations are as follows (text to be deleted is marked in ~~**bold and strikethrough**~~ text; new text is shown in **bold and underline** text).

Subsection 301.3 of § 301 BUILDING PERMITS of Subtitle A, AUTHORITY AND APPLICABILITY is proposed to be amended to read as follows:

301.3 Except as provided in the building lot control regulations for Residence Districts in Subtitle C and § 5 of An Act to amend an Act of Congress approved March 2, 1893, entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes, approved June 28, 1898 (30 Stat. 519, 520, as amended; D.C. Official Code § 9-101.05, a building permit shall not be issued for the proposed erection, construction, or conversion of any principal structure, or for any addition to any principal structure, unless the land for the proposed erection, construction, or conversion has been divided so that each

structure will be on a separate lot of record; except a building permit may be issued for:

(a) Buildings and structures related to a fixed right-of-way mass transit system approved by the Council of the District of Columbia;

(b) Boathouse, yacht club, or marina that fronts on a public body of water, is otherwise surrounded by public park land, and is zoned MU-11;

(c) Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure;

(d) Trapeze school and aerial performing arts center to be constructed pursuant to Subtitle K;

(e) A structure in the USN zone to be constructed on an air rights lot that is not a lot of record;

(f) Buildings and structures approved as part of a campus or private school plan or medical campus plan; ~~**and**~~

(g) Playing fields and associated accessory structures to support such fields and, if permitted by the Zoning Commission, an unenclosed pavilion, on the unzoned property comprising and abutting the Robert F. Kennedy Memorial Stadium, subject to Subtitle A § 209.2(c); **and**

(h) **Buildings and structures within the SEFC-4 zone pursuant to Subtitle K, Chapter 2**.

Subsections 200.6 through 200.9 of § 200 GENERAL PROVISIONS (SEFC) of Subtitle K, SPECIAL PURPOSE ZONES, are proposed to be amended to read as follows:

200.6 The SEFC-4 zone provides for a five (5) acre minimum public park along the Anacostia River, with ~~**a defined retail area**~~ **defined areas for retail, cultural, education, and institutional uses** to serve residents of the neighborhood and the District of Columbia.

200.7 Additional objectives for the SEFC-4 zones are to:

(a) Encourage open space;

(b) Promote a lively, interactive waterfront environment;

(c) Discourage parking;

(d) Provide a development area for retail**,** ~~**and**~~ cultural**, educational, and institutional** uses;

(e) Provide an open space area, intended to be the site of open space recreation use as well as limited uses that are directly waterfront dependent; and

(f) Allow for a continuous publicly-accessible pedestrian and bicycle trail along and adjacent to the waterfront as part of the Anacostia Waterfront Trail system.

200.8 The SEFC-4 zone is divided into two geographic areas:

(a) SEFC-4 development area, consisting of **(1)** the northeastern portion of the SEFC-4 zone, specifically the existing Building 173 and that portion of the SEFC-4 zone located directly to the east of Building 173, north of a line extending east from the south elevation of Building 173**, and (2) the far eastern portion of the SEFC-4 zone that is immediately south of the Washington Navy Yard and is identified in the Southeast Federal Center Master Plan as Parcel P3**; and

(b) SEFC-4 open space area, consisting of all property within the SEFC-4 zone that is located outside of the development area.

200.9 Notwithstanding the subdivision requirements of Subtitle C § 302, two (2) or more principal buildings or structures may be erected as a matter-of-right on a single ~~**subdivided**~~ lot within the SEFC-4 zone provided that such principal buildings or structures comply with all other theoretical lot subdivision requirements of Subtitle C § 305**, except that the maximum permitted density for the SEFC-4 zone shall be aggregated across the entire SEFC-4 zone and allocated to each theoretical lot in any manner so long as the maximum permitted density set forth in Subtitle K § 230 is not exceeded**.

Subsections 230.5 and 230.6 of Section 230 DENSITY – FLOOR AREA RATIO (FAR) (SEFC-4) of Subtitle K, SPECIAL PURPOSE ZONES are proposed to be deleted as follows:

230.1 The maximum permitted FAR in the SEFC-4 zone shall be 0.5.

230.2 FAR shall be the gross floor area of all buildings and structures located on land and any associated permanent structure located on, in, or over water, other than a floating home, divided by the total area of the lot.

230.3 The FAR on a lot used exclusively for recreational use, marina, yacht club, or boathouse buildings and structures shall not exceed 0.75.

230.4 The gross floor area of existing Building 173 shall not count toward any FAR computation. The second story of Building 173 may be used for general office purposes; provided that any such office space is suitably designed for future occupancy by retail uses and to not adversely impact ground floor retail uses.

~~**230.5 Two (2) or more lots, whether contiguous or non-contiguous, within the SEFC-4 zone may be combined for the purposes of allocating density as provided for and limited by Subtitle K § 230.7, in accordance with the procedures outlined in Subtitle K § 240.**~~

~~**230.6 A lot or lots in the SEFC-4 development area may receive and use density allocated from a lot or lots in the SEFC-4 open space area, subject to all other applicable area restrictions. If a single lot is included within both geographic areas, the portion of the lot in the SEFC-4 development area may use the unused density from the portion of the lot in the SEFC-4 open space area.**~~

Subsection 239.1 of Section 239 USE PERMISSIONS (SEFC-4) of Subtitle K, SPECIAL PURPOSE ZONES is proposed to be amended to read as follows:

239.1 Within the SEFC-4 development area, use permissions, including uses permitted as a matter of right, as a special exception, and as an accessory use, and uses not permitted shall be in accordance with the provisions of MU-Use Group B, as prescribed in Subtitle U §§ 505 and 506. **In addition, the following uses shall be permitted if reviewed and approved by the Zoning Commission in accordance with the standards specified in Subtitle K § 241 and procedures specified in Subtitle K § 242:**

(a) Education;

(b) Institutional; and

(c) Eating and drinking establishments.

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01, et seq. (2018 Repl.)).

This public hearing will be conducted in accordance with the rulemaking case provisions of Subtitle Z, Chapter 5.

How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ's website at https://dcoz.dc.gov/ or by calling Ella Ackerman at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

1.	Organizations	5 minutes each
2.	Individuals	3 minutes each

How to participate as a witness – written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record, **provided all written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing**. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at https://app.dcoz.dc.gov/Login.aspx; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Ella Ackerman at (202) 727-0789 for further assistance.

"Great weight" to written report of ANC

Subtitle Z § 505.1 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the petition, and sets forth the information that the report must contain. Pursuant to Subtitle Z §505.2, an ANC that wishes for oral testimony of the ANC representative to be given great weight must file a written report approved by the ANC in support of the testimony within seven days of the public hearing.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

ANTHONY J. HOOD, ROBERT E. MILLER, GWEN M. WRIGHT, TAMMY STIDHAM, AND JOSEPH S. IMAMURA, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

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.

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

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。

Quí vị có cần trợ giúp gì để tham gia không? Nếu quí 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.

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 በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance ("DHCF"), pursuant to the authority set forth in Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6)), An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), and Mayor's Order 2024-115, dated July 1, 2024, hereby gives notice of his adoption of the following amendments to Chapter 42 (Home and Community-Based Services Waiver for Persons who are Elderly and Individuals with Physical Disabilities), Chapter 50 (Medicaid Reimbursements for Personal Care Aide Services), and Chapter 101 (Services My Way Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations ("DCMR").

The current 1915(c) Home and Community-Based Services ("HCBS") Waiver for Persons who are Elderly and Individuals with Physical Disabilities ("EPD Waiver") was approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services ("CMS") for a five (5)-year renewal period beginning February 7, 2022. CMS approved a previous waiver amendment, effective October 1, 2020, and a subsequent amendment, effective January 1, 2023.

In accordance with federal regulations at 42 CFR § 441.304(e)–(f), prior to the approval of all EPD Waiver amendments and its renewal, DHCF provided public notice of the proposed changes to ensure meaningful opportunities for input from the public. For the 2022 waiver renewal, DHCF published an abbreviated notice of amendment to the waiver in *District of Columbia Register* on July 23, 2021, and published a full draft of the proposed waiver with a summary of changes to the DHCF website on that same date. A public comment period was held from July 23, 2021, through August 23, 2021. Additionally, on August 9, 2021, DHCF held a public meeting for interested stakeholders to share comments and concerns. For the 2023 waiver amendment, DHCF posted a notice of its intent to amend the waiver, a full draft of the proposed amendment, and a summary of the amendments to the DHCF website on August 23, 2022. A notice was subsequently published in the *District of Columbia Register* on August 26, 2022, and a public comment period was held from August 26, 2022 through September 25, 2022. Additionally, presentations on the proposed amendments were provided at stakeholder meetings on September 14, 2022 and September 15, 2022.

In accordance with the changes authorized by CMS in the approved waiver renewal and amendments, this final rulemaking modifies the scope of covered waiver services, clarifies restrictions related to participant enrollment and provider reimbursement, and updates requirements for service providers under the EPD Waiver program.

Consistent with the 2020 EPD Waiver amendment, this rulemaking makes the following changes:

- Coverage of physical therapy and occupational therapy under the EPD Waiver is removed due to the underutilization of these services by waiver participants. Medicaid beneficiaries,

including EPD Waiver participants, have access to physical therapy and occupational therapy services under the state plan home health benefit.

- Coverage of respite services for eighteen (18) to twenty-four (24) hours per day is removed from the EPD Waiver, due to this service not having been utilized by waiver participants since November 2015.
- Coverage of Personal Emergency Response System (PERS) services is removed from the EPD Waiver. EPD Waiver participants, however, will continue to have access to PERS services under the State Plan, as set forth in 29 DCMR § 998.
- Language is added to clarify that personal care aide (PCA) services for a waiver participant is limited to sixteen (16) hours per day under the EPD Waiver. This does not change an EPD Waiver participant's ability to also access an additional eight (8) agency-directed PCA service hours, for a total of twenty-four (24) PCA service hours, as previously allowed. Likewise, language is added to clarify that a waiver participant enrolled in the EPD Waiver's *Services My Way* program is limited to sixteen (16) hours per day of participant-directed community supports (PDCS); any additional hours authorized, up to a maximum of eight (8) hours per day, shall be provided by a home health agency in accordance with the requirements of the State Plan personal care aide benefit.
- The daily cap of sixteen (16) combined hours of PCA services and Adult Day Health services is removed for beneficiaries determined eligible for and receiving both types of services. Duplicative reimbursement of PCA services hours for waiver participants residing in assisted living facilities (ALFs) is prohibited; ALF residents are no longer able to receive PCA services but instead will receive all supports with activities of daily living through services provided by their ALF.
- Medicaid reimbursement will not be made for twenty-four (24) hour skilled care or skilled supervision.
- The fifty (50) bed limit for ALFs is removed and the reimbursement rate for ALF services is increased to better reflect provider responsibilities and reasonable costs.
- The billing process for community transition services (CTS) is updated to include the requirement that an individual be successfully enrolled in the EPD Waiver prior to the submission of a bill for reimbursement for CTS.
- The number of days prior to discharge that an individual in a long-term care facility is eligible for CTS is reduced from one-hundred and twenty (120) days prior to discharge to sixty (60) days prior to discharge.
- It is clarified that each case manager is limited to a maximum of forty-five (45) cases total, across all case management agencies, at any point in time, and that the client caseload of each case manager be commensurate with the number of hours worked per week.
- Eligibility criteria is updated to clarify that enrollment in the waiver is restricted to those individuals not currently enrolled in another 1915(c) program.
- The tuberculosis (TB) testing requirements for direct care staff are modified to align with national standards by replacing the current annual TB testing requirement with a requirement that testing be done in accordance with the guidelines published by the U.S. Centers for Disease Control (CDC).

Consistent with the 2022 EPD Waiver renewal, this rulemaking makes the following additional changes:

- Individual Directed Goods and Services (IDGS) coverage criteria are updated to provide

additional clarity and greater specificity regarding allowable IDGS items.

- The Vendor Fiscal/Employer Agent (VF/EA) financial management services (FMS) payment structure is modified to include a performance incentive to enroll participants within a pre-established time span and implement greater specificity of per member/participant per month contractual payments to incentivize successful monthly and quarterly visits.
- Service descriptions of ALF services and the Adult Day Health Program are revised to include coverage of medication assistance services provided by a Certified Medication Aide, in accordance with the District's Board of Nursing regulations.

Consistent with the 2023 EPD Waiver amendment, the rules are revised to change the terms of involuntary termination of EPD Waiver participants from the *Services My Way* program. Specifically, the rulemaking extends the time period within which episodes of non-compliance may result in involuntary termination of the participant-directed service option from twelve (12) to thirty-six (36) months. Additionally, this rulemaking clarifies the requirements on end-of-life planning for EPD Waiver participants.

An initial Notice of Emergency and Proposed Rulemaking was published in the *District of Columbia Register* on October 9, 2020, at 67 DCR 011762. A summary of comments received and DHCF's responses were included in the Notice of Second Emergency and Proposed Rulemaking, published in the *District of Columbia Register* on March 29, 2024, at 71 DCR 003614. The Second Emergency and Proposed Rulemaking made the following additional changes to this rule:

Subsections 4216.1 and 4216.2 had been maintained in the EPD Waiver rule for historical context, but in an effort to eliminate confusion, DHCF has removed them. As described in Subsection 4209.7, the current reimbursement rates for all EPD Waiver services are listed in the District Medicaid fee schedule; and at least 30 days prior to the effective date of an updated reimbursement rate, DHCF publishes a notice of the upcoming rate change in the *District of Columbia Register*. To avoid the need to promulgate amended rules whenever there is a change to the reimbursement rate for a covered service, it is no longer DHCF practice to include the dollar amount rates in the text of the rules themselves.

DHCF received comments in response to the Notice of Second Emergency and Proposed Rulemaking; a summary of the comments and DHCF's responses are as follows:

Services My Way Limitation on Hours of Participant Directed Community Supports
Commenters expressed concern with the sixteen (16) hour per day limitation on participant-directed community supports for beneficiaries enrolled in the EPD Waiver's *Services My Way* program, arguing that this increases risk of institutionalization.

Response: The 16-hour limit on participant-directed community supports does not restrict a participant's overall access to necessary services. Participants may access up to an additional eight hours of agency-directed Personal Care Aide (PCA) services, for a potential total of 24 PCA service hours daily. This ensures no reduction in recommended PCA service hours. Home health agencies, operating under their clinical licensure requirements as stipulated by the Department of Health and DHCF regulations, possess the necessary experience to provide these complementary Home and Community-Based Services (HCBS), similar to their provision of other non-participant-

directed community supports to PCA recipients. The availability of these additional personal care services outside the patient directed community supports program means that the reduction of hours in EPD services should not result in increased institutionalization.

Chore Aide Service Limitations
Comment: Commenters expressed concern that changing the definition for a unit of chore aide services, from one (1) hour to fifteen (15) minutes, has the effect of reducing the per-beneficiary limit on chore aide services from thirty-two (32) hours per waiver period to eight (8) hours per waiver period.

Response: The sole purpose of the revision to the definition of "a unit of chore aide services" was to update the unit of measure used; DHCF did not intend to reduce or otherwise change the per-beneficiary per waiver year limit on chore aide services. To ensure clarity, DHCF has further revised the language at Subsections 4215.1 and 4215.2 of the rules.

Coverage of PERS as State Plan Benefit
Comment: A commenter expressed concern that the removal of PERS from the waiver and inclusion as a benefit in the State Plan limits EPD Waiver beneficiaries' access to PERS by requiring the use of the 719A authorization process. The commenter went on to state that the 719A authorization process is encumbered by errors, improper denials, and months-long delays.

Response: The addition of PERS to the State Plan expands access to the benefit to all Medicaid beneficiaries in the District, not just those meeting the level of care required for EPD Waiver participation. 719A authorization is required for many State Plan benefits, including PERS, and dozens of different types of providers (e.g., home health aides, dental providers, durable medical equipment suppliers have used the process without issue since 2022). DHCF is not aware of consistent inaccurate denials or months-long delays for PERS, but requests that providers facing such issues provide specific examples of such cases to DHCF; likewise, the vast majority of PERS providers have not voiced any concerns to DHCF about the process.

Reduction to Pre-Discharge Period for Community Transition Services
Comment: Commentors expressed concern that the reduction in days prior to discharge from a long-term care facility that a beneficiary can access community transition services (CTS), from one hundred and twenty (120) to sixty (60), will limit the ability of a beneficiary to fully prepare for a successful transition back into the community

Response: As explained in previous rulemakings, this rule reduces the number of days of access but not the maximum dollar amount available for household setup expenses ($5,000). Because discharge dates are subject to change and the total cap for household setup remains the same, we believe that sixty (60) days provides a more reasonable time for ensuring that CTS are most appropriate to an individual's needs at discharge. Additionally, participants continue to have up to six (6) months after discharge to utilize CTS. Because a participant's needs at sixty (60) days prior to discharge are more reflective of their needs at discharge, no change has been made to this final rule.

Case Manager Responsibilities
Comment: In response to revised language at Subsection 4224.14(c) describing case managers' responsibility to assist beneficiaries with the annual level of care assessment, a commenter stated that the new language is confusing and could be read as placing the burden on the beneficiary.

Response: The proposed language at Subsection 4224.14(c) mitigates the issue of a case manager being held responsible in instances where a beneficiary cancels the scheduled assessment. The entire section focuses on responsibilities of the case manager and does not place any responsibilities on the beneficiary. No changes have been made to this final rule.

PCA Services Description
Comment: A commenter expressed concern that the revised description of Medicaid reimbursable PCA services at Subsection 5000.2(a) is confusing and potentially interpreted as restricting the role of PCAs with regards to providing cueing and safety monitoring for beneficiaries performing ADLs.

Response: The amended language was intended to provide further clarity as to the relationship between cueing or safety monitoring and ADLs. DHCF appreciates the commenter's feedback and has adopted the recommendation to revert the language at Subsection 5000.2(a) back to its previous iteration.

References to the Department of Health
On its own initiative, DHCF changed references that appeared in the proposed rulemaking as "DC Health" to "Department of Health".

Additionally, DHCF amended language at § 4223.1(g) to clarify that individuals providing case management services should verify, annually, that they are not affected by communicable disease. This change in language acknowledges that not everyone infected with a communicable disease poses an active risk of spreading disease to others. Lastly, DHCF amended § 4234.3 to be consistent with § 4214.2 of the final rule and clarify that the reimbursable and service unit for homemaker services is fifteen (15) minutes.

These final rules were adopted by the Director of DHCF on April 10, 2025 and will become effective on the date of publication in the *District of Columbia Register*.

Chapter 42, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR PERSONS WHO ARE ELDERLY AND INDIVIDUALS WITH PHYSICAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 4200, GENERAL PROVISIONS: IDENTIFICATION OF SERVICES; PROGRAM RESPONSIBILITIES; AND SERVICE SETTING REQUIREMENTS, is amended as follows:

Subsection 4200.1 is amended to read as follows:

4200.1 The following Home and Community-Based Services (HCBS) Waiver services are

included in the Persons who are Elderly and Individuals with Physical Disabilities waiver (EPD Waiver), consistent with the regulations set forth in this chapter:

(a) Case management services;

(b) Personal Care Aide (PCA) services;

(c) Respite services;

(d) Homemaker services;

(e) Chore aide services;

(f) Assisted living services;

(g) Environmental Accessibility Adaptation services;

(h) Adult Day Health services;

(i) Individual-Directed Goods and Services;

(j) Participant-Directed Community Supports services; and

(k) Community transition services.

Section 4201, ELIGIBILITY, is amended as follows:

Subsections 4201.1 and 4201.2 are amended to read as follows:

4201.1 Individuals shall be deemed eligible for the EPD Waiver prior to the receipt of the services described in this chapter.

4201.2 To be eligible for the EPD Waiver services described in this chapter, a beneficiary shall:

(a) Require the level of care furnished in a nursing facility as determined by DHCF's Long Term Care Services and Supports contractor using the standardized face-to-face assessment tool, in accordance with Subsections 4201.4 and 4201.5;

(b) Agree to participate in the waiver program by signing the Waiver Beneficiary Freedom of Choice form to elect to receive services in home and community-based settings rather than institutional settings;

(c) Be aged sixty-five (65) or older, or be aged eighteen (18) and older with one (1) or more physical disabilities;

(d) Not be an inpatient of a hospital, nursing facility, or intermediate care facility in accordance with Subsection 4201.3;

(e) Be financially eligible for long term care services and supports in accordance with the requirements set forth in Chapter 98 (Financial Eligibility for Long Term Care Services and Supports) of Title 29 DCMR;

(f) Reside in the District of Columbia in a community setting, such as a natural home or approved Community Residential Facility or EPD Waiver assisted living facility; and

(g) Not currently be a participant in the Program of All-Inclusive Care for the Elderly or any other 1915(c) HCBS waiver, including but not limited to the HCBS Waiver for Individuals with Intellectual and Developmental Disabilities under Chapter 19 of Title 29 DCMR.

Subsections 4201.5 and 4201.6 are amended to read as follows:

4201.5 Completion of the assessment shall yield a final total score determined by adding up the individual scores from the three domains. To be eligible for EPD Waiver enrollment a Medicaid beneficiary or applicant must obtain a total numerical score of nine (9) or higher on the assessment, which equates to the need for a nursing home level of care.

4201.6 Eligibility for all EPD Waiver services shall be recertified on an annual basis in accordance with the procedures set forth in this chapter and 29 DCMR § 989.

Section 4202, APPEAL RIGHTS FOR APPLICANTS/BENEFICIARIES, is amended as follows:

Subsections 4202.1 through 4202.3 are amended to read as follows:

4202.1 An applicant or beneficiary shall receive advance notice and shall have the opportunity to request a fair hearing if:

(a) They are found ineligible for participation in the EPD Waiver based on the criteria set forth in Subsection 4201.2;

(b) They are not given the choice between EPD Waiver services or institutional care;

(c) They are denied the choice of service(s) from a qualified and willing provider in accordance with 42 CFR § 431.51; or

(d) DHCF or its designee takes action to deny, suspend, reduce, or terminate services, or disenroll the beneficiary or applicant from the EPD Waiver

program.

4202.2 An EPD Waiver provider shall issue a written notice in cases of intended actions to deny, discharge, suspend, transfer, or terminate services for any applicant or beneficiary. Except as set forth in Subsections 4202.3 and 4205.11, the notice shall be issued at least thirty (30) calendar days prior to the effective date of the proposed action and shall include the following information:

(a) The intended action;

(b) The reason(s) for the intended action;

(c) Citations to the law(s) and regulations supporting the intended action;

(d) A list of EPD Waiver standards supporting the intended action;

(e) An explanation of the applicant or beneficiary's right to request a hearing;

(f) The circumstances under which the applicant or beneficiary's current level of services will be continued if a hearing is requested; and

(g) A copy of the directory of other EPD Waiver providers.

4202.3 An EPD Waiver provider shall issue written notice when the intended action is discharge of a beneficiary based on the beneficiary's failure to meet eligibility criteria set forth in Subsection 4201.2. The notice shall be issued at least seven (7) calendar days prior to the effective date of the proposed action, or longer if required by applicable D.C. Health regulations, and shall include the following information:

(a) The intended action;

(b) The reason(s) for the intended action;

(c) Citations to the law(s) and regulations supporting the intended action;

(d) A list of EPD Waiver standards supporting the intended action; and

(e) An explanation that the beneficiary will receive a separate notice from DHCF or its designee informing the beneficiary of the termination of EPD Waiver eligibility, disenrollment from the Waiver program, and the right to appeal these actions.

Subsection 4202.4 is added to read as follows:

4202.4 DHCF or its designee shall issue a written notice in cases where it intends to take action to deny, discharge, suspend, or reduce Waiver services, or disenroll applicants or beneficiaries from the EPD Waiver program. The notice shall be

issued at least thirty (30) calendar days prior to the effective date of the proposed action and shall include the following information:

(a) The intended action;

(b) The reason(s) for the intended action;

(c) Citations to the law(s) and regulations supporting the intended action;

(d) An explanation of the individual's right to request a hearing; and

(e) The circumstances under which the individual's current level of services will be continued if a hearing is requested.

Section 4204, WRITTEN PERSON-CENTERED SERVICE PLAN REQUIRED (PCSP), is amended as follows:

Subsection 4204.5 is amended to read as follows:

4204.5 A PCSP shall, at minimum, address and document the following:

(a) The beneficiary's strengths, risks, and preferences for plan development at the beginning of the written plan, including:

(1) Consideration of the beneficiary's significant milestones and important people in the beneficiary's life; and

(2) The beneficiary's preferences in order to tailor the plan to reflect any unique cultural or spiritual needs or be developed in a language or literacy level that the beneficiary and representative can understand;

(b) The beneficiary's goals, including:

(1) Consideration of the beneficiary's current employment, education, and community participation along with aspirations for changing employment, continuing education, and increasing level of community participation; and

(2) How the goals tie to the amount, duration, and scope of services that will be provided;

(c) A list of other contributors selected by the beneficiary and invited to engage in planning and monitoring of the PCSP;

(d) An end of life plan, if one exists;

(e) Medicaid and non-Medicaid services and supports preferred by the beneficiary, including supports from family, friends, faith-based entities, recreation centers, or other community resources;

(f) The specific individuals, health care providers, or other entities currently providing services and supports;

(g) Potential risks faced by the beneficiary and a risk-mitigation plan to be addressed by the beneficiary and the beneficiary's interdisciplinary team;

(h) Approaches to be taken to prevent duplicative, unnecessary, or inappropriate services;

(i) Assurances regarding the health and safety of the beneficiary, and if restrictions on the beneficiary's physical environment are necessary, descriptions of the following:

(1) Explicit safety need(s) with explanation of related condition(s);

(2) Positive interventions used in the past to address the same or similar risk(s)/safety need(s) and assurances that the restriction will not cause harm to the beneficiary;

(3) Necessary revisions to the PCSP to address risk(s) or safety need(s), including the time needed to evaluate effectiveness of the restriction, results of routine data collection to measure effectiveness, and continuing need for the restriction; and

(4) Beneficiary's or representative's understanding and consent to proposed modification(s) of the restrictions; and

(j) Components of self-direction (if the beneficiary has chosen self-directed delivery under the *Services My Way* program, set forth in Chapter 101 of Title 29 DCMR).

Subsection 4204.7 is amended to read as follows:

4204.7 A beneficiary may temporarily access waiver services in the absence of a DHCF approved PCSP under the following circumstances:

(a) DHCF determines a delay in the receipt of services would put the beneficiary's health and safety at risk; or

(b) DHCF determines services are needed to effectuate a timely discharge from

a hospital or nursing facility.

Section 4205, INITIATING, CHANGING, DISCHARGING/SUSPENDING, TRANSFERS OR TERMINATIONS, is renamed and amended to read as follows:

4205 DISCHARGE, SUSPENSION, TRANSFER, TERMINATION, AND DISENROLLMENT

4205.1 The grounds for disenrollment from the EPD Waiver program are limited to the following:

(a) The beneficiary no longer meets the financial eligibility criteria;

(b) The beneficiary no longer meets the required level of care as supported by the assessment tool;

(c) The beneficiary expires;

(d) The beneficiary has moved out of the District of Columbia;

(e) The beneficiary remains institutionalized for a period that is expected to exceed one hundred and twenty (120) consecutive days;

(f) The beneficiary or the beneficiary's authorized representative requests disenrollment, in writing, from the EPD Waiver; or

(g) The beneficiary has failed to provide the case management agency with recertification documents or cooperate with the case manager to ensure that level of care evaluation is completed.

4205.2 A case manager may coordinate the receipt and subsequent approval by DHCF or its designee for all program modification requests. These include requests to initiate, change, terminate, or suspend Waiver services, and to transfer or discharge from a service provider.

4205.3 The beneficiary, the beneficiary's authorized representative, family member or a service provider may recommend to DHCF or its designee one or more of the following program modifications: the initiation of a new service; a change in approved services; a transfer; or a service termination.

4205.4 The beneficiary, the beneficiary's authorized representative, a service provider or the beneficiary's case manager may make requests to DHCF or its designee to authorize a discharge, transfer, or suspension.

4205.5 Conditions for authorization of a discharge or transfer consist of the following:

(a) A beneficiary is unsatisfied with the services delivered by a specific provider;

(b) A provider is unable to meet the needs of a beneficiary; if a service provider is requesting the discharge or transfer, the provider has demonstrated compliance with all requirements set forth in Subsection 4205.6;

(c) The behavior of a beneficiary poses an immediate threat to the safety and well-being of a waiver provider or provider's staff, in accordance with Subsection 4205.11; or

(d) A beneficiary fails to meet EPD Waiver eligibility criteria set forth at Subsection 4201.2.

4205.6 A provider shall demonstrate the following before or at the time of a request to suspend, discharge, transfer, or terminate a beneficiary, except for a discharge based on a beneficiary's failure to meet EPD Waiver eligibility criteria:

(a) Appropriate steps were taken to attempt remediation of the situation that gave rise to the conditions necessitating the action as set forth in Subsection 4205.11, including a meeting with the beneficiary to resolve conflicts and provider staff training to resolve any staff complaints; and

(b) Compliance with provider requirements outlined in Subsection 4205.9 to ensure safe suspension, discharge, transfer, or termination of services.

4205.7 DHCF, a case manager, or a provider may suspend the services of a beneficiary when:

(a) The beneficiary's behavior poses a risk to the staff, and interventions have not successfully addressed the behavior; or

(b) The beneficiary prohibits access to provider-related visits

4205.8 In order to ensure that a beneficiary's health is not threatened during a discharge, transfer, suspension, or termination of services, except for a discharge based on a beneficiary's failure to meet EPD Waiver eligibility criteria, the provider shall:

(a) Assess the beneficiary's condition to ensure that discharge, transfer, suspension, or termination of services does not endanger the health and safety of the beneficiary;

(b) Document assessment findings in the beneficiary's record;

(c) Notify the physician;

(d) Ensure that the beneficiary's Medicaid eligibility is current;

(e) Refer the beneficiary to the Department of Behavioral Health or other agencies, as the case manager deems appropriate; and

(f) Document the actions taken to ensure that the beneficiary's discharge, transfer, suspension, or service termination will have no adverse effect on the beneficiary.

4205.9 In addition to the requirements specified in Subsection 4205.10, a provider shall take the following administrative actions before effectuating a discharge, transfer, suspension, or service termination, except for a discharge based on a beneficiary's failure to meet EPD Waiver eligibility criteria:

(a) Issue written notice pursuant to Subsections 4202.2 through 4202.4;

(b) Arrange for alternative services prior to effectuating the discharge, transfer, suspension, or service termination;

(c) Provide the beneficiary and DHCF with a copy of the plan identifying alternative services and include timelines describing when the alternative services will be put in place;

(d) Notify DHCF, the Department of Health's Health Regulation and Licensing Administration (HRLA), and Adult Protective Services if the provider believes that the beneficiary's health is at risk as a result of the discharge, transfer, suspension, or service termination; and

(e) In the case of transfers, including transfers to a new case management agency, ensure that an agreement between the transferring agency and receiving agency is executed before the transfer is executed.

4205.10 A case manager or case management agency shall notify DHCF or its designee of the need to send a written notice, pursuant to the grounds of disenrollment from the EPD Waiver program set forth in Subsections 4205.1(e) through (g), within five (5) business days of learning of the event in question.

4205.11 If the behavior of a beneficiary, or the environment in which services are being provided, poses an immediate threat to the safety or well-being of a provider or provider's staff, the provider must immediately review the threat and initiate an investigation.

(a) The provider has the right to immediately discharge the beneficiary or suspend the beneficiary's services for a period not to exceed thirty (30) calendar days.

(b) A provider that discharges or suspends services for a beneficiary under this subsection remains subject to the requirements set forth at Subsection 4205.8.

Section 4207, RECORDS AND CONFIDENTIALITY OF INFORMATION: GENERAL, is amended as follows:

The title of Section 4207 is amended to read as follows:

4207 RECORDS AND CONFIDENTIALITY OF INFORMATION

Section 4209, REIMBURSEMENT: GENERAL, is amended as follows:

Subsections 4209.4 and 4209.5 are amended to read as follows:

4209.4 In accordance with federal cost neutrality requirements, DHCF may limit or deny waiver services if the combined cost of waiver services and other home care services exceeds the estimated cost of institutional care.

4209.5 Current reimbursement rates for all services covered under this chapter are listed in the District Medicaid fee schedule at www.dc-medicaid.com. DHCF shall also publish a notice in the *District of Columbia Register* at least thirty (30) days before implementing a change to any reimbursement rate.

Subsections 4209.6 and 4209.7 are deleted in their entirety.

Section 4210, REIMBURSEMENT RATES: CASE MANAGEMENT SERVICES, is amended as follows:

The title of Section 4210 is amended to read as follows:

4210 REIMBURSEMENT: CASE MANAGEMENT SERVICES

Subsections 4210.1 through 4210.4 are amended to read as follows:

4210.1 Case management services shall be reimbursed on a per member per month (PMPM) basis.

4210.2 Reimbursement for case management services at the PMPM rate shall be contingent on the performance of the monthly and ongoing care coordination activities outlined in Section 4224.

4210.3 Reimbursement for transitional case management services provided during an institutional (e.g., hospital or nursing facility) stay shall not exceed one hundred twenty (120) days. Reimbursement shall be contingent on the case manager's performance of activities during the institutional stay that facilitates the transition to

the community, consistent with the reimbursement standards for transitional case management set forth in Subsection 4224.9.

4210.4 Reimbursement for transitional case management services shall be made only after the beneficiary returns to the home or community setting and not during the beneficiary's institutional stay.

Subsections 4210.5 and 4210.6 are deleted in their entirety.

Section 4211, REIMBURSEMENT RATES: PERSONAL CARE AIDE (PCA) SERVICES, is amended as follows:

The title of Section 4211 is amended to read as follows:

4211 REIMBURSEMENT: PERSONAL CARE AIDE (PCA) SERVICES

Subsections 4211.2 through 4211.6 are amended to read as follows:

4211.2 Each provider of PCA services shall comply with the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code §§ 2-220.01 *et seq*.).

4211.3 A unit of service for PCA services shall be fifteen (15) minutes spent performing allowable tasks.

4211.4 Reimbursement for PCA services under the waiver shall not exceed sixteen (16) hours of service per day per beneficiary.

4211.5 A provider of waiver services shall not bill the beneficiary or any member of the beneficiary's family for PCA services.

4211.6 DHCF shall not reimburse a provider of PCA services for services provided by the waiver beneficiary's spouse, other legally responsible relative, or court-appointed guardian, with the exception of the parent of an adult child enrolled in the waiver.

Subsections 4211.7 and 4211.8 are deleted in their entirety.

Section 4212, REIMBURSEMENT RATES: PERSONAL EMERGENCY RESPONSE SERVICES (PERS), is repealed.

Section 4213, REIMBURSEMENT RATES: RESPITE SERVICES, is amended as follows:

The title of Section 4213 is amended to read as follows:

4213 REIMBURSEMENT: RESPITE SERVICES

Subsections 4213.1 through 4213.5 are amended to read as follows:

4213.1 Reimbursement for respite services shall be limited to a total of seventeen (17) hours per day per beneficiary.

4213.2 Consistent with Section 4232, respite services shall be limited to a total of four hundred eighty (480) hours per year per beneficiary, unless the need for additional services is prior authorized by DHCF or its designee.

4213.3 DHCF shall not reimburse a provider of respite services for services provided by the waiver beneficiary's spouse, or other legally responsible relative or court-appointed guardian, with the exception of the parent of an adult child enrolled in the waiver. Non-legally responsible relatives, including parents of adult children, may provide and be reimbursed for respite services provided they meet the requirements of Section 4231.

4213.4 DHCF shall not reimburse for the cost of room and board except when provided as part of respite care furnished in a District-approved facility that is not a private residence.

4213.5 When respite is provided in a facility, including an assisted living facility, group home, or other Community Residential Facility, the facility must meet all HCBS settings requirements consistent with Section 4200.

Subsection 4213.6 is deleted in its entirety.

Section 4214, REIMBURSEMENT RATES: HOMEMAKER SERVICES, is amended as follows:

The title of Section 4214 is amended to read as follows:

4214 REIMBURSEMENT: HOMEMAKER SERVICES

Subsections 4214.1 through 4214.3 are amended to read as follows:

4214.1 Reimbursement for homemaker services shall be limited to a total of two hundred eight (208) hours per beneficiary per year.

4214.2 A unit of homemaker services shall be fifteen (15) minutes of service.

4214.3 DHCF shall not reimburse a provider of homemaker services for services provided by the waiver beneficiary's spouse, or other legally responsible relative or court-appointed guardian, with the exception of the parent of an adult child enrolled in the waiver. Non-legally responsible relatives, including parents of adult children, may provide and be reimbursed for homemaker services provided they meet the requirements of Section 4233.

Section 4215, REIMBURSEMENT RATES: CHORE AIDE SERVICES, is amended as follows:

The title of Section 4215 is amended to read as follows:

4215 REIMBURSEMENT: CHORE AIDE SERVICES

Subsections 4215.1 and 4215.2 are amended to read as follows:

4215.1 Reimbursement for chore aide services shall be limited to a total of thirty-two (32) hours per beneficiary per Waiver period.

4215.2 A unit of chore aide services shall be fifteen (15) minutes of service.

Subsections 4215.4 and 4215.5 are amended to read as follows:

4215.4 DHCF shall not reimburse a provider of chore aide services for services provided by the waiver beneficiary's spouse or other legally responsible relative or court-appointed guardian, with the exception of the parent of an adult child enrolled in the waiver. Non-legally responsible relatives, including parents of adult children, may provide and be reimbursed for chore aide services provided they meet the requirements of Section 4235.

4215.5 Chore aide services shall not be reimbursed by DHCF unless the agency or business provides documentation of pre- and post-cleaning activities as referenced in Subsection 4235.10.

Section 4216, REIMBURSEMENT RATES: ASSISTED LIVING SERVICES, is amended as follows:

The title of Section 4216 is amended to read as follows:

4216 REIMBURSEMENT: ASSISTED LIVING SERVICES

Subsections 4216.1 through 4216.4 are amended to read as follows:

4216.1 The reimbursement rate for assisted living services shall be an all-inclusive rate for all services provided, as set forth in Section 4238.

4216.2 Medicaid reimbursement will not be made for twenty-four (24) hour skilled care or skilled supervision, room and board, costs of facility maintenance, or upkeep and improvement. Covered services shall be in accordance with Section 4238.

4216.3 Beneficiaries may seek subsidies outside of the EPD Waiver to pay for room and board through the Optional State Supplemental Payment Program.

4216.4 DHCF shall not reimburse for any of the following EPD Waiver services when provided concurrently with assisted living services:

(a) Homemaker services;

(b) Chore Aide services;

(c) Respite services;

(d) Environmental Accessibility Adaptation (EAA) services; or

(e) PCA services.

Subsections 4216.5 through 4216.7 are deleted in their entirety.

Section 4217, REIMBURSEMENT RATES: ENVIRONMENTAL ACCESSIBILITY ADAPTATION, is amended as follows:

The title of Section 4217 is amended to read as follows:

4217 REIMBURSEMENT: ENVIRONMENTAL ACCESSIBILITY ADAPTATION

Subsection 4217.2 is amended to read as follows:

4217.2 Reimbursement for environmental accessibility adaptation shall be limited to a maximum of ten thousand dollars ($10,000) per beneficiary per each waiver period. The ten thousand dollar ($10,000) maximum shall include reimbursement for the associated home inspection or evaluation of five hundred dollars ($500) per inspection.

Section 4218, REIMBURSEMENT RATES: ADULT DAY HEALTH, is amended as follows:

The title of Section 4218 is amended to read as follows:

4218 REIMBURSEMENT: ADULT DAY HEALTH

Subsections 4218.1 through 4218.4 are amended to read as follows:

4218.1 A provider shall not be reimbursed for adult day health services when provided concurrently with the following services:

(a) Intensive day treatment or day treatment mental health rehabilitative services (MHRS) under the District's State Plan for Medical Assistance

(State Plan);

(b) Personal Care Aide services;

(c) Services funded by the Older Americans Act of 1965, approved July 14, 1965 (Pub. L. No. 89-73, 79 Stat. 218); or

(d) 1915(i) State Plan Adult Day Health Program (ADHP).

4218.2 DHCF shall not reimburse for adult day health services when the beneficiary receives intensive day treatment MHRS:

(a) On the same day as adult day health services; or

(b) During the twenty-four (24) period immediately preceding or following the receipt of adult day health services.

4218.3 Adult day health services shall not be provided for more than eight (8) hours per day, five (5) days per week.

4218.4 Adult day health services may be used in combination or on the same day as PCA services, as long as these services are not billed concurrently or during the same time.

Subsections 4218.5 and 4218.6 are deleted in their entirety.

Section 4219, REIMBURSEMENT RATES: PHYSICAL THERAPY, is repealed.

Section 4220, REIMBURSEMENT RATES: OCCUPATIONAL THERAPY, is repealed.

Section 4221, REIMBURSEMENT RATES: COMMUNITY TRANSITION SERVICES, is amended as follows:

The title of Section 4221 is amended to read as follows:

4221 REIMBURSEMENT: COMMUNITY TRANSITION SERVICES

Subsection 4221.1 is amended to read as follows:

4221.1 Reimbursement for community transition services household set-up expenses specified under Subsection 4252.2 shall not exceed five thousand dollars ($5,000) per beneficiary per Waiver period.

Subsection 4221.2 is added to read as follows:

4221.2 Reimbursement shall begin no more than sixty (60) calendar days before a

beneficiary's tentative discharge date and conclude no later than six (6) months after the beneficiary's discharge from an institution or long-term care facility.

Section 4222, PROVIDER REQUIREMENTS: GENERAL, is amended as follows:

Subsection 4222.11 is amended to read as follows:

4222.11 Each provider of waiver services shall establish and implement a process to ensure that each beneficiary has:

(a) Been informed of and given his or her freedom of choice in the selection of all qualified service providers;

(b) Been informed of his or her rights and responsibilities under the waiver program; and

(c) Been informed, upon initial enrollment and on an annual basis thereafter, on the recognition and prevention of abuse, neglect, and exploitation, including how to safely report concerns.

Subsection 4222.14 is amended to read as follows:

4222.14 All case managers, Adult Day Health providers, Assisted Living providers, Community Residence Facility providers, and Home Care Agencies providing EPD Waiver services shall complete mandatory training in Person-Centered Thinking, Supported Decision-Making, and Supported Community Integration.

Section 4223, SPECIFIC PROVIDER REQUIREMENTS: CASE MANAGEMENT SERVICES, is amended as follows:

Subsections 4223.1 through 4223.8 are amended to read as follows:

4223.1 Each individual providing case management services shall meet the following requirements:

(a) Be at least eighteen (18) years of age;

(b) Be a United States citizen or alien who is lawfully authorized to work in the United States;

(c) Provide proof by submitting photocopies of the supporting documents for the Immigration and Naturalization Service's Form I-9 requirements;

(d) Be able to read and write English;

(e) Be acceptable to the beneficiary using the Waiver service;

(f) Confirm, annually, that the individual is free of active tuberculosis by undergoing a purified protein derivative skin test;

(g) Confirm, on an annual basis, that the individual is not affected with a communicable disease by undergoing an annual physical examination by a physician, and obtaining written and signed documentation from the examining physician that confirms the individual is not affected with a communicable disease; and

(h) Provide to each case management service provider for whom he or she works:

(1) Evidence of acceptance or declination of the Hepatitis vaccine; and

(2) A completed DHCF Conflict-Free Case Management Self-Attestation Form described in Subsection 4223.2.

4223.2 Except as provided in Subsection 4223.3, an individual providing case management services, who is employed or under contract to an EPD Waiver case management service provider shall self-attest to meeting the federal conflict-free standards set forth at 42 CFR § 441.301(c)(1)(vi), using the DHCF Conflict-Free Case Management Self-Attestation Form.

4223.3 Under the federal conflict-free standards, individual case managers shall not:

(a) Be related by blood or marriage to the person receiving services, or to any paid caregiver of the person;

(b) Be financially responsible for the person, or be empowered to make financial or health decisions on the person's behalf;

(c) Have a financial relationship, as defined at 42 CFR § 411.354, with any entity that is paid to provide care for the person; and

(d) Be employed by any entity that is a provider of a person's PCA services or any other direct services under the EPD Waiver.

4223.4 An individual providing EPD Waiver case management services shall have met the requirements of Subparagraph 4223.1(h)(2).

4223.5 EPD Waiver case management service providers shall ensure they have a copy of the DHCF Conflict-Free Case Management Self-Attestation Form on file for each case manager prior to submission of any claims for case management services provided by that case manager. DHCF Conflict-Free Case Management Self-Attestation Forms are subject to inspection and audit and must be produced upon

request.

4223.6 Individuals conducting case management services shall meet one of the following educational requirements:

(a) Have a current license in nursing as either a Registered Nurse (RN) or Advanced Practice Registered Nurse (APRN), social work, psychology, counseling, occupational, physical, or speech therapy with a master's degree in social work, psychology, counseling, rehabilitation, nursing, gerontology, or sociology, and have at least one (1) year of experience working with the elderly or individuals with physical disabilities;

(b) Have a current license in nursing as either a Registered Nurse (RN) or Advanced Practice Registered Nurse (APRN), social work, psychology, counseling, occupational, physical, or speech therapy with a bachelor's degree in social work, psychology, counseling, rehabilitation, nursing, gerontology, or sociology, and have two (2) years of experience working with the elderly or individuals with physical disabilities; or

(c) Have a current license as a Registered Nurse (RN), have an associate's degree in nursing, and have at least three (3) years of experience working with the elderly or individuals with physical disabilities.

4223.7 Case management service providers shall not provide medical, financial, legal, or other services or advice for which they are not qualified or licensed to provide (except for providing referrals to qualified individuals, agencies, or programs).

4223.8 As of March 25, 2016, in accordance with 42 CFR § 441.301(c)(1)(vi), the following are not eligible to provide case management services:

(a) An entity that is a Medicaid provider of PCA services or any other direct services under the EPD Waiver; or

(b) An entity that has a financial relationship, as defined in 42 CFR § 411.354, with a Medicaid provider of PCA services or any other direct services under the EPD Waiver.

Section 4224, PROGRAM SERVICES: CASE MANAGEMENT SERVICES, is amended as follows:

Subsection 4224.1 is amended to read as follows:

4224.1 The goal of case management services shall be to ensure EPD Waiver beneficiaries have access to the services and supports needed to live in the most integrated setting, including:

(a) EPD Waiver services;

(b) Non-waiver services covered under the Medicaid State Plan; and

(c) Other public and private services including medical, social, and educational services and supports.

Subsection 4224.8 is amended to read as follows:

4224.8 In order for case management services to be reimbursable, a case manager shall perform the following ongoing or monthly care coordination activities:

(a) Direct observation of the beneficiary, including the evaluation described in Subsection 4224.3;

(b) Follow-up to ensure DHCF, or its designee, timely uploads the beneficiary's level of care determinations into DHCF's electronic management system;

(c) Develop and monitor the PCSP in accordance with Section 4204 and Subsection 4224.5;

(d) Assist the beneficiary with the selection of eligible EPD Waiver providers;

(e) Coordinate the beneficiary's waiver services to ensure safe, timely, and cost-effective delivery;

(f) Provide information, assistance, and referrals to the beneficiary, where appropriate, related to public benefits and community resources, including other Medicaid services, Medicare, Supplemental Security Income (SSI), transit, housing, legal assistance, and energy assistance;

(g) Provide support for the beneficiary and family as needed through additional visits, telephone calls;

(h) Monitor the performance of medical equipment and refer malfunction(s) to appropriate providers;

(i) Maintain records related to EPD Waiver services that a beneficiary receives and upload all information into DHCF's electronic case management system;

(j) Ensure all information uploaded into DHCF's electronic management system is legible, including monthly assessment and status updates and telephone contacts;

(k) Assess appropriateness of beneficiary's continued participation in the

waiver;

(l) Provide information to the beneficiary, authorized representative(s), family members, or legal guardian(s) about the beneficiary's rights, waiver provider agency procedures for protecting confidentiality, and other matters relevant to the beneficiary's decision to accept services;

(m) Identify and resolve problems as they occur;

(n) Acknowledge and respond to beneficiary inquiries within twenty-four (24) hours of receipt, unless a quicker response is needed to address emergencies;

(o) Develop and implement a utilization review plan to achieve appropriate service delivery, ensure non-duplication of services, and evaluate the appropriateness, efficiency, adequacy, scope, and coordination of services;

(p) Conduct at least monthly, or more frequently as needed, in-person monitoring visits in the beneficiary's home;

(q) Supplement in-person monitoring visits described in Subsection 4224.8(p) with ongoing telephone contact, as required by the individual needs of the beneficiary;

(r) Respond to requests received during monitoring activity within forty-eight (48) hours, making necessary updates to the PCSP within seven (7) days of monitoring activity or the beneficiary or representative's request to update the PCSP, and ensure the process and all updates comport with Section 4204, including in-person requirements;

(s) Ensure that the updated PCSP is conducted in person with the beneficiary, the interdisciplinary team, and others chosen by the person and other requirements of the PCSP planning and development process described in this Section;

(t) Review the implementation of the PCSP at least quarterly, and as needed, in accordance with Subsection 4224.13;

(u) Promptly communicate any major updates, issues, or problems to DHCF, or its designee;

(v) Conduct all other activities related to the coordination of EPD Waiver services, including ensuring that services are utilized and are maintaining the beneficiary in the community;

(w) Provide transitional case management services for a period not to exceed one hundred twenty (120) days during an institutional stay in order to

facilitate the beneficiary's transition back to the community, in accordance Subsection 4224.9; and

(x) Facilitate discussions and development of advance directives and end-of-life care plans honoring the beneficiary's care decisions in accordance with DHCF and Department of Health requirements; and

(y) Perform other service-specific responsibilities and annual reassessment activities described in Subsections 4224.10 and 4224.14.

Subsection 4224.14 is amended to read as follows:

4224.14 The case manager shall ensure a beneficiary timely completes Medicaid reassessment(s) as part of the annual recertification requirements. This includes, but is not limited to, the following activities:

(a) Collecting and submitting documentation to DHCF or its designee, such as medical assessments, clinician authorization forms, and case manager evaluation forms;

(b) Conducting an evaluation of each beneficiary's health status at least once every twelve (12) months or upon a significant change in the beneficiary's health status and completing the case manager evaluation form following each evaluation;

(c) Assisting the beneficiary in requesting a level of care assessment from DHCF or its designee on an annual basis, or when there is a change in health status, as determined by the evaluation described in Subsection 4224.14(b);

(d) Ensuring information is uploaded to DHCF's electronic case management system at least sixty (60) days prior to the expiration of the beneficiary's current certification period;

(e) Collecting financial eligibility information from the beneficiary and/or the authorized representative and transmitting it to DHCF or its designee;

(f) Reevaluating the beneficiary's goals, level of service and support needs, and updating and/or revising the Person-Centered Service Plan (PCSP) to reflect any changes;

(g) Assessing progress in meeting established goals, as documented in the PCSP, and ensuring that the information is forwarded to DHCF;

(h) Coordinating any change requests, including adding new services; and

(i) Following up with selected service providers within five (5) business days

of an approval of services by DHCF or its designee, to ensure services are in place.

Section 4225, CASE MANAGEMENT AGENCY AND CASE MANAGER RESPONSIBILITIES, is amended as follows:

Subsections 4225.1 and 4225.2 are amended to read as follows:

4225.1 Case management agencies shall ensure compliance with the following requirements:

(a) At any point in time, no case manager has a client caseload exceeding forty-five (45) persons total (inclusive of Medicaid and non-Medicaid beneficiaries) across all case management agencies; and

(b) The caseload of each case manager is commensurate with the number of hours worked per week.

4225.2 The case management agency shall ensure case management services are available during regular business hours Monday through Friday and that case managers are on call during weekends and evenings in cases of emergency.

Subsection 4225.9 is amended to read as follows:

4225.9 If EPD Waiver services are needed to effectuate a timely discharge from an institution during transitional case management, the case manager shall coordinate the modifications to change and/or initiate services by DHCF or its designee by submitting a new beneficiary freedom of choice form whereby the beneficiary elects to receive HCBS services. The case manager shall amend the beneficiary's PCSP to reflect the change to or initiation of services within ten (10) business days of the submission of the service authorization request to DHCF or its designee.

Section 4226, SPECIFIC PROVIDER REQUIREMENTS: PERSONAL CARE AIDE SERVICES, is amended as follows:

Subsection 4226.1 is amended to read as follows:

4226.1 A personal care aide (PCA) services provider shall meet the provider requirements set forth in Chapter 50 (Medicaid Reimbursement for Personal Care Aide Services) of Title 29 DCMR. These shall include, but shall not be limited to:

(a) Provider and PCA qualifications;

(b) Staffing and administration requirements; and

(c) Notice requirements.

Section 4227, SPECIFIC ELIGIBILITY REQUIREMENTS: PERSONAL CARE AIDE SERVICES, is as follows:

Subsection 4227.1 is amended to read as follows:

4227.1 To be eligible for Medicaid reimbursement of PCA services under the EPD Waiver program, a beneficiary shall have an assessed need for PCA services, as established by the conflict-free face-to-face assessment.

Subsection 4227.2 is deleted in its entirety.

Section 4228, PROGRAM SERVICES: PERSONAL CARE AIDE SERVICES, is amended as follows:

Subsection 4228.4 is amended to read as follows:

4228.4 In accordance with 29 DCMR § 5006.9, EPD Waiver PCA services shall not be provided to a beneficiary admitted for care in a hospital, nursing facility, intermediate care facility, assisted living facility, or other living arrangement that includes personal care as part of its reimbursement rate.

Subsection 4228.5 is deleted in its entirety.

Section 4229, SPECIFIC PROVIDER REQUIREMENTS: PERSONAL EMERGENCY RESPONSE SERVICES (PERS), is repealed.

Section 4230, PROGRAM SERVICES: PERS, is repealed.

4231, SPECIFIC PROVIDER REQUIREMENTS: RESPITE SERVICES, is amended as follows:

Subsection 4231.6 is amended to read as follows:

4231.6 A Registered Nurse (R.N.) who possesses the following qualifications shall conduct the initial intake assessment:

(a) A license to practice registered nursing in the District of Columbia in accordance with the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*), and implementing rules, Chapter 54 (Registered Nursing) of Title 17 DCMR; and

(b) Employed by or contracted for by an approved home care agency.

Section 4232, PROGRAM SERVICES: RESPITE SERVICES, is amended as follows:

Subsections 4232.5 through 4232.8 are amended to read as follows:

4232.5 A unit of Medicaid reimbursable service for respite care shall be fifteen (15) minutes spent performing allowable tasks.

4232.6 Medicaid reimbursable respite services shall be limited to a maximum of seventeen (17) hours (68 units) per day and four hundred and eighty (480) hours (1,920 units) per year.

4232.7 Medicaid reimbursable respite services shall not be billed in combination with or at the same time as PCA services.

4232.8 No waiver provider shall receive Medicaid reimbursement for PCA services, other than those provided by the in-home respite staff, during the period of time when respite services are provided.

Section 4233, SPECIFIC PROVIDER REQUIREMENTS: HOMEMAKER SERVICES, is amended as follows:

Subsections 4233.2 through 4233.6 are amended as follows:

4233.2 In order to receive Medicaid reimbursement for homemaker services, all individual homemaker service staff shall:

(a) Be at least eighteen (18) years of age;

(b) Be able to successfully communicate with the beneficiary receiving EPD Waiver services;

(c) Pass a criminal background check;

(d) Obtain, and maintain an updated Cardiopulmonary Resuscitation certificate; and

(e) Meet the qualification and training requirements under Subsection 4233.3 or 4233.4.

4233.3 In order to receive Medicaid reimbursement for homemaker services, a home care agency shall:

(a) Require that all individual homemaker service staff be certified as a Home Health Aide in accordance with District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*), and implementing rules, Chapter 93 of Title 17 DCMR; and

(b) Meet any ongoing training requirements required under the Department of Health's Home Health Aide certification requirements.

4233.4 In order to receive Medicaid reimbursement for homemaker services, a business with a general business license issued by the D.C. Department of Licensing and Consumer Protection to provide housekeeping services shall require that all individual homemaker staff obtain a minimum of eight (8) hours of training annually in the following areas:

(a) Beneficiary rights;

(b) Communicating effectively with beneficiaries enrolled in the waiver;

(c) Preventing abuse, neglect, and exploitation;

(d) Controlling the spread of disease and infection;

(e) Changing linens and bed bug prevention;

(f) Safe handling of cleaning chemicals (use of gloves, goggles, or masks);

(g) Handling hazardous waste;

(h) Blood-borne pathogens and bodily fluids;

(i) Food preparation, handling, and storage; and

(j) Instructions on the following:

(1) Dusting;

(2) Maintenance of floors (mopping or vacuuming);

(3) Trash handling;

(4) Laundry and safe use of detergents;

(5) Cleaning the walls and ceiling; and

(6) Kitchen and bathroom cleaning and maintenance.

4233.5 Supervisory staff employed by the homemaker service provider shall develop a written homemaker service delivery plan, which shall be approved by the beneficiary's case manager prior to implementation.

4233.6 The homemaker service provider shall document each in-home visit and telephone

contact in the beneficiary's service delivery plan within thirty (30) calendar days of the visit or contact.

Section 4234, PROGRAM SERVICES: HOMEMAKER SERVICES, is amended as follows:

Subsections 4234.2 and 4234.3 are amended to read as follows:

4234.2 Homemaker staff may perform the following tasks when providing homemaker services:

(a) Food preparation and storage, which shall consist of any tasks to promote maintaining a tidy kitchen including overseeing the proper storage of any groceries by ensuring that all perishable foods are stored in the freezer or refrigerator.

(b) General household cleaning such as:

(1) Cleaning bathrooms;

(2) Vacuuming;

(3) Dusting;

(4) Mopping floors;

(5) Sweeping floors;

(6) Bed making;

(7) Linen changing;

(8) Wiping appliances;

(9) Washing dishes; and

(10) Doing laundry and ironing clothes.

(c) Running errands necessary to maintain the beneficiary in the home, (e.g., shopping for food or essentials needed to clean the home, picking up medicine, or mailing payments for utilities).

4234.3 A unit of service for reimbursement of homemaker services shall be fifteen (15) minutes spent performing the allowable task(s).

Subsection 4234.4 is deleted in its entirety.

Section 4237, SPECIFIC PROVIDER REQUIREMENTS: ASSISTED LIVING, is amended as follows:

The title of Section 4237 is amended to read as follows:

4237 SPECIFIC PROVIDER REQUIREMENTS: ASSISTED LIVING SERVICES

Subsections 4237.1 and 4237.2 are amended to read as follows:

4237.1 In order to receive Medicaid reimbursement, each facility providing assisted living services shall be licensed by the Department of Health and comply with the requirements set forth in the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq.*) and attendant rules.

4237.2 In accordance with the Department of Health licensure requirements, each assisted living provider shall develop an individualized service plan (Plan of Care) that identifies the services to be included for the beneficiary and ensure that the plan is shared with the beneficiary's case manager to facilitate coordination of all services received under the EPD Waiver program's PCSP.

Section 4238, PROGRAM SERVICES: ASSISTED LIVING SERVICES, is amended as follows:

Subsections 4238.1 through 4238.3 are amended to read as follows:

4238.1 In order to receive Medicaid reimbursement, assisted living services shall consist of personal care and supportive services that are furnished to beneficiaries who reside in a homelike, non-institutional setting that includes twenty-four (24) hour on-site response capability to meet any scheduled or unscheduled needs of the beneficiaries and to provide supervision, safety, and security.

4238.2 Assisted living services shall include all of the following services, as necessary to meet a beneficiary's needs, in accordance with his or her written PCSP:

(a) Twenty-four (24) hour supervision and oversight to ensure the well-being and safety of a beneficiary;

(b) Assistance with activities of daily living and instrumental activities of daily living, such as PCA services, to meet the scheduled and unscheduled service needs of a beneficiary;

(c) Laundry and housekeeping tasks that a beneficiary is unable to perform and that would otherwise be provided under the Chore Aide or Homemaker services benefit;

(d) Coordination of social and recreational activities;

(e) Coordination of activities to enable access to health and social services, including social work, nursing, rehabilitative, hospice, medical, dental, dietary, counseling, and psychiatric services;

(f) Coordination of scheduled transportation to community-based activities; and

(g) Medication administration services provided by an RN or Certified Medication Aide (MA-C), in accordance with District regulations.

4238.3 Consistent with Subsection 4238.2(e), the assisted living provider shall coordinate the delivery of all services provided by third parties, including but not limited to home care agencies, hospitals, clinics, and Adult Day Health providers.

Subsection 4238.4 is deleted in its entirety.

Section 4239, SPECIFIC PROVIDER REQUIREMENTS: EAA, is amended as follows:

Subsection 4239.15 is amended to read as follows:

4239.15 EAA service providers shall be exempt from the tuberculosis (TB) testing requirements.

Section 4241, SPECIFIC PROVIDER REQUIREMENTS: ADULT DAY HEALTH, is amended as follows:

Subsections 4241.1 and 4241.2 are amended to read as follows:

4241.1 In order to receive Medicaid reimbursement, an adult day health provider under the EPD Waiver shall meet the requirements set forth in Chapter 97 (Adult Day Health Program Services) of Title 29 DCMR, including, but not limited to:

(a) Provider qualifications;

(b) Program Administration; and

(c) Staffing requirements.

4241.2 Each adult day health provider under the EPD Waiver shall meet all HCBS setting requirements consistent with Subsection 4200.6 and DHCF's Provider Readiness Review process.

Subsection 4241.5 is amended to read as follows:

4241.5 The adult day health plan of care shall incorporate the goals and principles of the

PCSP and be developed in accordance with the requirements set forth in Chapter 97 of Title 29 DCMR.

Section 4242, PROGRAM SERVICES: ADULT DAY HEALTH, is amended as follows:

Subsection 4242.2 is amended to read as follows:

4242.2 In order to receive Medicaid reimbursement, adult day health services shall include all of the following:

(a) Medical and nursing consultation services including health counseling to improve and maintain the health, safety, and psycho-social needs of the beneficiary;

(b) Individual and group therapeutic activities which may include various social, recreational, and educational activities;

(c) Social service supports including consultations to determine the beneficiary's need for services and, guidance through counseling and teaching on matters related to the beneficiary's health, safety, and general welfare;

(d) Direct care supports including personal care assistance, and offering guidance in performing self-care and activities of daily living;

(e) Instruction on accident prevention and the use of special aides;

(f) Medication administration services provided by an RN or Certified Medication Aide (MA-C), in accordance with District regulations;

(g) Nutrition services; and

(h) Coordination of transportation services for therapeutic activities that are scheduled off-site.

Section 4243, SPECIFIC PROVIDER REQUIREMENTS: PHYSICAL THERAPY, is repealed.

Section 4244, PROGRAM SERVICES: PHYSICAL THERAPY, is repealed.

Section 4245, SPECIFIC PROVIDER REQUIREMENTS: OCCUPATIONAL THERAPY, is repealed.

Section 4246, PROGRAM SERVICES: OCCUPATIONAL THERAPY, is repealed.

Section 4252, PROGRAM SERVICES: COMMUNITY TRANSITION SERVICES, is

amended as follows:

Subsections 4252.5 and 4252.6 are amended to read as follows:

4252.5 Community Transition Services for the household set-up expenses specified under § 4252.2 may be used as determined in the transition plan development, once a tentative discharge date from the long term care facility has been established and EPD Waiver eligibility has been established.

4252.6 Community Transition funds shall be utilized for a period not to exceed sixty (60) calendar days before discharge and up to six (6) months after discharge from an institution or long-term care facility.

Subsection 4252.7 is added to read as follows:

4252.7 Claims for reimbursement for Community Transition Services shall not be submitted prior to the beneficiary's enrollment in the EPD Waiver.

Section 4253, TERMINATIONS AND ALTERNATIVE SANCTIONS, is amended as follows:

Subsection 4253.18 is amended to read as follows:

4253.18 A provider that is denied enrollment or terminated from District Medicaid program participation shall be temporarily barred from participation in the EPD Waiver program, in accordance with the timeframes set forth in 29 DCMR §§ 9410.9–9410.10.

Section 4254, INCIDENTS AND COMPLAINTS, is amended as follows:

Subsection 4254.6 is amended to read as follows:

4254.6 Each service provider shall develop internal policies and procedures regarding incident reporting and investigation that meet the following minimum criteria:

(a) Notifying DHCF staff via the electronic management system within twenty-four (24) hours or the next business day of an occurrence of a Serious Reportable Incident (SRI) or Reportable Incident (RI);

(b) Documenting of the incident on an established incident report form in the electronic management system;

(c) Completing an internal investigation within five (5) business days of the SRI or RI's occurrence;

(d) Reporting for all SRIs involving death, neglect, abuse, and theft of

consumer personal property occurring at a beneficiary's natural home to Adult Protective Services and DHCF; and

(e) Informing a beneficiary or responsible party of the outcome of an SRI investigation within three (3) business days of incident investigation closure.

Section 4299, DEFINITIONS: WAIVER SERVICES, is renamed and amended to read as follows:

4299 DEFINITIONS

When used in this chapter, the following terms and phrases shall have the meanings ascribed below:

Abuse - Provider practices that are inconsistent with sound fiscal, business, or medical practices, and result in an unnecessary cost to the District Medicaid program, or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care.

Activities of Daily Living (ADLs) - The ability to bathe, transfer, dress, eat and feed oneself, engage in toileting, and maintain bowel and bladder control (continence).

Admissions Hold - A process by which a provider is prohibited from admitting new waiver beneficiaries.

Advanced Practice Registered Nurse - A person who is licensed or authorized to practice as an advanced practice registered nurse pursuant to the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*).

Assisted Living Facility - An entity that shall have the same meaning as set forth in D.C. Official Code § 44-102.01(4).

Case Management Agency - An agency under contract with the Department of Health Care Finance to provide case management services to waiver beneficiaries.

Case Manager - A staff person from the case management agency who performs case management services.

Change in Service - A request to modify the type, amount, duration, or scope of services based on the beneficiary's current level of functioning, which is supported by the assessment tool.

Chore Aide - A person who performs tasks intended to place the home environment

in a clean, sanitary, and safe condition, and to prepare the home environment for ongoing routine home care services.

Communicable Disease - Any disease defined in D.C. Official Code § 7-132 and 22-B DCMR § 299.

Cueing - Using verbal prompts in the form of instructions or reminders to assist beneficiaries with activities of daily living.

Discharge - A request to release a beneficiary from a particular service provider.

Environmental Accessibility Adaptation - Physical adaptations to the home that are necessary to ensure the health, welfare, and safety of the individual, or that enable the individual to function with greater independence in the home, and without which, the individual would require institutionalization.

EPD Waiver - The District's 1915(c) Home and Community Based Services Waiver for the Elderly and Persons with Disabilities as approved by the Centers for Medicare and Medicaid Services.

Family - Any person related to the beneficiary by blood, marriage, or adoption.

Fraud - An intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or herself or some other person, including any act that constitutes fraud under federal or District law.

Home Care Agency - An entity licensed pursuant to the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ 44-501 *et seq.)*

Initiating services - A request to add services that has been approved as part of a beneficiary's PCSP.

Licensed Independent Clinical Social Worker– A person who is licensed or authorized to practice as an independent clinical social worker pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq*.).

Limited English Proficient Individuals - Individuals who do not speak English as their primary language, and individuals who have a limited ability to read, write, speak, or understand English.

Medicaid - A federal-state program established by Title XIX of the Social Security

Act, which provides payment of medical expenses for eligible persons who meet income and/or other criteria.

Natural Home - A home owned or leased by the beneficiary, the beneficiary's family member or another private individual; the lease/deed must be held by the beneficiary, the beneficiary's family member, or another private individual.

Participant/Representative-Employer - The *Services My Way* participant or the participant's authorized representative, as applicable, who performs employer-related duties including recruiting, hiring, supervising, and discharging participant-directed workers.

Person-Centered Service Plan - Individualized service plan developed by the case manager that identifies the supports and services to be provided to the person enrolled in the Waiver and the evaluation of the person's progress on an on-going basis to assure that the person's needs and desired outcomes are being met.

Personal Care Aide - A person who has successfully completed the relevant jurisdiction's (the person's home state or District of Columbia) established training program and meets the competency evaluation requirements. Tasks include assistance with activities of daily living and instrumental activities of daily living.

Physical Disability - A functionally determinable impairment that substantially limits an individual's ability to perform manual tasks, engage in an occupation, live independently, or walk, see, or hear.

Physician - A person who is licensed or authorized to practice medicine pursuant to the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.).*

Plan of Care - A plan prepared by the EPD Waiver service provider that outlines the service delivery plans for the services being delivered by that provider. This is also referred to as a service delivery plan.

Provider - Any entity that meets the waiver service requirements, has signed an agreement with DHCF to provide waiver services, and is enrolled by DHCF to provide services to waiver beneficiaries.

Registered Nurse - An individual who is licensed or authorized to practice registered nursing pursuant to the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*), as amended, or licensed as a registered

nurse in the jurisdiction where services are provided.

Respite Service - Services that include the provision of assistance with activities of daily living and instrumental activities of daily living for waiver beneficiaries in their home or temporary place of residence in the temporary absence of the primary caregiver. Respite services may also be provided in a Medicaid-certified community setting or a group home.

Suspension - Ending the delivery of services to a beneficiary for a temporary period not to exceed thirty (30) calendar days.

Termination - The discontinuation of services under the Waiver or a disenrollment from the EPD Waiver Program.

Theft - Wrongfully obtaining or using the property of another with intent to deprive the other of a right to the property or a benefit of the property or to appropriate the property to an individual's own use or to the use of a third person.

Transfer - A request to move a beneficiary from one service provider to another service provider.

Vendor - A corporate entity providing individual-directed goods or services.

Vendor Fiscal/Employer Agent Financial Management Services Support Broker - An entity operating in accordance with 26 U.S.C. § 3504 and Rev. Proc. 70-6, as modified by REG-137036 and Rev. Proc. 2013-39, which provides financial management services and information and assistance services to *Services My Way* participants and their representatives, as appropriate.

Waiver – See EPD Waiver.

Waiver Period - Each five (5) year term for which the Waiver is approved by CMS, beginning with the initial effective date of the Waiver.

Wrongfully Obtain or Use - Taking or exercising control over property; making an unauthorized use, disposition, or transfer of an interest in or possession of property; or obtaining property by trick, false pretense, false token, tampering, or deception. The term "wrongfully obtain or use" includes conduct previously known in the District as larceny, larceny by trick, larceny by trust, embezzlement, and false pretenses.

Chapter 50, MEDICAID REIMBURSEMENTS FOR PERSONAL CARE AIDE SERVICES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows: Section 5000, GENERAL PROVISIONS, is amended as follows:

Subsection 5000.2 is amended to read as follows:

5000.2 Medicaid reimbursable PCA services support and promote the following goals:

(a) To provide cueing, hands-on assistance, and safety monitoring during activities of daily living for beneficiaries who are unable to perform one or more activities of daily living;

(b) Adherence to the Joint Commission's National Patient Safety Goal standards, as described in DHCF policy published on the LTCA website at https://dhcf.dc.gov/page/long-term-care-administration; and

(c) To encourage home and community-based care as a preferred and cost-effective alternative to institutional care.

Section 5003, PCA SERVICE AUTHORIZATION REQUEST AND SUBMISSION, is amended as follows:

Subsection 5003.6 is amended to read as follows:

5003.6 PCA services authorized under this chapter may be provided for up to eight (8) hours per day, seven (7) days per week. The amount and scope of PCA services available to individuals deemed eligible for participation in the Elderly or Individuals with Physical Disabilities (EPD Waiver) or Individuals with Intellectual and Developmental Disabilities Waiver (IDD Waiver) are set forth in Chapter 42 and Chapter 19 of Title 29 DCMR, respectively.

Section 5006, PROGRAM REQUIREMENTS, is amended as follows:

Subsections 5006.7 through 5006.9 are amended to read as follows:

5006.7 PCA services shall be limited to the following:

(a) Cueing or hands-on assistance with performance of activities of daily living (e.g., bathing, transferring, toileting, dressing, feeding, and maintaining bowel and bladder control);

(b) Assisting with incontinence, including bedpan use, changing urinary drainage bags, changing protective underwear, and monitoring urine input and output;

(c) Assisting beneficiaries with transfer, ambulation, and range of motion exercises;

(d) Assisting beneficiaries with self-administered medications by providing

reminders or other verbal cues;

(e) Reading and recording temperature, pulse, blood pressure, and respiration;

(f) Measuring and recording height and weight;

(g) Observing, documenting, and reporting to the supervisory health professional, changes in the beneficiary's physical condition, behavior, and appearance and reporting all services provided on a daily basis;

(h) Simple meal preparation, such as warming, cutting up, and pouring food or beverages, in accordance with dietary guidelines;

(i) Assistance with eating;

(j) Performing tasks related to keeping areas occupied by the beneficiary in a condition that promotes the beneficiary's safety;

(k) Implementing universal precautions to ensure infection control;

(l) Accompanying the beneficiary to medical and dental appointments or place of employment and recreational activities if approved in the beneficiary's plan of care;

(m) Shopping for items that are related to promoting a beneficiary's nutritional status in accordance with dietary guidelines and other health needs as described in the beneficiary's plan of care; and

(n) Providing safety monitoring to prevent accidents and injuries to the beneficiary in the course of performing activities of daily living.

5006.8 PCA services shall not include:

(a) Services that require the skills of a licensed professional as defined by the District of Columbia Health Occupations Revision Act of 1985, as amended, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*);

(b) Tasks usually performed by chore aides or homemakers, such as cleaning of areas not occupied by the beneficiary, shopping for items not related to promoting the beneficiary's nutritional status and other health needs, and shopping for items not used by the beneficiary; and

(c) Money management.

5006.9 PCA services shall not be provided to a beneficiary admitted for care in a hospital,

nursing facility, intermediate care facility, assisted living facility, or other living arrangement that includes personal care as part of its reimbursement rate. For outpatient hospital services, emergent care, or if a beneficiary is being discharged or transitioning to a home-based setting, PCA services may be provided in circumstances where there is no duplication of PCA services until such time that the beneficiary is admitted for care.

Section 5007, DENIAL, SUSPENSION, REDUCTION, OR TERMINATION OF SERVICES, is amended as follows:

Subsection 5007.5 is amended to read as follows:

5007.5 If the behavior of a beneficiary, or the environment in which services are being provided, poses an immediate threat to the safety or well-being of the PCA or PCA provider staff, the provider must immediately review the threat and initiate an investigation.

(a) The provider has the right to immediately discharge the beneficiary or suspend the beneficiary's services for a period not to exceed thirty (30) calendar days.

(b) A provider that discharges or suspends services for a beneficiary under this subsection remains subject to the requirements set forth at § 5007.9.

Section 5009, PERSONAL CARE AIDE QUALIFICATIONS, is amended as follows:

Subsection 5009.1 is amended to read as follows:

5009.1 Each PCA, whether an employee of the Provider or secured through a staffing agency, shall meet the following requirements:

(a) Obtain and maintain Home Health Aide certification in accordance with the requirements under Chapter 93 of Title 17 DCMR;

(b) Confirm, consistent with CDC published guidance, that he or she is free from communicable diseases including tuberculosis and hepatitis, by initially undergoing a purified protein derivative test and receiving a hepatitis vaccine during physical examination by a physician, and subsequently obtaining, on an annual basis, written and signed documentation from the examining physician confirming freedom from communicable disease;

(c) Provide evidence of current cardio-pulmonary resuscitation and first aid certification;

(d) Pass a criminal background check pursuant to the Health Care Facility

Unlicensed Personnel Criminal Background Check Act of 1998, effective April 20, 1999 (D.C. Law 12-238; D.C. Official Code §§ 44-551 *et seq.*);

(e) Pass a reference check and a verification of prior employment;

(f) Have an individual National Provider Identifier (NPI) number obtained from the National Plan and Provider Enumeration System (NPPES);

(g) Obtain at least twelve (12) hours of continuing education or in-service training annually in accordance with the Department of Health's Home Care Agency training requirements under 22-B DCMR § 3915; and

(h) Meet the minimum qualifications for Home Health Aide trainees set forth at 17 DCMR § 9328.

Section 5015, REIMBURSEMENT, is amended as follows:

Subsections 5015.1 through 5015.12 are amended to read as follows:

5015.1 Each provider shall comply with the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code §§ 2-220.01 *et seq.*).

5015.2 The current reimbursement rate for covered PCA services is listed in the District Medicaid fee schedule at www.dc-medicaid.com. DHCF shall also publish a notice in the *District of Columbia Register* at least thirty (30) days before implementing a change to the reimbursement rate.

5015.3 Each provider shall maintain adequate documentation substantiating the delivery of allowable services provided, in accordance with the PCA service authorization and the beneficiary's plan of care, for each unit of service submitted on every claim.

5015.4 Reimbursement for PCA services provided as a benefit under the District's Medicaid State Plan shall not exceed eight (8) hours per day, seven (7) days a week, and shall be limited to the amount, duration, and scope of services set forth in the PCA service authorization and the plan of care, as described in Section 5003.

5015.5 Claims for PCA services submitted by a provider for any period during which the beneficiary is an inpatient at a health care facility, including a hospital, nursing home, psychiatric facility, or rehabilitation program, shall be denied except on the day a beneficiary is admitted or discharged.

5015.6 When a beneficiary is discharged from a health care facility to the beneficiary's home and requires PCA services on the date of discharge, the number of PCA hours on that day shall be authorized in accordance with the beneficiary's discharge plan.

5015.7 Claims for PCA services submitted by a provider for any hour in which the

beneficiary was receiving 1915(i) State Plan ADHP services, or other similar service in which PCA services are provided concurrently to the beneficiary, shall be denied.

5015.8 Each provider shall agree to accept as payment in full the amount determined by DHCF as Medicaid reimbursement for the authorized services provided to beneficiaries. Providers shall not bill the beneficiary or any member of the beneficiary's family for PCA services.

5015.9 Each provider shall agree to bill any and all known third-party payers prior to billing Medicaid.

5015.10 All reimbursable claims for PCA services shall include the NPI numbers for the:

(a) Billing provider;

(b) Physician or Advanced Practice Registered Nurse (APRN) who ordered the PCA services;

(c) Staffing agency, if applicable; and

(d) PCA who provided the PCA services, regardless of whether the PCA is an employee of the provider or is from another staffing agency.

5015.11 Pursuant to 42 CFR § 424.22(d), DHCF shall deny PCA service claims, or recoup paid claims, when provider records or other evidence indicate that the primary care physician or APRN ordering a beneficiary's treatment has a direct or indirect financial relationship, compensation, ownership or investment interest as defined in 42 CFR § 411.354, with the provider billing for the services, unless the financial relationship, compensation, ownership or investment interest meets an exception set forth in 42 CFR § 411.355.

5015.12 Claims resulting from marketing by a staffing agency (including face-to-face solicitation at doctors' offices, home visits, requests for beneficiary Medicaid numbers, or otherwise directing beneficiaries to any Medicaid provider) shall be denied.

Subsections 5015.13 and 5015.14 are repealed.

Section 5099, DEFINITIONS, is amended to read as follows:

5099 DEFINITIONS

When used in this chapter, the following terms and phrases shall have the meanings ascribed below:

Activities of Daily Living - The ability to bathe, transfer, dress, eat and feed oneself, engage in toileting, and maintain bowel and bladder control (continence).

Advanced Practice Registered Nurse - A person who is licensed or authorized to practice as an advanced practice registered nurse pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq*.).

Authorized representative – Any person other than a provider:

(a) Who is knowledgeable about a beneficiary's circumstances and has been designated by that beneficiary to represent him or her; or

(b) Who is legally authorized either to administer a beneficiary's financial or personal affairs or to protect and advocate for his/her rights.

Cueing - Using verbal prompts in the form of instructions or reminders to assist persons with activities of daily living.

Department of Health Care Finance – The executive agency of the government responsible for administering the Medicaid program within the District of Columbia.

Family - Any person related to the beneficiary by blood, marriage, or adoption.

Licensed Independent Clinical Social Worker– A person who is licensed or authorized to practice as an independent clinical social worker pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq*.).

Limited English Proficient - Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English.

Order – A formal, written instruction signed by a physician or APRN in the form of the Prescription Order Form or any successor document supplied by DHCF or its agent.

PCA Service Authorization Form – A form that has been developed or approved by DHCF that identifies the amount, duration, and scope of PCA services and the number of hours authorized based upon a face-to-face assessment in accordance with § 5003.

Physician - A person who is licensed or authorized to practice medicine pursuant

to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq*.).

Registered Nurse - A person who is licensed or authorized to practice registered nursing pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq*.), as amended, or licensed as a registered nurse in the jurisdiction where services are provided.

Significant change - Changes in a beneficiary's health status that warrant an increase or decrease of supports/services outlined in their plan of care.

Staffing Agency – Shall have the same meaning as set forth in the Nurse Staffing Agency Act of 2003, effective March 10, 2004 (D.C. Law 15-74; D.C. Official Code §§ 44-1051.01 *et seq*.).

Start of Care – The first date upon which a beneficiary receives or is scheduled to receive PCA services.

Chapter 101, SERVICES MY WAY PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 10102, PARTICIPANT-DIRECTED COMMUNITY SUPPORT SERVICES: SERVICE DESCRIPTION, is amended as follows:

Subsection 10102.7 is amended to read as follows:

10102.7 To be eligible for PDCS, a participant shall be in receipt of a service authorization for personal care aide services from DHCF or its designated agent that specifies the amount, duration, and scope of services authorized to be provided to the beneficiary, in accordance with 29 DCMR § 5003.

(a) A participant shall be limited to sixteen (16) hours per day of PDCS; and

(b) Any additional hours authorized, up to a maximum of eight (8) hours per day, shall be provided by a home health agency, in accordance with the requirements of the District Medicaid State Plan personal care aide services benefit, as set forth in Chapter 50 of Title 29 DCMR.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance ("DHCF"), pursuant to the authority set forth in Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6)), An Act To enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), and Mayor's Order 2024-115, dated July 1, 2024, hereby gives notice of his adoption of the following amendments to Chapter 50 (Medicaid Reimbursements for Personal Care Aide Services), Chapter 90 (Home and Community-Based Services Waiver for Individual and Family Support), Chapter 97 (Adult Day Health Program Services), and Chapter 99 (Home Health Services) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations ("DCMR").

The rulemaking adds new Section 5019 (ARPA Supplemental Payment for Personal Care Aides), Section 9037 (ARPA Supplemental Payment for Supported Employment Providers), Section 9724 (ARPA Supplemental Payment for Adult Day Health Program Providers), and Section 9907 (ARPA Supplemental Payment for Home Health Aides), to Title 29 DCMR.

DHCF is the single state agency responsible for the administration of the State Medicaid program under Title XIX of the Social Security Act and Children's Health Insurance Program under Title XXI of the Act in the District. Section 9817 of the American Rescue Plan Act of 2021 ("ARPA"), approved March 11, 2021 (Pub. L. 117-2; 135 Stat. 4) provided all states with a ten (10) percentage point increase to the federal medical assistance percentage ("FMAP") for certain Medicaid expenditures for home and community-based services ("HCBS") provided between April 1, 2021, and March 31, 2022. As a condition of receiving the increased FMAP, states are required to: (1) use the federal funds attributable to the increased FMAP to supplement state funds expended for Medicaid HCBS in effect on April 1, 2021, and (2) use state funds equivalent to the amount of federal funds attributable to the increased FMAP to implement or supplement the implementation of activities to enhance, expand, or strengthen HCBS, as approved by CMS in each state's ARPA Section 9817 Spending Plan. States must use the state funds equivalent to the ARPA's increased FMAP by March 31, 2025. *See* the Centers for Medicare and Medicaid Services (CMS) State Medicaid Director ("SMD") letter #21-003, *Implementation of American Rescue Plan Act of 2021 Section 9817: Additional Support for Medicaid Home and Community-Based Services during the COVID-19 Emergency*, and SMD #22-002, *Updated Reporting Requirements and Extension of Deadline to Fully Expend State Funds Under American Rescue Plan Act of 2021 Section 9817*.

During the COVID-19 public health emergency ("PHE") CMS temporarily authorized DHCF to make supplemental payments to direct care workers. Supplemental payments strengthen the direct service workforce and increase the pay of direct support professionals who are likely to be paid at or near the minimum/living wage. Although the District officially ended its PHE by Mayor's Order

2021-096, dated July 25, 2021, the federal PHE expired on May 11, 2023. CMS provided temporary authority through a disaster-relief State Plan Amendment ("SPA"), to extend direct support worker supplemental payments through May 11, 2024. This rule corresponds to amendments to the District's State Plan for Medical Assistance, to provide temporary authority, under the permanent State Plan, through the end of the ARPA spending period, March 31, 2025. This rule extends direct care worker supplemental payments for delivering eligible State Plan services for dates of services through March 31, 2025, pursuant to guidance in SMD #22-002 to fully expend state funds equivalent to the amount of federal funds attributable to the increased FMAP by March 31, 2025.

This rule will be effective for services rendered on or after October 1, 2022, and on or before March 31, 2025. DHCF projects an increase in Medicaid expenditures in Fiscal Years 2024 and 2025 of $25,594,121.03 and $32,803,732.59, respectively.

A Notice of Proposed Rulemaking was published in the *District of Columbia Register* on January 31, 2025, at 72 DCR 000914. No comments were received and no changes have been made to the text of the rules as proposed.

The Director of DHCF took final action to adopt this rulemaking on April 15, 2025, and the rules shall become effective upon publication of this notice in the *District of Columbia Register*.

Chapter 50, MEDICAID REIMBURSEMENTS FOR PERSONAL CARE AIDE SERVICES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

A new Section 5019 is added to read as follows:

5019 ARPA SUPPLEMENTAL PAYMENT FOR PERSONAL CARE AIDES

5019.1 In accordance with Section 9817 of the American Rescue Plan Act of 2021, approved March 11, 2021 (Pub. L. 117-2; 135 Stat. 4), supplemental payments shall be made to home health agencies providing personal care aide services, for dates of service on or after October 1, 2022, and on or before March 31, 2025.

5019.2 Supplemental payments shall be disbursed to home health agencies providing personal care aide services in annual, lump-sum allotments.

5019.3 To qualify for a supplemental payment, a home health agency shall submit cost and employment data (such as a personal care aide's schedule, wages paid, hours worked, hire dates, and vacancy rates). A home health agency shall demonstrate that the supplemental payments were used, in their entirety, to pay personal care aides a benchmark wage rate, set above the District's living wage rate set forth in the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code § 2-220.01 *et seq.*).

5019.4 A home health agency shall receive an annual supplemental payment that takes into account the increased costs associated with paying personal care aides for providing

personal care services to Medicaid beneficiaries at a rate that is seventeen and six tenths percent (17.6%) above the District's living wage rate.

5019.5 To determine the annual supplemental payment, described in §5019.4, DHCF shall project the expenditures for salary, wages, fringe benefits, and administration associated with paying personal care aides at seventeen and six tenths percent (17.6%) above the District's living wage rate. This projection shall be based on the current rate methodology applicable to the home health agency and shall be for the year in which the supplemental payment is made.

5019.6 A home health agency providing personal care aide services shall retain one hundred percent (100%) of the total computable expenditure claims by the District to CMS, except:

(a) The District shall recoup supplemental payments from home health agencies that fail to submit the required cost data or fail to pay personal care aides an average wage rate at seventeen and six tenths percent (17.6%) above the District's living wage rate.

(b) Overpayments made to providers shall be recouped through reconciliation of subsequent payments.

(c) The federal share for any recouped payments shall be returned through an adjustment to the CMS 64 Report.

Chapter 90, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUAL AND FAMILY SUPPORT, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

A new Section 9037 is added to read as follows:

9037 ARPA SUPPLEMENTAL PAYMENT FOR SUPPORTED EMPLOYMENT PROVIDERS

9037.1 In accordance with Section 9817 of the American Rescue Plan Act of 2021, approved March 11, 2022 (Pub. L. 117-2; 135 Stat. 4), supplemental payments shall be made to supported employment provider agencies that have certified peer specialists, for dates of service on or after October 1, 2022, and on or before March 31, 2025.

9037.2 Supplemental payments shall be disbursed to supported employment provider agencies that have certified peer specialists in annual, lump-sum allotments.

9037.3 To qualify for a supplemental payment, supported employment provider agencies shall submit cost and employment data (such as a certified peer specialist's schedule, wages paid, hours worked, hire dates, and vacancy rates). Supported

employment provider agencies shall demonstrate that the supplemental payments were used, in their entirety, to pay certified peer specialists a benchmark wage rate, set above the District's living wage rate set forth in the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code § 2-220.01 et seq.).

9037.4 Supported employment provider agencies shall receive an annual supplemental payment that takes into account the increased costs associated with paying certified peer specialists for providing supported employment services to Medicaid beneficiaries at a rate that is seventeen and six tenths percent (17.6%) above the District's living wage rate.

9037.5 To determine the annual supplemental payment, described in § 9037.4, DHCF shall project the expenditures for salary, wages, fringe benefits, and administration associated with paying certified peer specialists at seventeen and six tenths percent (17.6%) above the District's living wage rate. This projection shall be based on the current rate methodology applicable to the supported employment provider agency and shall be for the year in which the supplemental payment is made.

9037.6 Supported employment provider agencies that have certified peer specialists shall retain one hundred percent (100%) of the total computable expenditure claims by the District to CMS, except:

(a) The District shall recoup supplemental payments from home health agencies that fail to submit the required cost data or fail to pay personal care aides an average wage rate at seventeen and six tenths percent (17.6%) above the District's living wage rate.

(b) Overpayments made to providers shall be recouped through reconciliation of subsequent payments.

(c) The federal share for any recouped payments shall be returned through an adjustment to the CMS 64 Report.

Chapter 97, ADULT DAY HEALTH PROGRAM SERVICES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

A new Section 9724 is added to read as follows:

9724 ARPA SUPPLEMENTAL PAYMENT FOR ADULT DAY HEALTH PROGRAM PROVIDERS

9724.1 In accordance with Section 9817 of the American Rescue Plan Act of 2021, approved March 11, 2022 (Pub. L. 117-2; 135 Stat. 4), supplemental payments shall be made to adult day health programs (ADHP) that have personal care aides employed as direct care support staff, for dates of service on or after October 1, 2022, and on or before March 31, 2025.

9724.2 Supplemental payments shall be disbursed to ADHPs that have personal care aides employed as direct care support staff in annual, lump-sum allotments.

9724.3 To qualify for a supplemental payment, ADHPs shall submit cost and employment data (such as personal care aides employed as direct care support staff schedules, wages paid, hours worked, hire dates, and vacancy rates). ADHPs shall demonstrate that the supplemental payments were used, in their entirety, to pay personal care aides employed as direct care support staff a benchmark wage rate, set above the District's living wage rate set forth in the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code § 2-220.01 et seq.).

9724.4 ADHPs shall receive an annual supplemental payment that takes into account the increased costs associated with paying personal care aides employed as direct care support staff for providing ADHP services to Medicaid beneficiaries at a rate that is seventeen and six tenths percent (17.6%) above the District's living wage rate.

9724.5 To determine the annual supplemental payment, described in § 9724.4, DHCF shall project the expenditures for salary, wages, fringe benefits, and administration associated with paying personal care aides employed as direct care support staff at seventeen and six tenths percent (17.6%) above the District's living wage rate. This projection shall be based on the current rate methodology applicable to the ADHP and shall be for the year in which the supplemental payment is made.

9724.6 An ADHP that has personal care aides employed as direct care support staff shall retain one hundred percent (100%) of the total computable expenditure claims by the District to CMS, except:

(a) The District shall recoup supplemental payments from home health agencies that fail to submit the required cost data or fail to pay personal care aides an average wage rate at seventeen and six tenths percent (17.6%) above the District's living wage rate.

(b) Overpayments made to providers shall be recouped through reconciliation of subsequent payments.

(c) The federal share for any recouped payments shall be returned through an adjustment to the CMS 64 Report.

Chapter 99, HOME HEALTH SERVICES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

A new Section 9907 is added to read as follows:

9907 ARPA SUPPLEMENTAL PAYMENT FOR HOME HEALTH AIDES

9907.1 In accordance with Section 9817 of the American Rescue Plan Act of 2021, approved March 11, 2022 (Pub. L. 117-2; 135 Stat. 4), supplemental payments shall be made to home health agencies providing home health aide services, for dates of service on or after October 1, 2022, and on or before March 31, 2025.

9907.2 Supplemental payments shall be disbursed to home health agencies providing home health aide services in annual, lump-sum allotments.

9907.3 To qualify for a supplemental payment, a home health agency shall submit cost and employment data (such as a home health aide's schedule, wages paid, hours worked, hire dates, and vacancy rates). A home health agency shall demonstrate that the supplemental payments were used, in their entirety, to pay home health aides a benchmark wage rate, set above the District's living wage rate set forth in the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code § 2-220.01 et seq.).

9907.4 A home health agency shall receive an annual supplemental payment that takes into account the increased costs associated with paying home health aides for providing home health services to Medicaid beneficiaries at a rate that is seventeen and six tenths percent (17.6%) above the District's living wage rate.

9907.5 To determine the annual supplemental payment, described in § 9907.4, DHCF shall project the expenditures for salary, wages, fringe benefits, and administration associated with paying home health aides at seventeen and six tenths percent (17.6%) above the District's living wage rate. This projection shall be based on the current rate methodology applicable to the home health agency and shall be for the year in which the supplemental payment is made.

9907.6 A home health agency providing home health aide services shall retain one hundred percent (100%) of the total computable expenditure claims by the District to CMS, except:

(a) The District shall recoup supplemental payments from home health agencies that fail to submit the required cost data or fail to pay personal care aides an average wage rate at seventeen and six tenths percent (17.6%) above the District's living wage rate.

(b) Overpayments made to providers shall be recouped through reconciliation of subsequent payments.

(c) The federal share for any recouped payments shall be returned through an adjustment to the CMS 64 Report.

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

NOTICE OF SEVENTH EMERGENCY RULEMAKING

The Alcoholic Beverage and Cannabis Board ("Board"), pursuant to the authority set forth in D.C. Official Code § 25-351(a), and in accordance with Section 6(c) of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)), hereby gives notice of the adoption, on an emergency and proposed basis, of amendments to Section 304 (Adams Morgan Moratorium Zone) of Chapter 3 (Limitations on Licenses) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations. Specifically, this seventh emergency rulemaking increases the cap on the number of permitted Retailer Class CT or DT (tavern) licenses to sixteen (16), maintains the moratorium on Retailer Class CN or DN (nightclub) licenses and renews the Adams Morgan Moratorium Zone ("AMMZ") for three (3) years.

I. PROCEDURAL BACKGROUND

The Adams Morgan moratorium was scheduled to expire on February 6, 2023. On January 7, 2023, the Board received a resolution from Advisory Neighborhood Commission (ANC) 1C requesting a ninety (90) day extension of the expiring moratorium to inform and consult with the residents of Adams Morgan regarding the future of the moratorium. The resolution was adopted by ANC 1C at a duly noticed public meeting held on January 4, 2023, by a vote of seven (7) to zero (0).

On February 1, 2023, the Board adopted the AMMZ Notice of Emergency Rulemaking, to extend the moratorium until June 1, 2023, by a vote of six (6) to zero (0), and it became effective on that date. The emergency rules were published in the *District of Columbia Register* on March 24, 2023, at 70 DCR 003590.

On May 4, 2023, ANC 1C submitted a resolution requesting that the Board renew the moratorium on Retailer Class CN or DN (Nightclub) licenses, but increase the number of permitted Retailer Class CT or DT (Tavern) licenses to twenty-five (25) to be phased in with no more than four (4) additional Class CT or DT Retailer licenses available per year. The resolution was adopted by ANC 1C at a duly noticed public meeting held on May 3, 2023, by a vote of eight (8) to zero (0).

On May 24, 2023, the Board adopted the Adams Morgan Moratorium Zone Notice of Second Emergency Rulemaking, to further extend the moratorium until September 21, 2023, by a vote of five (5) to zero (0). The Board determined emergency action was necessary to extend the AMMZ. The Board concluded that the appropriateness considerations that justified the prior moratorium, pursuant to D.C. Official Code § 25-351(a), likewise indicate that a temporary extension is in the public interest. The additional time granted under the emergency rules allowed the Board to hold a hearing and take public comment on the ANC 1C resolution. The

emergency rulemaking was published in the *District of Columbia Register* on July 14, 2023, at 70 DCR 009780.

On August 16, 2023, the Board adopted the Adams Morgan Moratorium Zone Notice of Third Emergency and Proposed Rulemaking to further extend the moratorium by a vote of four (4) to zero (0). The rulemaking (a) renewed the Adams Morgan Moratorium for three (3) years; (b) increased the cap on the number of CT, DT, CX, and DX retailer licenses; and (c) maintained all other restrictions in the existing moratorium. The emergency rules were published in the *District of Columbia Register* on April 12, 2024, at 71 DCR 004238. The emergency rulemaking superseded the emergency rules that the Board adopted on May 24, 2023, and expired on December 14, 2023.

On December 13, 2023, the Board adopted the Adams Morgan Moratorium Zone Notice of Fourth Emergency and Proposed Rulemaking and on April 11, 2024, the Board adopted the Adams Morgan Moratorium Zone Notice of Fifth Emergency and Proposed Rulemaking. The fourth and fifth emergency and proposed rules were published in the *District of Columbia Register* on June 14, 2024 at 71 DCR 007099 and 71 DCR 007113. The comment period for the fifth emergency and proposed rulemaking ended on July 14, 2024, with the Board receiving no additional comments.

The Board transmitted the proposed rules to the Council of the District of Columbia for the Council's mandatory review period. *See* Adams Morgan Moratorium Zone Resolution of 2024 (P.R. 25-1044). Unlike the Board's other rules, rulemakings to establish or amend moratoria do not require affirmative approval by the conclusion of the Council review period. *See* D.C. Official Code § 25-211(b).

The Board adopted the Adams Morgan Moratorium Zone Sixth Notice of Emergency Rulemaking on August 14, 2024, by a vote of three (3) to zero (0). This action was necessary to allow the emergency rulemaking to remain in effect. The emergency rules were scheduled to remain in effect for one hundred twenty (120) days, expiring on December 12, 2024, unless superseded by an emergency or final rulemaking. Although the Notice of Emergency Rulemaking was not published in the *District of Columbia Register*, the rulemaking was posted to the agency's website on August 14, 2024.

In light of the rules continuing review by the Council, the Board adopted the Adams Morgan Moratorium Zone Seventh Notice of Emergency Rulemaking on December 11, 2024, by a vote of five (5) to zero (0). This action was necessary to allow the emergency rulemaking to remain in effect while the Council reviews the proposed rulemaking. The emergency rules will remain in effect for one hundred twenty (120) days, expiring on April 10, 2024, unless superseded by final rulemaking.

Chapter 3, LIMITATIONS ON LICENSES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended to read as follows:

304 ADAMS MORGAN MORATORIUM ZONE

304.1 No new Retailer's License Class CN, CT, CX, DN, DT, or DX shall be issued for a period of three (3) years from the effective date of final rules, in the area that extends approximately eighteen hundred (1800) feet in all directions from 2459 18th St., N.W., Washington, D.C. 20009. This area shall be known as the Adams Morgan Moratorium Zone.

304.2 The Adams Morgan Moratorium Zone is defined as the area bound by a line beginning at 18th Street and Vernon Street, NW, and proceeding on both sides of all streets unless otherwise noted; west on Vernon Street, NW to 19th Street, NW; northwest on 19th Street, NW to Wyoming Avenue, NW; southwest on Wyoming Avenue, NW to 20th Street, NW; northwest on 20th Street, NW to Belmont Road, NW; west on Belmont Road, NW to Waterside Drive, NW; north on Waterside Drive, NW to Allen Place, NW; east on Allen Place, NW to 20th Street, NW; north on 20th Street, NW to Biltmore Street, NW; north on Biltmore Street, NW to Calvert Street, NW; east on Calvert Street, NW to Lanier Place, NW; northeast on Lanier Place, NW to Adams Mill Road, NW; northwest on Adams Mill Road, NW and then northeast to Ontario Road, NW; east on Ontario Road, NW to Lanier Place, NW; northeast on Lanier Place, NW to Quarry Road, NW; southeast on Quarry Road, NW to Columbia Road, NW; northeast on Columbia Road, NW to Mozart Place, NW; south on Mozart Place, NW to Euclid Street, NW; east on Euclid Street, NW to 16th Street, NW; south on the west side of 16th Street to Florida Avenue; southwest on Florida Avenue to U Street, and west on U Street, NW to 18th Street, NW, Washington, D.C.

304.3 The following license classes shall be exempt from the Adams Morgan Moratorium Zone:

(a) All restaurants, whether present or future;

(b) All hotels, whether present or future; and

(c) Retailer's licenses Class A and B.

304.4 The number of Retailer's licenses Class CT, CX, DT, or DX located within the Adams Morgan Moratorium Zone shall not exceed sixteen (16). The number of Retailer's licenses Class CN or DN shall not exceed zero (0). The holder of a Retailer's license Class CR or DR located within the Adams Morgan Moratorium Zone shall be prohibited from changing its license class except when the number of Retailer's licenses Class CT, CX, DT, or DX in the Adams Morgan Moratorium Zone is fewer than sixteen (16).

304.5 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a retailer's license Class CR, CT, CX, DR, DT, and DX within the Adams Morgan Moratorium Zone that was in effect or for which an application

was pending prior to the effective date of this section, subject to the requirements of Title 25 of the D.C. Official Code and this title.

304.6 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the Adams Morgan Moratorium Zone to a new location within the Adams Morgan Moratorium Zone.

304.7 A license holder outside the Adams Morgan Moratorium Zone shall not be permitted to transfer its license to a location within the Adams Morgan Moratorium Zone, unless exempt by § 304.3.

304.8 Nothing in this section shall prohibit a valid protest of any transfer of a license or change of a license class.

304.9 The limitations imposed by this section shall not apply to any license granted prior to the effective date of this section.

304.10 This section shall expire three (3) years after the date of publication of the notice of final rulemaking in the *District of Columbia Register*.

Copies of this rulemaking can be obtained by contacting ABCA.Records@dc.gov. Alcoholic Beverage and Cannabis Administration, 899 North Capitol Street, N.W., Suite 4200-A, Washington, D.C. 20002. The rulemaking is also available on the agency's website. Persons with questions concerning the rulemaking should contact Jonathan Berman, Assistant General Counsel, at 202-442-4448 or email abca.legal@dc.gov.

ALCOHOLIC BEVERAGE AND CANNABIS BOARD
ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF SIXTH EMERGENCY AND PROPOSED RULEMAKING

The Alcoholic Beverage and Cannabis Board (Board), pursuant to Section 14 of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.13; and Mayor's Order 2020-099), dated September 30, 2020; hereby gives notice of the adoption, on an emergency basis, of amendments to Chapter 1 (General Provisions), Chapter 2 (Conditions of Registration), Chapter 3 (Use of Medical Marijuana), Chapter 5 (Qualifying Patients), Chapter 6 (Caregivers), Chapter 7 (Registration Cards), Chapter 8 (Recommending Authorized Practitioners), Chapter 10 (Enforcement Actions), Chapter 12 (Investigations and Inspections), Chapter 13 (Fees), Chapter 14 (Medical Marijuana Advisory Committee), Chapter 19 (Inquiries to the Board), Chapter 50 (Registration, Licensing, and Enforcement of Cultivation Centers, Dispensaries, and Testing Laboratories), Chapter 51 (Registration and Permit Categories), Chapter 52 (Registration Limitations), Chapter 54 (Registration Applications), Chapter 55 (Registration Changes), Chapter 56 (General Operating Requirements), Chapter 57 (Prohibited and Restricted Activities), Chapter 59 (Records and Reports), Chapter 60 (Board Approval Procedures), Chapter 61 (Mandatory Revocation and Mandatory Suspension), Chapter 62 (Enforcement Proceedings and Hearings), Chapter 63 (Sliding Scale Program), Chapter 64 (Testing Laboratories), and Chapter 99 (Definitions) and the addition of new Chapter 65 (Cannabis Testing), Chapter 66 (Adulterated Cannabis), Chapter 67 (Couriers), Chapter 96 (Moratoriums), Chapter 97 (Hearing Procedures), and Chapter 98 (Sliding Scale Program), of Subtitle C (Medical Marijuana) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

I. PROCEDURAL HISTORY

On July 28, 2020, the Council of the District of Columbia (Council) passed legislation that transitioned the District's Medical Marijuana Program (Program) from the District of Columbia Department of Health (Department of Health) to the Board. *See* Medical Marijuana Program Administration Amendment Act of 2020, effective December 3, 2020 (D.C. Law 23-149; 67 DCR 10493).

On January 30, 2023, Mayor Muriel Bowser signed the Medical Cannabis Amendment Act of 2022, effective March 22, 2023 (D.C. Law 24-332; D.C Official Code § 7-1761.01 *et seq*.) (Act). Among other changes, the legislation allows qualifying patients to self-certify to participate in the Medical Cannabis Program (Program), provides a mechanism for unlicensed cannabis businesses to obtain medical cannabis facility licenses, creates new license categories and endorsements, creates various benefits for qualified social equity applicants and medical cannabis certified business enterprises, reforms the license application process, allows for Advisory Neighborhood Commissions to protest the issuance of cultivation center, manufacturer, retailer, and internet retailer licenses, and permits the Board to enforce Section 1761 of Title 7 of the D.C. Official Code and Title 22-C of the DCMR.

On April 12, 2023, the Board, by a vote of five (5) to one (1), approved emergency rules, which were

set to expire on August 10, 2023. As part of its approval, the Board further gave notice to adopt the same rules as proposed rules pursuant to D.C. Official Code § 7-1671.13(b), for submission to the Council for review.

On June 7, 2023, the Board held a public hearing and received extensive testimony on the emergency and proposed rules. On August 9, 2023, the Board, by a vote of five (5) to zero (0), enacted the notice of second emergency and proposed rulemaking in response to the numerous comments that were received.

The notice of second emergency and proposed rulemaking also included changes resulting from the Medical Cannabis Clarification and Non-Resident Patient Access Emergency Amendment Act of 2023 (Clarification Act), which took effect on July 31, 2023; and was superseded by the Medical Cannabis Clarification and Non-Resident Patient Access Temporary Amendment Act of 2023, which took effect on November 28, 2023. The Clarification Act makes temporary patient cards available to non-residents for periods other than 30 days, expands the definition of a social equity applicant to include arrests and convictions of qualifying family members related to drug-related offenses, and adds siblings and grandparents to the list of eligible family members. The legislation clarifies that the 50 percent set aside requirement does not include medical cannabis cultivation center, manufacturer, or retailer license applications that are statutorily permitted to be filed with ABCA outside of an open application period. The legislation further clarifies that the five cultivation center applicants that scored 150 points or more during the prior open application period are automatically eligible to receive a manufacturer's license provided they register with the Board and pay the annual fee. Finally, the legislation permits the waiver of the application fee for testing laboratories, allows the issuance of conditional licenses to testing laboratories, allows testing laboratories to test products submitted by qualifying patients and caregivers, and allows testing for the purposes of quality assurance and research and development.

The Notice of Third Emergency and Proposed Rulemaking further complied with the Medical Cannabis Patient Access Clarification Emergency Amendment Act of 2023, effective October 30, 2023, (D.C. Act 25-276; 70 DCR 14480), and the Medical Cannabis Patient Access Clarification Temporary Amendment Act of 2023, effective January 23, 2024 (D.C. Law 25-103; 70 DCR 15444). It also included changes resulting from comments that were received regarding employee training requirements and caregiver patient limits.

On April 3, 2024, the Board voted unanimously to approve the Notice of Fourth Emergency and Proposed Rulemaking, which mostly maintained the same rules as the prior rules. On April 11, 2024, an amended version of the rule was adopted by unanimous vote of the Board to further clarify rules related to the documents non-District residents must submit to retailers to qualify to purchase medical cannabis.

Although the Notice of Emergency and Proposed Rulemaking and certain later versions were not published in the *District of Columbia Register*, the rulemakings were posted to the agency's website, while the rulemaking underwent legal sufficiency review. The initial emergency rules were published on the agency's website on April 12, 2023; the second emergency rulemaking was published on the agency's website on August 11, 2023; the third emergency rulemaking was published on the agency's website on December 11, 2023; the original fourth emergency rulemaking was published on the

agency's website on April 3, 2024; and the amended fourth emergency rulemaking was published on the agency's website on April 11, 2024. The fifth emergency rulemaking was published on the agency's website on July 31, 2024 and published on December 13, 2024 in the *District of Columbia Register* at 71 DCR 015088. Copies of the emergency rulemakings are also available at ABCA's office or upon request.

II. PUBLIC COMMENTS

The Board has reviewed and duly considered the comments it received at the public hearing and in writing. Below is a summary of those comments and the Board's response in italics. The Board notes that many commentators broadly supported the emergency and proposed regulations, and only took issue with a few aspects of the proposed rules. The Board's responses, while largely the same during the prior rulemakings, have been revised in light of changes as part of this emergency and proposed rulemaking.

Kinner & McGowan PLLC, the Generational Equity Movement, and other commentators requested that the Board revise the rules to modify the social equity criteria; eliminate consideration of unlicensed establishment applications on a first come, first serve basis; refrain from applying the 50 percent set aside to unlicensed establishments or delay implementation of the set aside until a later date. Other commentators requested that the Board lower the purchase limit of medical cannabis to an amount lower than 8 ounces. ANC Commissioner Gwendolyn Lohse, ANC Commissioner Zach Adams, and other commentators urged the agency to increase the minimum distance from schools to 400 feet as required by the District's alcohol laws, rather than 300 feet, as noted in the regulations. Antoine Pritchett, II, commented that the regulations unfairly prevent employees of licensees from consuming medical cannabis on-site even though such consumption would be for medical purposes. ANC Commissioner Jeffrey Rueckgauer expressed concern that unlike with alcohol licenses, only ANCs have been given the right to protest an application and no other groups have been given standing to protest a license. ANC Commissioner Zach Adams requested that criminal background checks be eliminated for all medical cannabis facility applicants. Jen Brunenkant and Linda Greene suggested that insurance be required to cover medical cannabis use in certain circumstances. Jen Brunenkant indicated that requiring notice to all ANCs in a Ward was excessive.

Response: The revised rulemaking has been amended to modify the social equity criteria based upon recently enacted legislation. The other proposed changes require modification of the statute and are beyond the scope of the Board's authority to change by rulemaking. Of note, D.C. Official Code § 7-1671.06a(e)(1) states that "At least half of all licenses issued to unlicensed establishments shall be issued to social equity applicants."

As to the consideration of applications in the order that they are filed, the statute requires that unlicensed establishment applications be considered on a first in time basis pursuant to D.C. Official Code § 7-1671.06a(d)(2). As a result, the Board is mandated by law to consider the first application filed with the agency and cannot select different criteria.

The Board notes that the minimum distance requirement of 300 feet from schools and recreation centers was placed in the regulations because it is required by D.C. Official Code § 7-1671.06(q)

and the Board is not authorized to change the statutory distance requirement by regulation. The Board notes that it is still authorized to consider the appropriateness of an application for a proposed location that is more than 300 feet from a school or recreation center notwithstanding the 300-feet threshold.

On the issue of employee consumption of medical cannabis, the Board notes that permitting employees to consume cannabis at a licensed medical cannabis facility in most cases would require a change to D.C. Official Code § 7-1671.03(b). Nevertheless, if a retailer has a safe-use treatment facility or summer garden, nothing prevents employees of a licensee from consuming medical cannabis in that location in accordance with the rules of those facilities. The Board reminds licensees that they remain responsible for the behavior of their employees if they are intoxicated while working.

On the issue of standing, the Board is aware that the standing requirement to protest a medical cannabis license is different than the alcohol license process. Nevertheless, the Board has no authority to change statutory standing requirements through rulemaking.

On the issue of criminal background checks, the statute requires some consideration of an applicant's criminal background, and thus cannot be eliminated by regulation (D.C. Code § 7-1671.06(u)). The Board notes that the proposed rules significantly limit the review as described in D.C. Code § 7-1671.06(u).

On the issue of requiring insurance coverage for medical cannabis, the Board notes that imposing such a requirement goes beyond the scope of the Board's authority.

On the issue of requiring notice of an application to all ANCs within a Ward, the Board notes that this requirement is mandated by the statute and cannot be altered by the Board.

Commentators requesting changes and policies that require legislation are advised to forward their concerns to the Council of the District of Columbia for consideration.

Kinner & McGowan PLLC and other commentators asked the Board to modify the open application timeline for unlicensed operators and stated that "ABCA has complete discretion over the open application timeline."

Response: Current law requires the Board to open the open application period for unlicensed establishments no earlier than 180 days after the effective date of the Medical Cannabis Amendment Act of 2022 and mandates that the period be open for 90 days. D.C. Official Code § 7-1671.06a(a)(1). The Board cannot shorten or extend the 90-day application period. The Board further finds that the current start date for this application period is appropriate and best serves the interests of the program and the public.

Kinner & McGowan PLLC requested that the rules address and permit the use of management agreements.

Response: The Board agrees that the medical cannabis industry requires guidance on this common

business practice and the matter should be addressed by the rules. The proposed rules have been revised to adopt the current management agreement rulemaking requirements found in Title 25 of the D.C. Official Code.

Advisory Neighborhood Commission (ANC) Commissioner Chander Jayaraman and other commentators suggested that the Board delay the implementation of the safe-use treatment facility and summer garden endorsement privileges based upon concerns regarding potential health and nuisance concerns regarding smoke both inside and outside of the facility and its impact on neighboring properties. ANC Commissioner Chuck Elkins, ANC 3D, and Laurence J. Schoen requested that the Board include more technical requirements and elicit more information regarding the applicant's plans to abate smoking nuisances in safe-use treatment facilities and summer gardens. ANC 3D and ANC 3B further requested the elimination of the requirement that windows and doors be closed and ANC 3B specifically requested that smoking be banned in summer garden spaces. Jen Brunenkant commented that it was unreasonable to mandate that summer garden holders prevent odor, smoke, and smells from entering private indoor space.

Response: The Board is not authorized to further delay the issuance of summer garden permits and must faithfully enact the law passed by the Council that permits retailers to apply for a summer garden. In writing the law, the Council can select the start date of when specific privileges become available to the public and the choice not to do so implies that the privilege is intended to be available immediately or as soon as practicable.

Moreover, regarding potential impact on neighboring properties, a recent court case related to cannabis smoke puts medical cannabis businesses on notice that their impact on neighboring properties may subject them to injunction and liability and it is their responsibility to ensure that they do not create a private nuisance. Josefa Ippolito-Shepherd v. Angella Farserotu, Case No. 2020 CA 004616 B, 28-34 (D.C. Super. Ct. Jun. 5, 2023). *As a result, medical cannabis businesses already have a legal obligation to ensure that smoke and smells from their business do not invade separately owned indoor private space.*

The Board does not agree that the requirement that windows and doors of the residence remain closed should be eliminated because the requirement ensures that the odor or smoke nuisance is pervasive and not a one-time or infrequent occurrence and that the resident has taken reasonable means to secure their property from outdoor odors. Finally, unlike safe-use treatment facilities, the legislation did not propose a specific standard regarding summer garden smoke emanating into private outdoor space; as a result, the Board is limiting its regulation of odor, smells, and smoke emanating from summer gardens to the nuisance standard set by the Ippolito-Shepard *case, as the appropriateness standard is generally influenced by nuisance law.*

As to banning smoking entirely, as suggested by ANC 3B, the Board is not convinced that such an across-the-board requirement is necessary. The Board notes that an ANC can argue that smoking should be banned in a specific area during a protest and such a restriction could appear in a settlement agreement, as noted in § 5445.11(c). The ANC can also further argue for additional restrictions and conditions related to odor, smoke, and smells, as noted in § 5421.5(d).

The Board is also not persuaded that additional technical requirements related to odor control

and smoke emanation need to be expounded in the regulations where D.C. Official Code § 7-1671.06c(c)(3) provides a clear standard for medical cannabis businesses to adhere to and the failure to comply with this standard could subject a licensee to penalties, loss of privileges, and conditions placed on the license. The Board also finds limiting the issuance of safe-use treatment facility and summer garden privileges to a few licensees would be unfair to licensees. Also, any delay to the issuance of such privileges is harmful to the interests of patients who need access to a location to consume medical cannabis necessary for their treatment or condition. Additionally, summer garden endorsement applications are subject to a 45-day public comment period with notice provided to all ANCs in an affected ward where additional conditions or requirements can be agreed upon with the ANC in a settlement agreement.

Finally, it should be further noted that implementing technical standards could result in a conflict of law and authority between ABCA, the D.C. Department of Buildings, the D.C. Department of Health, and the D.C. Department of Energy and the Environment. Therefore, if technical requirements are warranted, the Board prefers such requirements be undertaken by the appropriate agency that oversees the specific discipline governed by the suggested technical requirement.

Advisory Neighborhood Commission (ANC) Commissioner Chander Jayaraman and other commentators suggested that the renewal period for retailers not coincide with the renewal of on-premises and tavern retail alcohol licenses. ANC Commissioner Jeffrey Rueckgauer requested that the renewal period be two years rather than three years. Jen Brunenkant also asked how existing licensees will be treated under the new renewal schedule.

Response: The revised rules have been amended to address ANC Commissioner Jayaraman's concern by not having the renewal period for medical cannabis retailers coincide with the on-premises renewal period of alcohol retailers. The Board does not agree that the license renewal period should be reduced to two years because two years is an insufficient period to assess the impact of a licensee on the community and will be too burdensome for licensees, ANCs, and the agency. The three-year time frame is also consistent with alcohol license renewals. Finally, existing licensees will be subject to the new renewal calendar based on their license class so that all licenses of the same class are renewed at the same time, similar to how alcohol licenses are renewed.

ANC Commissioner Gwendolyn Lohse, Rabbi James Kahn, and other commentators expressed concerns about the maximum number of medical cannabis businesses that may be permitted. The I-71 Committee and other commentators further expressed concerns about the potential maximum number of licenses and the supply of medical cannabis available to businesses.

Response: The Board notes that the overconcentration of medical cannabis businesses and other negative impacts are addressed through distance limitations between retailers, schools, recreation centers, and protests against problematic licensees, which may consider overconcentration (22-C DCMR § 5421.3). The set-aside requirement acts as a limit on the total number of licenses. Unlike alcohol applications, medical cannabis applications may not be filed at any time but rather only when the Board elects to schedule an open application period. As a result, there are adequate tools in place in the law and regulations to address concerns regarding overconcentration.

Moreover, the same rules allowing the limitation of licenses may be activated if supply issues are having a detrimental impact on patients. Finally, the Board finds that setting a limit on retail licensees may discourage cultivation center applicants from applying because potential cultivator applicants may deem the market too small to support their business.

ANC Commissioner Gwendolyn Lohse raised questions about how ABCA will verify ownership.

Response: This comment did not specify a specific regulation or concern regarding identifying or verifying ownership that the regulations failed to address but rather raises questions about operational issues. The application process is designed to elicit and confirm the ownership of the applicant and the failure to disclose all required information regarding the ownership could result in the denial or revocation of the license, as well as other penalties. The current application process is based upon the same process used for alcohol licenses and no specific concerns regarding that process to elicit appropriate information about the ownership have been brought to the Board's attention to date. It should also be noted that all information submitted by applicants may be subject to verification and investigation. If there is a specific question regarding ownership verification, such as a specific fact scenario, then such questions should be addressed to ABCA or the Board for guidance or an advisory opinion.

It should also be noted that if a third party has a concern regarding a specific ownership's compliance, then that complaint may be forwarded to ABCA's Enforcement Division or the Board for investigation and review. Finally, false statements regarding ownership made in the application may be punishable under the criminal law. See, e.g., D.C. Code § 22-2405 (False Statements).

ANC Commissioner Gwendolyn Lohse and ANC Commissioner Jeffrey Rueckgauer suggest that a licensed medical cannabis business may have a negative impact on traffic and parking due to courier activities and therefore the Board should require a D.C. Department of Transportation (DDOT)-approved traffic control plan.

Response: Commentators did not establish that this requirement is necessary or that DDOT is even mandated or willing to undertake such a requirement in the context of the medical cannabis industry. If commentators are interested in having DDOT engage in traffic control related to pick up and deliveries, then those comments and requests should be addressed to DDOT. Finally, the Board notes that alcohol retailers and other businesses engage in similar pickup and delivery activities related to food and beverage sales; yet, the Board is not aware of similar plans being requested or utilized for those types of businesses. Therefore, there is insufficient evidence in the record that such a plan is warranted at this time.

ANC Commissioner Gwendolyn Lohse requested that the agency develop a verification process related to out of state minor cannabis purchases due to the risk of fraudulent parental permission and to delay this part of the program.

Response: The Board agrees with the commentator that it is critical that medical cannabis businesses avoid providing medical cannabis to unapproved minors. Medical cannabis facilities cannot facilitate the purchase of cannabis by minors except under limited statutorily approved circumstances and with sufficient safeguards to ensure that the medical cannabis was duly

recommended by an authorized practitioner and with knowledge and permission of a parent or guardian. The Board is not aware of any case of a minor forging their parent or guardian's approval to obtain access to the District or another state's medical cannabis program. Furthermore, any patient application filed with the agency is saved and ABCA can contact any minor's legal guardians to confirm their approval and signatures, conduct its own investigation of an application, and report the issue to law enforcement and child welfare authorities for further investigation.

In addition, it should be noted that even though minors may participate in the program (1) minors are not eligible for self-certification pursuant to D.C. Official Code § 7-1671.02(c)(1)(A), which is limited to persons 21 years of age and older; and (2) a minor may only register in the District's medical cannabis program if approved by their parent or guardian and with the recommendation of an authorized practitioner in accordance with D.C. Official Code § 71671.02(e)(1)-(2) and 22-C DCMR §§ 504.2 and 504.3. Finally, the Board emphasizes that it remains committed to ensuring that licensed medical cannabis businesses do not distribute medical cannabis to unapproved minors and that licensees that violate these rules may face severe sanctions.

Antoine Pritchett, II, indicated that rules related to adulterated cannabis should be amended to remediate adulterated product and that testing occur before the product is in its finished state. He also suggested that the Board look to the remediation rules adopted by Maryland.

Response: The Board is willing to consider allowing for remediation; however, based on the wide range of possible reasons product could fail required testing, the Board requires additional information about possible ways and scenarios where product can be remediated without negatively impacting the health, safety, and welfare of the public. The Board is further concerned that amending the rules to allow for testing before the product is finished creates a gap where contaminants and substances could enter the product without detection.

Antoine Pritchett, II, indicated concerns regarding the disclosure of fertilizers and nutrients to testing facilities, which could threaten the cultivation centers intellectual property and recipes for plant growth. Instead, Mr. Pritchett suggested adopting the nutrient management plan used by the State of Maryland.

Response: Current law requires that testing labs test for the presence and concentration of fertilizers and other nutrients; therefore, the regulations need to obtain this result.

Antoine Pritchett, II, indicated that leaf tissue sampling is too expensive and unnecessary.

Response: 22-C DCMR § 6510.2 does not require a "leaf tissue sample" and also permits other tests that elicit the necessary information; therefore, licensees may elect a different testing method if one is cheaper than a leaf tissue sample.

Antoine Pritchett, II, indicated the regulations permit a cultivation center to "only include the very best and top colas for testing" which may skew the results.

Response: 22-C DCMR § 6503.1 requires that products be divided into "homogenous batches";

therefore, if the actual product selected for testing is not sufficiently homogenous to the other products in the batch, then this may be deemed a violation or an improper test.

Antoine Pritchett, II, suggested that the industry standard for measuring residual solvents should be measured in parts per million (PPM) not milligrams per gram (mg per g).

Response: The microgram per gram standard for measuring residual solvents is used in California, which renders the regulations in accord with one of the largest cannabis markets in the United States on the issue of measuring residual solvents. ABCA will continue to study this issue and may in the future develop alternative testing measures as practices develop. Mr. Pritchett did not provide sufficient evidence that the proposed standard in his comment represents the industry standard. Nevertheless, the Board is willing to consider such evidence if provided.

Antoine Pritchett, II and other commentators indicated that the proposed regulations need to consider that Colorado's cannabis limits are based on daily limits and not monthly limits like the District. Antoine Pritchett, II, expressed concern that the regulations will encourage patients to buy more edibles and disadvantage cultivation centers that primarily sell dried flower. Many commentators expressed concern that the limit on concentrates and maximum THC limit was too low to satisfy patient demand and need as part of managing treatment plans for various conditions. Jen Brunenkant suggested that any problems regarding persons under 21 could be addressed by requiring a practitioner recommendation.

Response: The revised rulemaking has been amended to address this concern regarding the use of Colorado's cannabis purchase limits. The Board is willing to review the purchase limits in the future if the purchase limits are having a negative impact on patients or the industry. The Board will continue to study practices in other states and to review the concerns of patients, regulators, and the medical community regarding this issue.

The Board agrees with public comments that the amount of medical cannabis concentrate that can be possessed and consumed needs to be increased to reflect patient needs over a 30-day period and that the prior limits contained in the first rulemaking did not consider that Colorado's limits, including limits in its medical cannabis program, are daily limits and not monthly limits. The Board also changed the total amount of medical cannabis products that may be purchased or possessed in any form based upon the limits of Colorado's medical cannabis program. The Board notes that the medical cannabis concentrate limits for persons under 21 has been modified to take into account that Colorado's limits are daily limits and not monthly limits. The Board further intends to leave in the medical cannabis concentrate limits for persons under 21 as the Board is persuaded by the reasoning relied upon by Colorado in enacting the limitation to address the health, safety and welfare of persons under 21.

Antoine Pritchett, II, expressed concern regarding the burden the submission of plans puts on applicants and licensees.

Response: In the prior and current version of the emergency and proposed rules, the Board has eliminated the requirement to file various plans, which were part of the prior competitive application process, except for security plans. In particular, the Board has eliminated the

previously required staffing plan, product safety and labeling plan, business plan, educational material plan, environmental plan, cultivation plan, and the laboratory testing plan. The Board further notes that similar to the District's alcohol system, licensees will be permitted to change security plans by submitting them to the Board to replace any existing plan on file.

Antoine Pritchett, II, expressed concern about whether his business is eligible for social equity status.

Response: The Board cannot comment on whether a specific business is eligible for social equity status as part of the rulemaking process. Nevertheless, an existing licensee is welcome to apply to convert their existing license into a social equity license if they otherwise qualify for such status.

Antoine Pritchett, II, suggested that the Board should permit "tamper evident" packaging rather than "tamper proof" packaging, which is cheaper for licensees.

Response: The revised rulemaking has been amended to allow for licensees to utilize either "tamper proof" or "tamper evident" packaging that is difficult for children under 5 years of age to open. The Board notes that tamper evident packaging is permitted in other jurisdictions such as California and Maine. Cal. Bus. & Prof. Code § 26120; Me. Rev. Stat. tit. 22, § 2423-F.

Antoine Pritchett, II, and other commentators support the creation of a social equity advisory panel. Kinner & McGowan PLLC and Linda Greene suggested creating a subcommittee on the Advisory Committee comprised of medical cannabis licensees and industry stakeholders before November 1, 2023.

Response: The goal of the present rulemaking is to implement recently enacted medical cannabis legislation. The Board further notes that based on the timeline set by the legislation, there is insufficient time to convene an advisory panel and adopt any recommendations generated by such a committee. The Board emphasizes that anyone with proposed legislation, rules, and other policy changes are welcome to submit them to ABCA and the Board at any time for review and consideration and the Board appreciates the active involvement of the public in the notice and comment rulemaking process, following on the robust public involvement in the legislative process.

Rabbi James Kahn and Linda Greene support implementing temporary card changes earlier than the proposed October 2, 2023, date.

Response: The revised rulemaking was amended to implement the temporary card changes for non-residents with an earlier date of Monday, September 25, 2023, during a prior emergency. The current rules maintain this change.

Stephanie Kahn requested that the Board consider a workaround when ABCA is not open to address problems registering new non-resident patients.

Response: The rulemaking significantly addresses this concern by creating non-resident cards that are 90, 180, and 365 days in length. Specifically, issues that have arisen for patients regularly

attempting to renew a 30-day non-resident card will be reduced as a result of patients being able to obtain non-resident patient cards that are valid for up to 1 year.

Former Councilmember Yvette Alexander, on behalf of the D.C. Cannabis Trade Association, requested a reduction in fees for temporary patient cards. Other commentators also supported such a change.

Response: The Board's rules, as proposed, reduce the fee for a 30-day temporary non-resident card from $30 to $20. The proposed rules also create a new less expensive 3-day card that is available for $10.

The D.C. Cannabis Trade Association and other commentators advocated for ABCA to conduct a study as to the anticipated supply and demand of medical cannabis in order to inform the licensing process.

Response: The proposed study falls outside the scope of the present rulemaking but commentators are welcome to submit suggested information and data that the Board should collect and consider in making licensing and other policy decisions.

The D.C. Cannabis Trade Association recommended that internet retailers be limited to businesses with brick-and-mortar locations.

Response: Additionally requiring internet retailers to operate a brick-and-mortar location would require a legislative change as it appears contrary to the Council's decision to create separate license classes for retailer and internet retailer businesses and the statute prohibits an internet retailer from operating an establishment open to the public. D.C. Official Code § 7-1671.06(a)(4).

The D.C. Cannabis Trade Association requested the elimination of the sliding scale discount report required by the regulations. Norbert Pickett, Linda Greene, and Jen Brunenkant requested the elimination of the sliding scale discount.

Response: The Board agrees to eliminate the sliding scale reporting requirement. Further legislation would be required to eliminate the sliding scale discount program which is required by statute; however, the Board understands that it is having a harmful impact on licensees serving low-income neighborhoods.

Robin Walker Salas asked the Board to support providing additional education resources for patients.

Response: Production of such materials falls outside the scope of the rulemaking to implement the legislation enacted by the Council, but commentators are welcome to suggest topics, data, and information that should be generated or included in educational materials provided to patients or posted on ABCA's website or presented at community events for consideration.

ANC Commissioner Jeffrey Rueckgauer asked whether the 50 percent social equity set aside requirement applied to the system as a whole or to specific areas.

Response: The 50 percent set aside requirement applies to each of the specific retailer, internet retailer, courier, cultivation center, and manufacturer license categories. The 50 percent set aside requirement does not apply to the overall number of medical cannabis business licenses issued as a whole nor is it location dependent.

ANC Commissioner Jeffrey Rueckgauer requested that safe-use treatment facilities be required to have someone on staff certified to provide medical aid present.

Response: The Board considered the request to have staff present with certified medical training in medical cannabis consumption facilities; however, the Board is not aware of any other jurisdiction having such a requirement or evidence that such a costly requirement is necessary for the health, safety, and welfare of patients.

ANC Commissioner Jeffrey Rueckgauer requested that the smoking of cannabis products be prohibited within 25 feet of the property.

Response: The Board considered the request to create a 25 foot no smoking requirement around medical cannabis facilities; however, the Board does not have the authority to issue or enforce rules governing the behavior of non-licensees in public space. It should be further noted that public consumption of cannabis is already prohibited by law. D.C. Code § 48-911.01.

Barbara Biddle requested that the Board clarify the legality of hemp-derived food products and industrial hemp products and liberalize rules related to hemp derived products. She further suggested that the Board create licenses for cannabidiol (CBD) only businesses.

Response: Modifying the status of hemp derived products and cannabidiol (CBD) requires additional legislation modifying the legal definition of cannabis under District law and cannot be addressed by rulemaking. The Board agrees that this area of the law needs clarification.

Terrance White, Linda Greene, Grace Hyde and other commentators asked that the Board liberalize its advertising and signage rules.

Response: The Board will be exploring this issue further in a future rulemaking after receiving additional feedback from stakeholders.

Jen Brunenkant asked whether the revision to § 503.5 "implies that the internet retailer or retailer does not need to retain a copy of the ABCA issued non-resident card and their government-issued ID."

Response: The amendment to Title 7 creates three categories of patients: (1) a District resident; (2) a non-District resident registered in another state; and (3) a non-resident cardholder. Section 503.5 addresses the internet retailer and retailer's document retention requirement regarding a qualifying patient enrolled in another state's medical cannabis program; therefore, the patient may not have and is not required to have an ABCA issued card under that specific scenario, as they will be able to present their own state-issued documents.

Jen Brunenkant asked to exempt THC syringes sold in 250 mg, 500 mg, and 2,500 mg sizes similarly to how capsules and tinctures are exempted in § 5608.7.

Response: The Board has concerns regarding high THC products. As noted by the National Institute on Drug Abuse (NIDA), high THC products "deliver extremely large amounts of THC to the body, and their use has sent some people to the emergency room." National Institute on Drug Abuse, "Cannabis (Marijuana) DrugFacts," available at https://nida.nih.gov/publications/drugfacts/cannabis-marijuana (last visited Jul. 28, 2023). Furthermore, according to NIDA, high THC products carry a risk of mental health issues, including hallucinations, delusions, and psychosis. Id. These products carry further risks to new and inexperienced patients because if taken in edible form they may "consume more to feel the effects faster, leading to dangerous results." Id. Finally, "Higher THC levels may also mean a greater risk for addiction." Id.

Nevertheless, in the case of non-injectable syringes, which is generally taken orally, the Board will include them in the exemption for capsules and tinctures for two reasons. First, there is no evidence at this time that persons under 21 years of age are abusing this specific category of products or that this specific type of product is leading to harmful outcomes in other jurisdictions or the District. And second, where it has been shown that these products have been on the market for several years without objection from the Department of Health, the Board finds it appropriate to "grandfather" or carve out an exemption to the regulation's THC limits for this class of products.

Jen Brunenkant suggested that § 504.2 add the word "foreign" to permit "international patients" to participate in the medical cannabis program.

Response: This change is not needed as the term "non-resident cardholder" as defined in D.C. Code § 7-1671.01(13B) now includes the term "foreign country" and "foreign territory."

Jen Brunenkant asked whether § 1001.4 requires the printing out of records if stored electronically.

Response: If a licensee elects to solely use electronic records there is no obligation to create physical records. Electronic records may be transferred digitally or provided through the submission of a digital storage device if required to be submitted to ABCA.

Jen Brunenkant commented that internet and retailer licenses should be limited to one per person to promote ownership diversity.

Response: The combined limit in the proposed rules not allowing a licensee to hold more than 3 retailer and internet retailer licenses is consistent with D.C. Code § 7-1671.06(e)(1)(D), which contains the very same restriction.

Jen Brunenkant asked that the spousal conflict of interest rule found at § 5424 be eliminated in order to prevent spousal control of licenses as a way to collude to avoid the impact of the conflict-of-interest rules.

Response: Section 5424 is adapted from Title 23 of the D.C. Official Code. The Board generally opposes the adoption of rules and requirements that may violate the policy behind the D.C. Human Rights Act. Therefore, the Board opposes prohibiting both spouses from holding separate licenses because such a prohibition is inconsistent with District of Columbia policy as expressed by the D.C. Human's Right Acts prohibition on discrimination based on family relationships and marital status. D.C. Official Code § 2-1501.01 ("Every individual shall have an equal opportunity to participate fully in the economic, cultural and intellectual life of the District and to have an equal opportunity to participate in all aspects of life . . . ."); D.C. Official Code § 2-1402.11. Section 5424 creates clear guidelines for situations when both spouses own separate licenses in order to ensure compliance with existing law, and that without this section there would be no additional requirements whatsoever.

Jen Brunenkant commented that delivery drivers should be permitted to deliver to patients located curbside at their residence.

Response: Section 5624.7 allows for deliveries of medical cannabis to occur anywhere on the resident's property but not on public property, such as the sidewalk or curb. Current law requires delivery to the qualifying patient's address and not "on District government . . . property." D.C. Code § 7-1671.06E(a).

Jen Brunenkant expressed concern that the regulations do not indicate the legal responsibility of a retailer or internet retailer when using a courier.

Response: Retailers and internet retailers may be liable for the violations of a courier when it is shown the retailer engaged in a violation of a specific statute or regulation as part of the delivery transaction. Questions regarding specific scenarios that require clarification should be addressed to ABCA or the Board. The Board notes that in assessing the liability under the statute the Board will consider how the statutory language assigns responsibility, and may consider other general legal principles if relevant such as vicarious liability or respondeat superior in administrative enforcement actions on a fact-specific basis, but in general, the licensee is responsible for the acts of its agents. This is especially true in a regulated industry where the Board's powers to ensure compliance are strongest over licensees.

Jen Brunenkant raised concerns regarding the curbside delivery camera requirement.

Response: The Board has eliminated the requirement in § 5703.4(e) for curbside sales to be within view of the retailer's security camera system because the requirement is of limited utility when off-premise delivery is permitted without video recording being required, the sales are still tracked through METRC, and there is a low risk of diversion where illegal cannabis is generally cheaper than product sold through a licensed medical cannabis retailer.

Jen Brunenkant raised concerns regarding the regulation's allowance for the use of a summary suspension in the case of an assault on a government official in or around the establishment.

Response: The requirement in § 6203.2 mirrors a similar and long-standing authority in Title 25

of the D.C. Official Code governing the operation of the alcohol industry. The requirement is necessary because an assault on a government official raises questions about the operation of and the security measures in place at the medical cannabis facility. Furthermore, such a suspension may be warranted to permit an appropriate investigation of the incident. The Board notes that this type of suspension is short term and is subject to the right to an almost immediate hearing and decision on the suspension. Further, this type of authority is also necessary where the on-premises consumption of medical cannabis is now authorized by the additional safe-use treatment facility and summer garden endorsements.

Lauren Berlekemp asked that the Board consider allowing patients to engage in testing at testing labs. She further advocated for the creation of a public private partnership to establish a testing laboratory.

Response: Recent legislation passed by the Council allows for patient and caregiver testing at testing labs and this version of the rulemaking addresses this new privilege enacted by D.C. Official Code § 7-1671.05(11A)(A). Public investment or partnership with a testing laboratory likely would require the enactment of legislation authorizing such activity and appropriate funding that falls outside the scope of the Board's authority.

Phyto Cultivation requested that licensees should be permitted to provide their own training in lieu of providing a Board-certified trainer due to the expense.

Response: Nothing in the current regulations prevents a licensee from creating their own program for their own employees, having it certified by the Board, and then conducting their own in-house training and certification under the program.

Phyto Cultivation requested that the Board adjust the definition of waste to allow for the disposal of green waste.

Response: The matter of waste disposal requires additional study because waste disposal rules are administered by a separate D.C. Government agency and the transportation of medical cannabis waste, even if no THC is present, may create interstate commerce and federal law issues that need to be examined before any rule change to medical cannabis waste disposal can be implemented.

Linda Greene requested that the Board eliminate the sales tax on medical cannabis.

Response: The elimination of the 6% medical cannabis sales tax is outside the authority of the Board and requires a statutory change.

Michael Bobo suggested that caregivers be permitted to assist an unlimited number of patients.

Response: The Board agrees that this limit does not serve the interests of patients, and the Board has removed the previous limit of five (5) patients per caregiver.

Linda Greene, Camille Tindal, and others took issue with current mandatory training requirements

and suggested that the mandatory certified training of all employees be eliminated.

Response: The Board agrees with this change in part. The rules have been amended to only require managers to obtain mandatory training once every three-years from a Board-approved certified provider. Medical cannabis licensees are responsible for ensuring that their directors, officers, members, incorporators, agents, and employees have received training on District law, medical cannabis use, security and theft prevention once every three years; however, this training is not required to be from a Board-approved certified provider. These changes will help to reduce costs on the medical cannabis industry because the mandatory training can be provided in-house. Managers are still being required to obtain training from a Board approved certified provider once every three years because this position requires an additional level of knowledge to ensure compliance with the medical cannabis laws and regulations and mirrors the requirement for alcohol licensees.

III. BOARD ACTION

Based on the public comments and additional legislation enacted by the Council, the Board superseded the emergency and proposed rules and replaced it with the following emergency and proposed rulemaking.

The current emergency and proposed rulemaking maintain many of the changes adopted during the prior rulemakings. The current emergency and proposed rules provide additional clerical grammatical, style, and other minor changes for the purpose of clarity. In addition, the emergency and proposed rulemaking makes the following notable changes to the medical cannabis program:

1. Adopts and incorporates various laws, regulations, policies, procedures, and interpretations from Title 25 of the D.C. Official Code and Title 23 of the D.C. Municipal Regulations, which are currently administered by the Alcoholic Beverage and Cannabis Administration (ABCA), to promote agency efficiency, create consistency in the regulation of alcohol and medical cannabis, and further the transition of the Program from the Department of Health to ABCA. This includes creating a proposed application process, protest and enforcement hearing process, and the violation and penalty system based upon the District's current alcohol laws and regulations.

2. Changes all references to "Alcoholic Beverage Regulation Administration"; "ABRA"; and the "Alcoholic Beverage Control Board" to the "Alcoholic Beverage and Cannabis Administration"; "ABCA"; and the "Alcoholic Beverage and Cannabis Board," where appropriate, based upon the Act's changes to the agency and the Board's official name.

3. Changes all uses of the term "marijuana" to the term "cannabis" as used in the Act.

4. Changes the term "dispensary" to the term "internet retailer or retailer" as used in the Act where appropriate.

5. Uses the term "medical cannabis business" to refer to all medical cannabis business licenses, such as couriers, cultivation centers, internet retailers, manufacturers, retailers, testing laboratories, and any other license created under the Act or the regulations.

6. Clarifies, in §§ 301 and 5709, patient possession, purchase, and sale limits of medical cannabis and addresses products whose medical cannabis content cannot be accurately expressed in ounces, such as edibles, tinctures, and topical products, and limits the distribution of concentrated cannabis to persons between the ages of 18 and 20. These limits have been modified as a result of public comments received by the Board.

7. Continues to make new and renewed medical cannabis caregiver cards free.

8. Modifies, in § 501.2, the documents that are acceptable for demonstrating residency.

9. Amends the regulations in §§ 503.7 and 503.8 to allow nonresident patients to participate in the Program when their state relies on documents issued by authorized practitioners to demonstrate participation in the state's medical cannabis program. A new question asking for confirmation that a practitioner has determined the necessity of medical cannabis has been added. The language in § 503.7 is amended to provide additional clarity regarding its meaning and intent. These two provisions have been further amended in this rulemaking to allow the internet retailer or retailer to review and accept any valid unexpired government-issued identification card containing a photo of the patient regardless of jurisdiction. Of note, federal identifications with a photo, such as a passport, are also reliable, difficult to counterfeit, and provide accurate information regarding the residence of the purchaser.

10. Creates, in § 504, a temporary non-resident medical cannabis patient card. Section 504.1 was deleted because it expired on September 24, 2023 and is no longer applicable.

11. Creates, in § 505, a self-certification form as required by the Act. A question regarding the medical necessity for medical cannabis has been added to the form and a provision allowing the Board to investigate fraudulent certifications when warranted.

12. Eliminates, in § 601, the requirement of caregivers to obtain criminal background checks and the limit that caregivers register for no more than five (5) patients.

13. Eliminates, in §§ 701.1(f) and 701.2(f), except in the case of a minor, the requirement to provide a physician number, which is no longer necessary due to the addition of self-certification to the program.

14. Restores previously repealed § 801.1(i), in the authorized practitioner form, the requirement for a patient to execute a signed release of medical information, in the interest of protecting patient privacy.

15. Amends § 1002.2 to note that the time period for disclosing an investigative report is stayed pending Board review or other law enforcement investigation is complete.

16. Amends § 1010.1 to clarify when mandatory revocation is warranted based upon multiple violations of the medical cannabis laws and regulations.

17. Establishes, in Chapter 13, a new schedule of filing and annual fees for various licenses, endorsements, permits, and applications made available by ABCA. The standard application fee for a conditional testing laboratory license was reduced to $0 in § 1302.4(d).

18. Modifies, in § 1400.5, the term of service for advisory committee members from 9 years to 3 years.

19. Establishes, in §§ 1304 and 1305, that there shall be several tiers of cultivation center licenses based upon canopy size.

20. Establishes, in § 1305, that there shall be two types of manufacturer licenses based upon whether the business uses hazardous or flammable materials as part of an extraction process.

21. Amends § 1900 to address responses to inquiries regarding complaints filed with the agency and appropriate responses that may be provided by the agency.

22. Establishes, in Chapter 51, that medical cannabis business licenses shall be issued for three-year periods.

23. Establishes, in Chapter 54, the application, protest, and settlement agreement process related to medical cannabis business licenses, conditional licenses, and unlicensed establishments. Eliminates the competitive scoring system in favor of a non-competitive application process largely based on the District's current alcohol licensing process.

24. Adds § 5200.3 to address whether educational programs located in youth detention facilities qualify as schools. The Board deems such facilities to be primarily youth detention facilities, and not schools, because detained youth are not permitted to leave the facility and the detention of youth is the primary function of the facility.

25. Amends § 5404 to clarify what actions constitute a substantial change that requires additional application to the Board for approval.

26. Adds § 5413.7 to address situations where an individual obtains a license in violation of the conflict-of-interest laws and may merit an opportunity to come into compliance. For example, a person through no fault of their own could obtain a license or business as part of an inheritance or divorce settlement. Likewise, § 5424.1(a) was amended to recognize this possibility.

27. Amends § 5421.3 to clarify that the impact on schools, recreational centers, and overconcentration must relate to the criteria outlined in § 5421.2 and should relate to the appropriateness criteria described in § 5421.2.

28. Amends § 5423.2 to address trial procedures when there are multiple protestants while preserving the right for parties to have their interests represented by their chosen representative.

29. Amends § 5427.1 to limit protests to ANCs within 600 feet of the applicant's proposed location in accordance with D.C. Official Code §§ 7-1671.05(b)(18)(A) through (C), 7-1671.06a(h)(1) and 7-1671.06a(h)(2).

30. Deletes § 5450 regarding stipulated licenses because related legislation has not become law as of the time of this rulemaking. The Board will maintain the section in anticipation of addressing the issue in a future rulemaking.

31. Amends §§ 5602.1 and 5602.8 to address retailer, courier, and internet retailer delivery hours.

32. Eliminates, in § 5607.1(f), the requirement that the package or label contain the authorized practitioner name due to the addition of self-certification to the program.

33. Eliminates, in § 5607.13, confusing language stating that an internet retailer or retailer cannot open original packaging provided by the cultivation center or manufacturer because this contradicts authorization granted by § 5607.15 to repackage products sold in bulk form.

34. Eliminates, in §§ 5408.1(b) and 5409.1(b), the requirement that all persons applying for a personal employment license, except for a manager, obtain a training certificate from a Board-approved provider.

35. Amends § 5608 to apply manufacturing rules to newly created licenses that permit manufacturing besides the cultivation center license. This section has been rewritten to clarify serving size limits.

36. Exempts, in § 5608.7, capsules, tinctures, and non-injectable syringes not greater than 5,000 mg in size from special rules for ingestible items with high tetrahydrocannabinol (THC).

37. Eliminates, in §§ 5608.4 and 5608.6, prohibitions against brightly colored packaging, because the standard created by the rule is too vague and subjective. The rules also eliminate the requirement that medical cannabis chocolates only appear in black and white packaging. The reasoning behind the change is that producers should be permitted to advertise, brand, and differentiate their products from other products on the market and that alcohol products are not subject to the same restrictions.

38. Permits, in § 5614.2, some space sharing between medical cannabis businesses under specific conditions and with the approval of the Board.

39. Deletes §§ 5620.6(c), 5620.7 and 5620.8 related to pesticide use, recommendations, and publishing lists of useable pesticides, because these regulations do not create

enforceable standards and only express general policies and potential agency actions that do not need to be stated in the regulations.

40. Clarifies, in § 5615, the process for tracking medical cannabis and using the real-time electronic records system.

41. Establishes, in §§ 5624, 5625, and 5626, a retailer delivery endorsement, safe-use treatment facility endorsement, and a summer garden endorsement.

42. Establishes, in § 5627, mandatory training requirements for directors, officers, members, incorporators, agents, employees, and managers.

43. Moved prohibition on consumer possession and usage of cannabis products in an internet retailer or retailer location to § 5700.2 from the summer garden and safe-use treatment facility sections.

44. Deletes repetitive regulations in other sections that mirror the requirements of § 5703.3.

45. Eliminates the presumption, in § 5703.4, that the dispensing of medical cannabis did not occur if not captured by the establishment's cameras because the benefit, fairness, and utility of such a presumption is unclear and because it potentially makes prosecuting medical cannabis businesses for illegal cannabis sales off camera more difficult.

46. Eliminates the requirement in § 5703.4 that a retailer may only offer curbside pickup if the entire exchange of medical cannabis and medical cannabis products are captured on the retailer's video surveillance system because the requirement is of limited utility when off-premise delivery is permitted without video recording being required, the sales are still tracked through METRC, and there is a low risk of diversion where illegal cannabis is generally cheaper than product sold through a licensed medical cannabis retailer.

47. Amends, in Chapter 59, various books and records requirements to address the addition of new license classes by the Act.

48. Amends § 6409.21 to increase the acceptable total yeast and mold count to 100,000 CFU/g to conform with the standard adopted by Maryland's Cannabis Administration, which is noted in *The Maryland Cannabis Administration's Technical Authority for Cannabis Testing* (Revision 5.0) (see page 9).

49. Adds a new Chapter 65 and Chapter 66 to further specify and clarify testing standards and the prohibition on distributing adulterated cannabis.

50. Adds a new Chapter 67 to address the addition of the courier license by the Act.

51. Adds a new Chapter 96 to address the issuance of medical cannabis business license moratoriums.

52. Modifies the sliding scale discount program in Chapter 98 to eliminate the requirement to dedicate 2 percent of annual gross revenue, require the provision of the discount to all qualifying patients that qualify, eliminate revenue reporting requirements, modify the test to determine if a person is eligible for the sliding scale program, and create an affirmative defense for failing to provide the discount if the provision of medical cannabis would otherwise be in violation of the law.

53. Deletes the definition of pesticide in § 9900.1 because one was provided in the Act.

54. Adds various definitions in § 9900.1, including a definition for a "gun offense"; "fraud"; "locality"; "section"; "portion"; "METRC"; "overconcentration"; "tamper evident"; and "tamper proof." Other definitions are modified and deleted.

A similar emergency and proposed rulemaking was adopted by the Board on April 3, 2024, by a vote of 3 to 0, and became effective immediately on that date, except as otherwise stated, and superseded and replaced the prior emergency and proposed rules approved by the Board on December 6, 2023. The emergency rules would expire one hundred twenty (120) days from the date of adoption, or on Thursday, August 1, 2024 unless superseded.

The Board reconsidered this vote on April 11, 2024, because it was determined that the original proposed versions of 503.7 and 503.8 failed to consider the ability of persons that recently changed their residence and lack identification from their new state at the time of purchase to participate in the program. The rules were amended to address this concern for those patients that possess a completed written certification form from an authorized practitioner from the state or jurisdiction that they currently reside. As such, on April 11, 2024, in a 3-0 vote, the Board reconsidered and voted to replace the rules passed on April 3, 2024, with an amended version of the rules. The emergency rules were set to expire one hundred twenty (120) days from the date of adoption, or on Thursday, August 9, 2024, unless superseded.[1] On July 31, 2024, the Board voted 3 to 0, to adopt the Notice of Fifth Emergency and Proposed Rulemaking. The rulemaking was published on December 13, 2024 in the *District of Columbia Register* at 71 DCR 015088.

On November 20, 2024, the Board voted 5 to 0, to adopt this Notice of Sixth Emergency and Proposed Rulemaking. The rules were adopted on an emergency basis based on the Board's determination that they were "necessary for the immediate preservation of the public peace, health, safety, welfare, or morals," D.C. Official Code § 2-505(c) due to the nature of cannabis being an intoxicating substance that may impact human behavior, harmful to minors and adults if abused, and the potential for the industry to impact the quality of life of residents. As such, the current rules are necessary to immediately maintain (and fine-tune) previously adopted rules that were necessarily both to protect public safety, health, and welfare in this area and to maintain consistency with current law. This emergency rulemaking will expire in one hundred twenty (120) days from the date of adoption, or on Thursday, March 20, 2025, unless superseded.

The Board further finds that the issuance of this rulemaking is "necessary for the immediate

[1] The Board notes that the prior adoption of these rules in the Notice of Fourth Emergency and Proposed Rulemaking incorrectly stated that the rules expire on August 1, 2024. This was a typo, and it should have indicated that the rules expired on August 9, 2024.

preservation or promotion of the public peace, health, safety, welfare, or morals" in accordance with 1 DCMR § 311.5(d) for various reasons. It is well known that cannabis is potentially an addictive and intoxicating substance and federally illegal; therefore, change to sale limits, patient registration, enforcement, and other matters are necessary to protect the health of consumers. Furthermore, the Board is further aware that medical cannabis is consumed to treat various medical conditions that may be especially damaging to patient health if impurities, pesticides, and other substances are found in medical cannabis; therefore, the changes to the testing rules are necessary to preserve the health of patients. Therefore, the issuance of this rule as an emergency is necessary to protect the health, safety, and welfare of the public.

The Board also gives notice of its intent to adopt these proposed rules, in final, in not less than thirty (30) days from the date of publication of this notice in the *District of Columbia Register,* and upon completion of the thirty (30) day review period, excluding Saturdays, Sundays, legal holidays, and days of Council recess. *See* D.C. Official Code § 7-1671.13(b). The proposed rules will also be submitted to the Council for review. The proposed rules shall be deemed approved at the conclusion of the thirty (30) day review period if the Council does not approve or disapprove the proposed rulemaking in whole or in part. *See id*.

Subtitle C, MEDICAL MARIJUANA, of Title 22, HEALTH, of the District of Columbia Municipal Regulations, is amended as follows:

Strike the phrase "Alcoholic Beverage Regulation Administration" wherever it appears and insert the phrase "Alcoholic Beverage and Cannabis Administration" in its place.

Strike the phrase "Alcoholic Beverage Control Board" wherever it appears and insert the phrase "Alcoholic Beverage and Cannabis Board" in its place.

Strike the phrase "ABRA" wherever it appears and insert the phrase "ABCA" in its place.

Strike the word "marijuana" wherever it appears and insert the word "cannabis" in its place.

Strike the phrases "dispensary, cultivation center, or testing laboratory"; "cultivation center, dispensary, or testing laboratory"; "cultivation center, or dispensary or testing laboratory"; "cultivation centers, dispensaries, and testing laboratories"; "cultivation center, dispensary, or testing laboratory"; " registered cultivation center, dispensary, or testing laboratory"; "cultivation center or dispensary"; "dispensary, cultivation center or testing laboratory"; "registered cultivation center or dispensary" wherever they appear and insert the phrase "medical cannabis business" or "a medical cannabis business" in their places and as appropriate.

Strike the words "dispensary" or "a dispensary" where they appear and insert the phrases "internet retailer or retailer" or "an internet retailer or retailer" in their respective places.

Strike the phrase "his or her" wherever it appears and insert the word "their" in its place.

The heading is amended to read as follows:

Subtitle C, MEDICAL CANNABIS

Chapter 1, GENERAL PROVISIONS, is amended as follows:

Section 100, APPLICABILITY, is amended as follows:

Subsections 100.3 and 100.4 are repealed.

A new Section 101, SIGNATURE REQUIREMENTS, is added to read as follows:

101 SIGNATURE REQUIREMENTS

101.1 Where the Act or this subtitle requires a signature, the requirement shall be satisfied by a wet ink signature, e-signature, digital signature, clickwrap signature, or any other mark demonstrating an intent to sign unless a specific type of signature is specifically required by the Act or this subtitle.

Chapter 2, CONDITIONS OF REGISTRATION, is amended as follows:

Section 200, GENERAL PROVISIONS, is amended as follows:

Subsection 200.4 is amended to read as follows:

200.4 The applications for a patient or caregiver registration shall specifically recite, verbatim, each of the following notices:

(a) **Limitation of Liability** -- To the extent provided by Section 12 of the Act (D.C. Official Code § 7-1671.11), the District of Columbia shall not be liable to the registrant, its employees, agents, business invitees, licensees, customers, clients, family members, or guests for any damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from a person's participation in the District of Columbia's medical cannabis program, including: any fire, robbery, theft, mysterious disappearance, or any other casualty; or injury arising from the use of medical cannabis obtained through the program. This Limitation of Liability provision shall survive expiration or the earlier termination of this registration if such registration is granted; and

(b) **Federal Prosecution** -- The United States Congress has determined that cannabis is a controlled substance and has placed cannabis in Schedule I of the Controlled Substance Act. Growing, distributing, and possessing cannabis in any capacity, other than as a part of a federally authorized research program, is a violation of federal laws. The District of Columbia's law authorizing the District's medical cannabis program will not excuse any person from any violation of the federal laws governing cannabis or authorize any person to violate federal laws.

Subsection 200.11(a) is amended to read as follows:

(a) Within forty-eight (48) hours after discovery, provide verbal notification to the Board or the Board's designee;

Chapter 3, USE OF MEDICAL MARIJUANA, is renamed USE OF MEDICAL CANNABIS and amended as follows:

Section 300, USE BY QUALIFYING PATIENT, TRANSPORTATION BY CAREGIVER, AND LIMITATIONS ON MEDICAL MARIJUANA, is renamed and amended to read as follows:

300 MEDICAL USE OF CANNABIS

300.1 A qualifying patient shall only purchase, possess, and administer medical cannabis, or use paraphernalia, for treatment of a qualifying medical or dental condition or the side effects of a qualifying medical treatment after:

(a) Obtaining a signed, written recommendation from an authorized practitioner within the last two (2) years in accordance with the Act, except for individuals twenty-one (21) years of age and older, who shall be permitted to self-certify on a form provided by ABCA that they are utilizing cannabis for medical purposes as part of the registration process, and registering with ABCA; or

(b) Enrolling in another jurisdiction's medical cannabis program.

300.2 A qualifying patient or caregiver shall only purchase, possess, dispense, use, administer, or assist in the administration of medical cannabis, medical cannabis products, and paraphernalia obtained from an internet retailer or retailer licensed with the Board. A qualifying patient or caregiver may purchase medical cannabis, medical cannabis products, and paraphernalia at any internet retailer or retailer that is licensed with the Board.

300.3 A qualifying patient or caregiver shall only transport medical cannabis and medical cannabis products in a container or sealed package bearing the label received from the internet retailer or retailer.

300.4 A qualifying patient or caregiver shall not use or administer medical cannabis or medical cannabis products at a medical cannabis business, except that a qualifying patient or caregiver may use or administer medical cannabis at a Board-approved safe-use treatment facility, summer garden, or educational activity that occurs at a licensed retailer.

300.5 Medical cannabis shall only be administered by or to a qualifying patient at:

(a) The qualifying patient's residence, if permitted by the property owner;

(b) If permitted by the landlord, the residence of an individual who has given permission to the qualifying patient to administer medical cannabis at their residence;

(c) A medical treatment facility when receiving medical care for a qualifying medical or dental condition or a qualifying medical or dental treatment, if permitted by the medical treatment facility;

(d) A Board-approved safe-use treatment facility, summer garden, or educational activity that occurs at a licensed retailer; or

(e) To the extent consistent with federal law, a school where the qualifying patient is enrolled, if the school has a policy in place for allowing the administration of medication at school and medical cannabis is administered in a non-smokeable form.

300.6 A qualifying patient who is a minor shall only purchase, possess, use, and administer medical cannabis, medical cannabis products, and paraphernalia after receiving: (1) a recommendation from an authorized practitioner and registering with ABCA and (2) a signed, written statement from the minor's parent or legal guardian that is submitted with the minor's ABCA registration. The signed, written statement shall affirm that the parent or legal guardian:

(a) Understands the qualifying medical or dental condition or qualifying medical or dental treatment of the minor;

(b) Understands the potential benefits and adverse effects of the use of medical cannabis in general, and specifically, in the case of the minor;

(c) Consents to the use of medical cannabis for the minor's qualifying medical or dental condition or qualifying medical or dental treatment;

(d) Consents to, or designates another adult to, serve as the caregiver for the minor qualifying patient; and

(e) Consents that the caregiver shall control the acquisition, possession, dosage, and frequency of use of medical cannabis by the minor qualifying patient.

300.7 Nothing in the Act or this subtitle shall be construed as permitting a qualifying patient to:

(a) Undertake any task under the influence of medical cannabis when doing so would constitute negligence or professional malpractice; or

(b) Operate, navigate, or be in actual physical control of any motor vehicle, scooter, bicycle, e-bike, aircraft, or motorboat while under the influence of medical cannabis.

300.8 No qualifying patient or caregiver shall use butane or other explosive gases to extract or separate resin from cannabis, or tetrahydrocannabinol from cannabis, or in any other manner.

Section 301, BARRING NOTICES, is renumbered as a new Section 302.

Section 301 is then renamed and amended to read as follows:

301 MEDICAL CANNABIS POSSESSION AND PURCHASE LIMITS

301.1 The maximum amount of medical cannabis or medical cannabis products a qualifying patient or caregiver may possess at any time or purchase from a licensed internet retailer or retailer within a 30-day period, whether individually or in combination, is:

(a) Eight (8) ounces of dried medical cannabis; or

(b) Two hundred and forty (240) grams of medical cannabis concentrate for a patient twenty-one (21) years old of age or older, or sixty (60) grams of medical cannabis concentrate for a patient between eighteen (18) and twenty (20) years old; or

(c) Medical cannabis products in any form containing a combined total of six hundred thousand milligrams (600,000 mg) of THC.

Chapter 5, QUALIFYING PATIENTS, is amended as follows:

Section 500, QUALIFICATION FOR PATIENT REGISTRATION, is amended as follows:

Subsection 500.1(c) is amended to read as follows:

(c) Have a signed recommendation from an authorized practitioner, or if twenty-one (21) years of age or older, self-certify on a form provided by ABCA, for the use of medical cannabis meeting the requirements of this chapter; and

Section 501, RESIDENCY, is amended as follows:

Subsection 501.2(b) is amended to read as follows:

(b) At least one (1) of the following items:

(1) A valid unexpired lease or rental agreement in the name of the applicant on a District of Columbia residential property;

(2) A pay stub issued less than forty-five (45) days prior to the application date which shows evidence of the applicant's withholding of District income tax;

(3) Current official documentation of financial assistance received by the applicant from the District Government including, but not limited to Temporary Assistance for Needy Families (TANF), Medicaid, the State Child Health Insurance Program (SCHIP), Supplemental Security Income (SSI), housing assistance, or other governmental programs;

(4) A current motor vehicle registration in the name of the applicant evidencing District residency;

(5) A valid unexpired District motor vehicle operator's permit or other official non-driver identification in the name of the applicant;

(6) Bank statements, utility bills, and telephone bills, including cell phone bills from a period within the two (2) months immediately preceding the application date in the name of the applicant on a District of Columbia residential address; or

(7) Any other document that, in the judgment of the Board, demonstrates that the applicant is a current resident.

Section 502, QUALIFYING PATIENTS APPLICATION, is amended as follows:

Subsection 502.1(e) is amended to read as follows:

(e) Either a signed and dated authorized practitioner's recommendation for the use of medical cannabis meeting the requirements of this chapter, that is dated not more than two (2) years prior to the application date, or a signed ABCA self-certification form;

Section 503, NONRESIDENT QUALIFYING PATIENTS, is amended as follows:

Subsection 503.1 is amended to read as follows:

503.1 Before dispensing medical cannabis to a nonresident qualifying patient, a registered internet retailer or retailer shall:

(a) Verify the nonresident qualifying patient's identity through comparison of their unexpired government-issued identification card and either their temporary medical cannabis patient card issued by ABCA or a valid, unexpired nonresident patient card or state-issued or U.S. territory-issued document from the jurisdiction that the patient resides; and

(b) Confirm through the real-time electronic records system that the nonresident qualifying patient has not reached the allowable medical cannabis purchase limits for the thirty (30)-day period.

Subsection 503.2 is amended to read as follows:

503.2 An internet retailer or retailer shall not dispense medical cannabis to a nonresident qualifying patient that does not hold either a temporary medical cannabis patient card issued by ABCA or a valid unexpired nonresident patient card or state-issued or U.S. territory-issued document from the jurisdiction that the patient resides.

Subsection 503.3 is repealed.

Subsection 503.4 is amended to read as follows:

503.4 A licensed internet retailer or retailer shall not dispense medical cannabis to a nonresident qualifying patient if ABCA determines that there is a shortage of medical cannabis or the real-time electronic records system is inactive.

Subsection 503.5 is amended to read as follows:

503.5 In the case of purchase by a nonresident qualifying patient that does not hold a temporary medical cannabis patient card issued by ABCA, the internet retailer or retailer shall retain a copy of both the nonresident patient card or state-issued or U.S. territory-issued document, and a copy of the government-issued identification card.

New Subsections 503.7 and 503.8 added to read as follows:

503.7 Notwithstanding § 503.1(a) and § 503.2 an internet retailer or retailer may satisfy § 503.1(a) and § 503.2 and dispense medical cannabis and medical cannabis products to a nonresident patient by verifying the nonresident patient's identity through a comparison of:

(a) An unexpired government-issued identification card of the patient;

(b) If required by the issuing jurisdiction, proof of residency in the other

jurisdiction, along with any other document necessary to prove enrollment in the other jurisdiction's program; and

(c) A written certification form issued by the patient's state or jurisdiction of residence that has been completed by an authorized practitioner provided the state or jurisdiction's written certification form contains:

(1) The name, address, and telephone number of the practitioner;

(2) The name of the qualifying patient presenting the written certification form;

(3) The date the certification form was issued by the practitioner;

(4) The signature or electronic signature of the practitioner; and

(5) Confirmation that the authorized practitioner has determined that medical cannabis is appropriate for the treatment of a qualifying medical or dental condition or a side effect of a qualifying medical or dental treatment, that is consistent with the standard of care in that jurisdiction.

503.8 In the case of purchase by a nonresident qualifying patient utilizing a written certification form issued by another state or jurisdiction that has been completed by an authorized practitioner, the internet retailer or retailer shall use the number on the unexpired government issued identification card as the non-resident's patient number.

A new Section 504, TEMPORARY NON-RESIDENT MEDICAL CANNABIS PATIENT CARD, is added to read as follows:

504 TEMPORARY NON-RESIDENT MEDICAL CANNABIS PATIENT CARD

504.1 A non-resident qualifying patient visiting the District of Columbia may apply to ABCA to receive a temporary non-resident medical cannabis patient card that is either 3 days, 30 days, 90 days, 180 days or 365 days in length.

504.2 To apply for a temporary non-resident medical cannabis patient card, an applicant shall submit a complete application to ABCA on the required forms, which shall include:

(a) The applicant's full legal name and date of birth;

(b) One (1) recent passport-type photograph of the applicant's face measuring two inches by two inches (2 in. x 2 in.), which clearly expose the area from the top of the forehead to the bottom of the chin;

(c) One (1) clear photocopy of a photo ID issued by a U.S. state, U.S. territory, the District of Columbia, or a foreign government-, such as a driver's license or passport, as proof of identity;

(d) A signed and dated written authorized practitioner's recommendation for the use of medical cannabis meeting the requirements of this chapter, that is dated not more than two (2) years prior to the application date, except for individuals twenty-one (21) years of age and older, who shall be permitted to self-certify on a form provided by ABCA that they are utilizing cannabis for medical purposes as part of their application;

(e) Designation of the individual who will serve as the patient's caregiver, if applicable; and

(f) Payment of the required application fee.

504.3 An applicant applying for a temporary non-resident medical cannabis patient card who is a minor shall further provide that the application is completed by the parent or legal guardian of the minor, and includes

(a) All of the information required by Section 504.2; and

(b) A signed written statement from the minor's parent or legal guardian attesting to the information set forth in § 300.6.

504.4 A minor shall not be issued a temporary non-resident medical cannabis patient card until a registered caregiver is designated on the application and the caregiver has been issued a medical cannabis caregiver registration card from ABCA.

504.5 After the expiration of a temporary non-resident medical cannabis patient card, the nonresident cardholder may apply to ABCA to be issued another temporary non-resident identification card.

A new Section 505, SELF-CERTIFICATION FORM, is added to read as follows:

505 SELF-CERTIFICATION FORM

505.1 The ABCA Self-Certification Form shall require the following information:

(a) Name;

(b) Address;

(c) Date of Birth;

(d) Age; and

(e) Whether the applicant has any condition for which treatment with medical cannabis would be beneficial, as determined by an authorized practitioner, or is undertaking a qualifying medical or dental treatment.

505.2 The ABCA Self-Certification Form shall require the qualifying patient to make the certifications required by D.C. Official Code §§ 7–1671.02(c) and 7-1671.05(b)(3).

505.3 Any qualifying patient registration card containing a self-certification form that was issued to a person under the age of twenty-one (21) or who has otherwise falsified information contained in the self-certification form shall be revoked.

505.4 If the Board has cause to believe that a self-certification form is false or otherwise filed in violation of this title or this subtitle, the Board may require the qualifying patient to demonstrate through the submission of evidence that the self-certification is valid.

505.5 A qualifying patient required to submit proof of their self-certification shall have 15 calendar days unless extended by the Board to file appropriate documentation of their condition or treatment. If the qualifying patient fails to respond, then the Board may immediately revoke their registration.

Chapter 6, CAREGIVERS, is amended as follows:

Section 601, CAREGIVER QUALIFICATIONS, is amended as follows:

Subsections 601.1(c) and 601.1(d) are amended to read as follows:

(c) Not previously had its registration revoked by the Board to serve as a caregiver; and

(d) Be at least eighteen (18) years of age.

Subsection 601.1(e) is repealed.

Section 602, CAREGIVER APPLICATION, is amended as follows:

Subsection 602.1(b) is amended by striking the phrase "Two recent passport type photographs" **and inserting the phrase** "One (1) recent passport-type photograph" **in its place.**

Subsections 602.1(c) and 602.1(d) are amended to read as follows:

(c) One (1) clear photocopy of a photo ID issued by a U.S. state, U.S. territory, the District of Columbia, or a foreign government-, such as a driver's license or passport, as proof of identity; and

(d) The caregiver's residential address, which shall not be a post office box number.

Subsection 602.1(e) is repealed.

Subsection 602.1(f) is repealed.

Subsection 602.2 is repealed.

Section 603, MARIJUANA OBTAINED FROM DESIGNATED DISPENSARY, is amended as follows:

The heading is amended to read as follows:

603 MEDICAL CANNABIS OBTAINED FROM INTERNET RETAILER OR RETAILER

Subsection 603.1(b) is amended to read as follows:

(b) Purchase medical cannabis from unlicensed sources; or

CHAPTER 7, REGISTRATION CARDS, is amended as follows:

Section 700, ISSUANCE OF REGISTRATION CARDS, is amended as follows:

Subsection 700.2 is amended to read as follows:

700.2 A registration identification card issued pursuant to this chapter shall expire two (2) years after the date of issuance and may be renewed in accordance with the renewal provisions under this chapter. Upon receipt of a complete application, ABCA shall issue the applicant a temporary patient registration card that shall be valid for thirty (30) days.

Section 701, CONTENTS OF REGISTRATION CARDS, is amended to read as follows:

Subsection 701.1(f) is amended to read as follows:

(f) The District of Columbia medical license number of the recommending physician, if the qualifying patient is a minor.

Subsection 701.2(f) is amended to read as follows:

(f) The District of Columbia medical license number of the recommending physician, if the qualifying patient is a minor.

Section 702, RENEWAL OF REGISTRATION CARDS, is amended as follows:

Subsection 702.1(a)(3) is amended to read as follows:

(3) A signed and dated written recommendation from an authorized practitioner for the use of medical cannabis meeting the requirements of this chapter, that is dated not more than two (2) years prior to the application date or, for patients twenty-one (21) years of age and older, a signed ABCA self-certification form; and

Subsection 702.2(c) is amended to read as follows:

(c) A signed and dated written recommendation from an authorized practitioner for the use of medical cannabis meeting the requirements of this chapter, that is dated not more than two (2) years prior to the application date or, for patients twenty-one (21) years of age and older, a signed ABCA self-certification form;

Chapter 8, RECOMMENDING AUTHORIZED PRACTITIONERS, is amended as follows:

The heading is amended to read as follows:

Chapter 8 AUTHORIZED PRACTITIONERS

Section 801, FORM OF RECOMMENDATION, is amended follows:

Section 801.1(h) is amended to read as follows:

(h) The authorized practitioner’s signature and date.

Section 801.1.(i) is amended to read as follows:

(i) The qualifying patient's signed consent for the release of medical or dental information related to the patient's qualifying medical or dental condition or treatment.

Section 803, NO OFFICE AT A DISPENSARY, CULTIVATION CENTER, OR TESTING LABORATORY, is amended as follows:

The heading is amended to read as follows:

803 PROHIBITED OFFICE LOCATIONS

Chapter 10, ENFORCEMENT ACTIONS, is amended as follows:

The heading is amended to read as follows:

Chapter 10 ENFORCEMENT

Section 1000, COMPLAINTS AGAINST PATIENTS, CAREGIVERS OR RECOMMENDING AUTHORIZED PHYSICIANS, is deleted, renamed, and replaced to read as follows:

1000 ENFORCEMENT AUTHORITY

1000.1 The Board and ABCA shall have the authority to enforce the provisions of the Act and this subtitle with respect to licensees, any premises where an application pursuant to the Act has been filed, and unlicensed establishments.

1000.2 ABCA investigators may issue citations for civil violations of the Act and this subtitle that are set forth in the schedule of civil penalties.

1000.3 A citation for any violation for which the penalty includes the suspension of a license shall be issued under the direct authority of the Board as a result of an investigation carried out by ABCA investigators.

1000.4 Violations committed by an unlicensed person selling cannabis in violation of the provisions of the Act and the regulations may be referred by the Board to the Office of the Attorney General for investigation and prosecution.

1000.5 ABCA investigators may request and check the identification of a patient or caregiver inside of or attempting to enter a licensed medical cannabis facility. ABCA investigators may seize evidence that substantiates a violation under the Act and the regulations, which may include seizing cannabis and cannabis products sold to unregistered minors and unauthorized persons and fake identification documents used by minors and other unauthorized persons to register or be licensed with ABCA.

1000.6 ABCA investigators may seize a medical cannabis license or registration from an establishment or individual if:

(a) The license has been suspended, revoked, or cancelled by the Board;

(b) The license has expired;

(c) The license has been tampered with, altered, belongs to another person, or otherwise used in a fraudulent manner;

(d) The medical cannabis facility is no longer in existence; or

(e) The medical cannabis facility has been closed by another District government agency.

1000.7 ABCA investigators are authorized to conduct announced and unannounced, as well as undercover, inspections and investigations of all licensees and any premises

where an application for licensure has been filed.

Section 1001, [REPEALED], is renamed and amended to read as follows:

1001 EXAMINATION OF PREMISES AND BOOKS AND RECORDS

1001.1 An applicant for a license, and each licensee, shall allow an ABCA investigator or any member of ABCA's enforcement division a full opportunity to examine, at any time during business hours:

(a) The premises where medical cannabis or medical cannabis products are cultivated, manufactured, kept, sold, delivered, tested, or consumed for which an application for a license or endorsement has been made or for which a license or endorsement has been issued; and

(b) The books and records of the business for which an application for a license has been made or for which a license has been issued. This shall include the license holder's confidential records, including those related to qualifying patients, nonresident qualifying patients, caregivers, and authorized practitioners.

1001.2 ABCA investigators shall examine the premises and books and records of each licensed medical cannabis facility in the District at least once each year. The investigators shall make reasonable efforts to ensure that the licensee will know in advance the date of the inspection.

1001.3 All books and records required to be maintained by a licensee shall be maintained at the licensed premises unless a separate location in the District is approved by the Board.

1001.4 Notwithstanding § 1001.3, a medical cannabis facility may store its books and records electronically; provided that they provide the ABCA investigator, or another employee of ABCA's enforcement division with access to the electronic records during normal business hours and produce the physical books and records within forty-eight (48) hours of notice of an inspection.

Section 1002, REVOCATION, SUSPENSION, OR FINES – GENERAL PROVISIONS, is deleted, renamed, and replaced to read as follows:

1002 NOTICE OF INVESTIGATIVE REPORTS

1002.1 ABCA shall provide a licensee with an ABCA investigative report that may result in a show-cause civil enforcement hearing by ABCA within 90 days of the date upon which the incident occurred.

1002.2 The requirement in subsection § 1002.1 of this section shall be stayed if

the report is referred to another federal, state, or District agency for investigation and such investigation remains pending.

1002.3 A licensee that has not received an investigative report in compliance with § 1002.1 may petition the Board to obtain a copy of the document.

Section 1003, NOTICE OF CONTEMPLATED ACTION AND HEARING, is deleted, renamed, and replaced to read as follows:

1003 AUTHORIZATION TO ISSUE FINES, SUSPEND, AND REVOKE LICENSES

1003.1 The Board may fine, as set forth in the schedule of civil penalties, and suspend or revoke the license of, any licensee during the license period if the licensee violates any provision of the Act or this subtitle.

Section 1004, NOTICE OF SUMMARY SUSPENSION OR REVOCATION ACTION AND HEARING, is deleted, renamed, and replaced to read as follows:

1004 GENERAL VIOLATIONS

1004.1 It shall be a violation when:

(a) The licensee violates any of the provisions of the Act or this subtitle;

(b) The licensee fails to superintend in person, or through a manager approved by the Board, the facility for which the license was issued;

(c) The licensee interferes or fails to cooperate with an ABCA investigation;

(d) The licensee fails to follow its settlement agreement;

(e) The licensee fails to follow its security plan or other plan submitted as part of its license application;

(f) The licensee fails to follow a Board order or condition;

(g) The licensee fails to follow the terms of its license approved by the Board;

(h) The licensee purposely or knowingly destroys evidence of a crime;

(i) The licensee directly or indirectly gives, offers, or promises anything of value to an ABCA investigator, or offers or promises any ABCA investigator to give anything of value to any other person or entity, with the intent to:

(1) Influence any official act or investigation;

(2) Influence an ABCA investigator to commit or aid in committing, collude in, or allow any fraud on the Board; or

(3) Induce an ABCA investigator to do or omit to do any act in violation of the lawful duty of the ABCA investigator; or

(j) The licensee knowingly tampers with evidence. For purposes of this paragraph, the term "tampers with evidence" means any action that destroys, alters, conceals, or falsifies any sort of evidence.

A new Section 1005, UNLAWFUL AND DISORDERLY PURPOSE VIOLATION, is added to read as follows:

1005 UNLAWFUL AND DISORDERLY PURPOSE VIOLATION

1005.1 It shall be a violation for the licensee to allow the licensed establishment to be used for any unlawful purpose contrary to District law.

1005.2 A single incident of criminal assault as defined in Chapter 4 of Title 22 of the D.C. Official Code, criminal sexual abuse as defined in Chapter 30 of Title 22 of the D.C. Official Code, or crime of violence as defined in D.C. Official Code § 23-1331(4) shall be sufficient to prove a violation of Subsection 1005.1 of this section; provided, that the licensee has engaged in a method of operation that is conducive to unlawful or disorderly conduct.

1005.3 A violation of 1005.1 shall not require the showing of a criminal conviction but only substantial evidence that the criminal conduct occurred.

A new Section 1006, [RESERVED], is added to read as follows:

1006 [RESERVED]

A new Section 1007, PROHIBITION ON UNAUTHORIZED SALES, is added to read as follows:

1007 PROHIBITION ON UNAUTHORIZED SALES

1007.1 A licensee shall not deliver, dispense, give, sell, or serve medical cannabis, medical cannabis products, or paraphernalia to the following persons at the time of purchase:

(a) A person who is not a registered qualifying patient, caregiver, or otherwise authorized to purchase medical cannabis, medical cannabis products, or paraphernalia; or

(b) A minor unless the person holds a valid and unexpired medical cannabis patient card issued by ABCA or another jurisdiction and is accompanied by a parent or legal guardian.

1007.2 No licensee shall permit the possession or consumption of medical cannabis or medical cannabis products by a minor at the licensed facility unless the minor:

(a) is a qualifying patient at a Board-approved safe-use treatment facility, summer garden, or educational activity;

(b) Holds a valid and unexpired medical cannabis patient card issued by ABCA or another jurisdiction; and

(c) Is accompanied by a parent or legal guardian.

1007.3 Any stayed suspension days imposed by the Board shall activate and be served by the licensee upon a finding by the Board that the licensee has committed another violation of this section within one year of the date that the violation that resulted in the stayed suspension was adjudicated.

1007.4 It shall be an affirmative defense to a charge under this section that the licensee or the licensee's agent was shown and inspected a fake or fraudulent identification document from the patient of such quality, and that lacked any of the indicia of a fake or fraudulent identification document, that a reasonable person would believe that it was valid. For the purposes of this subsection, if at the time of inspection, any of the following were present, the presumption shall be that a reasonable person would not believe that the identification document shown by the patient or the patient's caregiver was valid:

(a) The identification was visibly damaged;

(b) The identification lacked the physical materials or features of the valid identification being imitated;

(c) The photograph contained in the identification that was shown did not match the bearer;

(d) The identification is displayed past the printed expiration date; or

(e) The licensee or their agent knew or had reason to know the person who self-certified to obtain a patient registration card from ABCA was under the age of twenty-one (21).

A new Section 1008, ILLEGAL CONSUMPTION, is added to read as follows:

1008 ILLEGAL CONSUMPTION

1008.1 A licensee that does not hold a safe-use treatment facility endorsement, summer garden, or an education tasting endorsement shall not allow any person to consume, inhale, or otherwise use medical cannabis or medical cannabis products on the premises or possess medical cannabis or medical cannabis products on the premises in an open or unsealed container.

A new Section 1009, OPEN CONTAINERS, is added to read as follows:

1009 OPEN CONTAINERS

1009.1 No licensee shall knowingly permit a person to leave the premises with an open or unsealed container of medical cannabis or medical cannabis products.

A new Section 1010, MANDATORY REVOCATION, is added to read as follows:

1010 MANDATORY REVOCATION

1010.1 The Board shall revoke the license of a licensee as a result of any of the following events during the period for which the license was issued:

(a) The licensee has been convicted of multiple violations of the terms of the Act or this title in accordance with 22-C DCMR § 6301.1(e);

(b) The licensee has knowingly permitted, in the licensed establishment:

(1) The illegal sale, or negotiations for sale, or the use, of any controlled substance identified in the Controlled Substances Act; or

(2) The possession, other than for personal use, or sale, or negotiations for sale, of drug paraphernalia in violation of the Controlled Substances Act or the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1101 *et* seq.), except for medical cannabis, medical cannabis products, and medical cannabis paraphernalia;

(c) The licensee has been convicted of a felony after the issuance of the license if the felony constitutes a crime of violence, a gun offense, tax evasion, fraud, or credit card fraud; or

(d) The licensee has been convicted of assaulting an ABCA investigator or other District government official while the investigator or other official was conducting an investigation or performing other governmental functions.

1010.2 For the purposes of this section:

(a) The term "personal use" means the possession of drug paraphernalia in circumstances where there is no evidence of an intent to distribute or manufacture a controlled substance; and

(b) Successive sales or negotiations for sale shall be deemed evidence of knowing permission.

Chapter 12, INVESTIGATIONS AND INSPECTIONS, is renamed and amended to read as follows:

Chapter 12 [RESERVED]

Chapter 13, FEES, is amended as follows:

Section 1300, REGISTRATION, RENEWAL, AND REPLACEMENT FEES, is renamed and amended to read as follows:

1300 PATIENT AND CAREGIVER REGISTRATION FEES

1300.1 The registration, renewal, and replacement fees for a two (2) year patient or caregiver registration or other patient card are as follows:

(a) Initial registration fee for a qualifying patient - $0.00;

(b) Initial registration fee for a caregiver - $0.00;

(c) Renewal fee for a qualifying patient - $0.00;

(d) Renewal fee for a caregiver - $0.00;

(e) Replacement card fee - $10.00;

(f) The fee for a physical patient or caregiver registration card beginning on August 11, 2023 - $10.00;

(g) The fee for a 30-day temporary non-resident medical cannabis patient card shall be $30.00 until September 24, 2023;

(h) Beginning on September 25, 2023, the fees for a temporary non-resident medical cannabis patient card fee are as follows:

(1) Temporary non-resident medical cannabis patient card fee (3 days) - $10.00;

(2) Temporary non-resident medical cannabis patient card fee (30 days) - $20.00;

(3) Temporary non-resident medical cannabis patient card fee (90 days) - $50.00;

(4) Temporary non-resident medical cannabis patient card fee (180 days) - $75.00; and

(5) Temporary non-resident medical cannabis patient card fee (365 days) - $100.00.

1300.2 Notwithstanding the initial or renewal application fees for a qualifying patient set forth in § 1300.1(a)-(d), a qualifying patient who files an initial or renewal application by August 10, 2023, shall receive a two-year registration card at no cost.

1300.3 Beginning on August 11, 2023, ABCA shall only issue a qualifying patient or caregiver a digital registration card. On or after August 11, 2023, a qualifying patient or caregiver may request a physical card from ABCA for a fee of $10.00.

1300.4 A qualifying patient who establishes pursuant to § 1300.5 that their income level is equal to or less than two hundred percent (200%) of the federal poverty level, shall be entitled to purchase medical cannabis directly, or through a caregiver, on a sliding scale from a licensed internet retailer or retailer in the District of Columbia if the qualifying patient satisfies the Board of the following:

(a) That the individual is a current Medicaid or DC Alliance recipient or eligible for Medicaid or to participate in the DC Alliance program; or

(b) Documentation verifying that the individual's total gross income and other financial resources, including child support payments, alimony and rent payments received, and any other income received on a regular basis, is equal to or less than two hundred percent (200%) of the federal poverty level, as defined by the U.S. Department of Health and Human Services; and

(c) The Board is otherwise satisfied that the qualifying patient lacks sufficient income and existing financial resources to obtain a sufficient supply of medical cannabis.

1300.5 To verify income for the purposes of § 1300.4(b), an individual shall submit an affidavit providing the following, if applicable:

(a) Earning statements received within the previous thirty (30) days;

(b) District of Columbia or Federal tax filings for the most recent tax year;

(c) For newly employed applicants, a verifiable copy of an offer of employment that states the amount of salary to be paid;

(d) A copy of a social security or worker's compensation benefit statement;

(e) Proof of child support or alimony received;

(f) Proof of any other unearned income or assets, including but not limited to, stocks, bonds, annuities, private pension and retirement accounts; and

(g) Any other item(s) of proof deemed by the Board, the Director or the Director's agent reasonably calculated to demonstrate a person's income.

1300.6 An individual shall submit the required verifying information set forth in § 1300.5 for each renewal or request for a replacement card in order to continue to purchase medical cannabis from a licensed internet retailer or retailer on a sliding scale.

A new Section 1301, PAYMENT OF MEDICAL CANNABIS FACILITY ANNUAL FEES, is added to read as follows:

1301 PAYMENT OF MEDICAL CANNABIS FACILITY ANNUAL FEES

1301.1 Medical cannabis facility license fees shall be paid annually. The fee for the first year shall be paid within sixty (60) calendar days of Board approval but prior to license issuance. The renewal fee shall be paid on or before the anniversary date of issuance of the license.

1301.2 The applicant shall pay the annual license fee for the first year to the D.C. Treasurer. The applicant's duplicate receipt shall accompany the annual license fee payment.

1301.3 A licensee's failure to timely remit the annual license fee shall be cause for the Board to suspend a previously approved or issued license until the licensee pays the fee and any late fees imposed by the Board for late payment not to exceed the annual cost of the license. If a licensee is delinquent thirty (30) days or more on payment of the annual license fee, the Board shall give notice to the licensee of its intent to cancel the license. The licensee shall have fourteen (14) days to respond to the notice in writing. If the Board thereafter determines that the failure to pay the annual fee and late fee is not for good cause, the Board shall cancel the license.

1301.4 Nothing in this section shall preclude a medical cannabis business from paying in advance the second or third-year annual license fee.

A new Section 1302, APPLICATION FEES, is added to read as follows:

1302 APPLICATION FEES

1302.1 The application filing fees for standard medical cannabis business applicants are as follows:

(a) Retailer, Internet Retailer, Cultivation Center - $8,000;

(b) Manufacturer, Courier - $4,000;

(c) Testing Laboratory - $0;

(d) Transfer to New Location - $5,000;

(e) Facility Capacity or Physical Plant Change - $2,000;

(f) Transfer of Ownership Change - $2,000;

(g) Change of Director, Officer, Member, Incorporator, or Agent - $100; and

(h) Corporate or Trade Name Change - $100.

1302.2 The application filing fees for social equity medical cannabis business and substantial change applicants are as follows:

(a) Retailer, Internet Retailer, Cultivation Center - $2,000;

(b) Manufacturer, Courier - $1,000;

(c) Testing Laboratory - $0;

(d) Transfer to New Location - $5,000;

(e) Facility Capacity or Physical Plant Change - $2,000;

(f) Transfer of Ownership Change to Another Social Equity Applicant - $625;

(g) Change of Director, Officer, Member, Incorporator, or Agent - $100; and

(h) Corporate or Trade Name Change - $25.

1302.3 The application filing fees for both standard and social equity applicants for a retailer endorsement or permit are as follows:

(a) Retailer Delivery Endorsement, Summer Garden Endorsement - $ 300;

(b) Safe-Use Treatment Facility Endorsement - $1,000;

(c) Education Tasting Endorsement - $130; and

(d) Certified Training Provider Permit - $100.

1302.4 The application fees for conditional licenses are as follows:

(a) For a standard applicant for a cultivation center, manufacturer, retailer, internet retailer, or courier, the applicant shall pay an application fee of $800 and an additional $1,200 fee if approved;

(b) For a social equity applicant for a cultivation center, manufacturer, retailer, internet retailer, or courier, the applicant shall pay an application fee of $200 and an additional $300 fee if approved;

(c) For either a standard or social equity applicant for a testing laboratory, the applicant shall pay an application fee of $0;

(d) For a standard applicant for a testing laboratory, the applicant shall pay a $0 fee if approved; and

(e) For a social equity applicant for a testing laboratory, the applicant shall pay a $0 fee if approved.

A new Section 1303, LICENSE AND ENDORSEMENT FEES, is added to read as follows:

1303 LICENSE AND ENDORSEMENT FEES

1303.1 The annual license fees for standard cultivation center, manufacturer, internet retailer, retailer, courier, and testing laboratory licensees are as follows:

(a) Cultivation Center Tier 1 -$11,000;

(b) Cultivation Center Tier 2 -$16,000;

(c) Cultivation Center Tier 3 -$21,000;

(d) Cultivation Center Tier 4 -$26,000;

(e) Cultivation Center Tier 5 -$31,000;

(f) Cultivation Center Tier 6 -$36,000;

(g) Manufacturer -$4,000;

(h) Manufacturer and Extraction -$8,000;

(i) Retailer -$16,000;

(j) Internet Retailer License -$16,000;

(k) Courier – $8,000; and

(l) Testing Laboratory License -$7,500.

1303.2 The annual license fees for social equity cultivation center, manufacturer, internet retailer, retailer, courier, and testing laboratory licensees for the first three (3) years of operation shall be as follows:

(a) Cultivation Center Tier 1 -$2,750;

(b) Cultivation Center Tier 2 -$4,000;

(c) Cultivation Center Tier 3 -$5,250;

(d) Cultivation Center Tier 4 -$6,500;

(e) Cultivation Center Tier 5 -$7,750;

(f) Cultivation Center Tier 6 -$9,000;

(g) Manufacturer -$1,000;

(h) Manufacturer and Extraction -$2,000;

(i) Retailer -$4,000;

(j) Internet Retailer License -$4,000;

(k) Courier – $2,000; and

(l) Testing Laboratory License -$1,875.

1303.3 The annual endorsement and permit fees for both standard and social equity licensees are as follows:

(a) Retailer Delivery -$300;

(b) Summer Garden - $300;

(c) Education Tasting - $130;

(d) Safe-Use Treatment Facility - $2,000; and

(e) Medical Cannabis Certification Training Permit - $300.

1303.4 The fee for a duplicate, replacement, or lost license, permit, or endorsement shall be $25.

1303.5 The fee for a returned or declined check shall be $100.

1303.6 Late fees for failing to timely renew a license shall be $50 per day, up to a maximum of the fee for the relevant license.

A new Section 1304, DETERMINING CULTIVATION CENTER TIER, is added to read as follows:

1304 DETERMINING CULTIVATION CENTER TIER

1304.1 A cultivation center shall be deemed to qualify for a specific Tier for the purposes of assessing fees based upon the following criteria:

(a) Tier 1 - Mature cannabis plant grow canopy area greater than 0 square feet but no more than 10,000 square feet;

(b) Tier 2 - Mature cannabis plant grow canopy area greater than 10,000 square feet but no more than 25,000 square feet;

(c) Tier 3 - Mature cannabis plant grow canopy area greater than 25,000 square feet but no more than 50,000 square feet;

(d) Tier 4 - Mature cannabis plant grow canopy area greater than 50,000 square feet but no more than 75,000 square feet;

(e) Tier 5 - Mature cannabis plant grow canopy area greater than 75,000 square feet but no more than 100,000 square feet; and

(f) Tier 6 - Mature cannabis plant grow canopy area greater than 100,000 square feet.

1304.2 The size of the mature cannabis plant grow canopy area shall be assessed at the greatest size at any point or time during the licensing period for the entire license period.

1304.3 A cultivation center that permits the mature cannabis plant grow area to grow in

size sufficient to qualify under a higher Tier shall pay the fee for the new Tier immediately upon reaching the new Tier or within thirty (30) days written notice provided by ABCA. A cultivation center that fails to pay the required fee shall be subject to the suspension of its license until the appropriate Tier fee is paid.

1304.4 A cultivation center shall not be able to obtain a refund should the mature cannabis plant growth area be reduced sufficiently to qualify for a lower Tier.

1304.5 The mature cannabis plant grow canopy area shall include all plant grow areas in the facility whether adjoined or in separate locations.

A new Section 1305, CANOPY MEASUREMENT, is added to read as follows:

1305 CANOPY MEASUREMENT

1305.1 In order to measure the cannabis grow canopy area to determine the appropriate Tier, the measurement shall be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain flowering or vegetative plants larger than eight (8) inches tall and eight (8) inches wide at any point in time, including all of the space(s) within the boundaries.

1305.2 A canopy may be noncontiguous, but each separate area included in the total canopy calculations shall be separated by an identifiable boundary which includes: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedge rows, fencing, garden beds, or garden plots. If flowering or vegetative plants larger than eight (8) inches tall and eight (8) inches wide are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

A new Section 1306, DETERMINING MANUFACTURER CATEGORY, is added to read as follows:

1306 DETERMINING MANUFACTURER CATEGORY

1306.1 There shall be two types of manufacturing license categories:

(a) A Type 1 manufacturing license shall authorize the production of all medical cannabis products except for those authorized by a Type 2 manufacturing license; and

(b) A Type 2 manufacturing and extraction license shall be required if the medical cannabis facility intends to manufacture medical cannabis products utilizing hazardous materials, flammable and combustible liquids, compressed gases, cryogenic fluids, or extraction equipment that requires an operational permit from the Office of the Fire Marshal, Fire Prevention Division, DC Fire and Emergency Medical Services Department (Office of

the Fire Marshal). A listing of when an operational permit is required from the Office of the Fire Marshal is set forth in Sections F-107.10.1 through F-107.10.43 of the D.C. Fire Prevention Code (2008).

Chapter 14, MEDICAL MARIJUANA ADVISORY COMMITTEE, is amended as follows:

Section 1400, COMPOSITION OF ADVISORY COMMITTEE, is amended as follows:

Section 1400.5 is amended to read as follows:

1400.5 Each member of the Committee shall serve at the pleasure of the Mayor, the appointing agency director, or City Administrator. Public members of the Committee shall serve a maximum term of three (3) years from the date of appointment and may be reappointed.

Section 1401, DUTIES AND RESPONSIBILITIES OF THE ADVISORY COMMITTEE, is amended as follows:

Subsection 1401.1 is replaced in its entirety to read as follows:

1401.1 The Advisory Committee shall convene as needed to monitor best practices in other states, monitor scientific research on the use of medical cannabis, monitor the effectiveness of the District's medical cannabis program, the adequacy of the medical cannabis supply in the District of Columbia, and make recommendations to the Mayor, the Council, the Board, or consult with other agencies.

A new CHAPTER 19, INQUIRIES TO THE BOARD, is added to read as follows:

CHAPTER 19 INQUIRIES TO THE BOARD.

1900 COMPLAINTS

1900.1 The Board shall receive, at any time during the license period, complaints from any person, or an affected ANC, alleging a violation by a licensee of the terms of its license or an unlicensed person.

1900.2 Complaints shall be in writing and set forth enough information to allow the Board or its staff to investigate the matter.

1900.3 In addition to written complaints identifying the complainant, any person may make an anonymous complaint in writing to the Board or orally to any ABCA investigator.

1900.4 Anonymous complaints shall be investigated to the best of the Board's ability but may result in no action being taken if an anonymous complainant fails to provide the Board or the ABCA investigator with sufficient information.

1900.5 All written complaints under this section that identify the complainant by name and address shall be responded to by the Board or its staff within ninety (90) days of receipt of the complaint. The response shall advise the complainant of the action that the Board or its staff has taken on the matter or provide a copy of the establishment's investigative history.

1900.6 The Board shall maintain records documenting complaints received and the action taken in response to the complaint.

1900.7 In the case where a complainant has not received a timely response, the complainant may petition the Board to release a copy of the target licensee's investigative history for review.

A New Section 1901, LETTERS OF INFORMATION, is added to read as follows:

1901 LETTERS OF INFORMATION

1901.1 Any person, group, licensee, or business organization may make a written request to the Board for general information concerning staff procedures, Board procedures, the Act, this title, or any other matter of a general nature affecting the licensing of medical cannabis in the District of Columbia.

1901.2 The Board shall respond to all such letters in writing and may refer the writer directly to a member of the ABCA Staff, to a specific section of the Act or this title, or to other District of Columbia government officials. The response may also suggest that the writer retain the services of an attorney to properly advise the individual as to how to proceed in a particular matter. If the writer's inquiry is so broad, inexact, or vague that the Board is unable to respond, the Board shall so advise the writer and may request that the writer provide additional information.

1901.3 Any statement contained in the Board's letters of information provides only general guidance to the writer and shall not be binding on the writer or binding on the Board if the Board is later presented with a more particularized factual situation. Further, the Board's responses shall not provide any basis for appeal to any court in the District of Columbia.

A new Section 1902, ADVISORY OPINIONS, is added to read as follows:

1902 ADVISORY OPINIONS

1902.1 Any ANC, person, group, licensee, or business organization may make a written request to the Board for an advisory opinion when:

(a) The requestor is confronted with a situation involving the Act or this title which requires, or may require, the individual to take action; and

(b) The legality or propriety of the action to be taken is not clear from the plain text of the Act or this title.

1902.2 Any request for an advisory opinion shall set forth sufficient information to allow the Board to understand the issues involved and to frame a response. The requestor shall also state which section of the Act or section of this title the requestor wishes the Board to interpret or clarify, with respect to the stated set of facts.

1902.3 If the requestor presents insufficient facts in any request for an advisory opinion, the Board may, in its discretion, issue a letter of information; engage in fact-finding through investigation or a discretionary hearing; request the requestor to provide by letter more facts or details in support of their request; or decline to issue an advisory opinion.

1902.4 The decision to issue or not issue an advisory opinion shall be solely in the discretion of the Board.

1902.5 If issued, an advisory opinion is not binding upon the requestor but shall constitute guidance to the requestor as to how the Board may interpret the Act or this title on a particular matter, the facts of which are consistent with those raised by the requestor. Where the requestor is also a licensee, the Board may issue a show-cause notice pursuant to § 6204 of this title in the instance where the facts raised by the requestor provide the Board with reasonable cause to believe that the licensee should be fined, suspended, or revoked.

1902.6 If the requestor disagrees with the Board's advisory opinion in any respect, the individual may, within twenty (20) calendar days after issuance of the opinion, petition the Board in writing to reconsider its opinion, setting forth in detail the reasons and legal argument which support the requestor's points of disagreement, or may request the Board to issue a declaratory order, pursuant to § 1903. Advisory opinions shall not be deemed a final order of the Board.

1902.7 All advisory opinions of the Board shall be made available to the public on the agency's website.

A new Section 1903, DECLARATORY ORDERS, is added to read as follows:

1903 DECLARATORY ORDERS

1903.1 Any ANC, person, group, licensee, or business organization may make a written request to the Board to issue a declaratory order in accordance with the DC APA regarding the applicability of the Act, this subtitle or any other statute or regulation enforceable by the Board, to terminate a controversy other than a contested case or to remove uncertainty regarding a specific factual situation. If the request for a declaratory order involves an existing settlement agreement, the Board, in its

discretion, may decline to issue an order or require a party to provide notice of the request to the other signatories to an existing settlement agreement and permit the other parties to intervene in the matter.

1903.2 Any request for a declaratory order shall:

(a) Set forth a particular and specific set of facts; and

(b) State in detail the reasons for uncertainty as to the applicability of the Act, this title or other statutes enforceable by the Board or state in detail why a controversy exists.

1903.3 Any declaratory order issued by the Board shall state the Board's Findings of Fact and Conclusions of Law. If the circumstances so warrant, the declaratory order may include an order by the Board to the requestor to cease and desist any practice or activity which is violative of applicable statutes or this title.

1903.4 All facts asserted in a request for a declaratory order shall be supported by sworn affidavit of the requestor. If the Board determines that further facts are necessary, it shall request the requestor to provide those facts by written affidavit or may receive those facts by stipulation at a non-contested case fact-finding hearing.

1903.5 Any requestor may appeal the order by petitioning the Board, in writing, within twenty (20) calendar days after issuance of the declaratory order, to reconsider its order by setting forth, in detail, either newly discovered facts or legal arguments that show one (1) or more errors of law in the Board's order.

1903.6 All declaratory orders of the Board determined to be in the public interest in accordance with Section 9 of the DC APA (D.C. Official Code § 2-508), shall be published in the *District of Columbia Register* and shall be available for public inspection and copying at a reasonable charge at the offices of the Board.

Chapter 50, REGISTRATION, LICENSING, AND ENFORCEMENT OF CULTIVATION CENTERS, DISPENSARIES, AND TESTING LABORATORIES, is amended as follows:

The heading is amended to read as follows:

Chapter 50 LICENSED MEDICAL CANNABIS BUSINESSES

Section 5000, MEASURING DISTANCES, is amended as follows:

Section 5000.1 is amended to read as follows:

5000.1 In establishing the distance between one (1) or more places, (such as the actual distance of a medical cannabis business from a school or recreation center, as defined in the Act), the distance shall be measured linearly by the Board and shall

be the shortest distance between the property lines of the places.

Section 5002, PERMISSIBLE ACTIVITIES AND LIMITATIONS ON CULTIVATION CENTERS, DISPENSARIES, AND TESTING LABORATORIES, is deleted.

Section 5003, LOCATION AND OWNERSHIP, is renumbered Section 5002, its Subsections are renumbered accordingly, and Section 5003 renamed [RESERVED].

CHAPTER 51, REGISTRATION AND PERMIT CATEGORIES, is amended as follows:

Section 5100.1, REGISTRATION PERIODS, shall be amended to read as follows:

5100.1 Each license issued by the Board shall be valid for three (3) years unless otherwise stated in this title, except in the following circumstances:

Section 5101, RENEWAL PERIODS, is replaced in its entirety and amended to read as follows:

5101.1 The three (3) year renewal period for each medical cannabis facility license listed below shall occur sequentially every three (3) years starting with the following dates:

License Classification	Licensure Period	Ending Year
Courier	Jan. 1 to Dec. 31	2024
Cultivation Center	Jan. 1 to Dec. 31	2025
Internet Retailer	Jan. 1 to Dec. 31	2023
Manufacturer	Jan. 1 to Dec. 31	2025
Retailer	Jan. 1 to Dec. 31	2023
Testing Laboratory	Jan. 1 to Dec. 31	2024

Section 5103, REGISTRATION AND PERMIT FEES, is amended as follows:

Subsections 5103.2 through 5103.9, 5103.12 through 5103.13, and 5103.15 through 5103.21 are deleted and the remaining subsections are renumbered accordingly.

Section 5105, MEDICAL MARIJUANA CERTIFICATION PROVIDER PERMIT, is renamed and amended as follows:

5105 MEDICAL CANNABIS CERTIFICATION PROVIDER PERMIT

Subsection 5105.2 is amended by striking the phrase "Department" and inserting the phrase "Board" in its place.

Subsection 5105.3(a) is amended by striking the phrase "Department" and inserting the phrase "Board" in its place.

Subsection 5105.5 is amended by striking the phrase "Department" and inserting the phrase "Board" in its place.

Subsection 5105.7 is added to read as follows:

5105.7 When a person completes the approved education training program provided by a medical cannabis certification provider, the provider shall issue the person a medical cannabis training certificate. The certificate shall be valid for three (3) years and may be reissued to the holder upon completion of the training necessary to qualify for the initial certificate.

Section 5106, MANAGER CERTIFICATION, is renamed as follows:

5106 MANAGER LICENSE

Sections 5106.1 and 5106.2 are amended to read as follows:

5106.1 A manager's license shall authorize the licensee to manage a licensed medical cannabis business.

5106.2 The holder of a manager's license may be employed by one or more licensed medical cannabis facilities without further investigation, subject to compliance by the licensed business. A manager's license issued to a manager may be utilized by the manager at any licensed medical cannabis facility.

Section 5107, NOTICE TO ADVISORY COMMISSIONS, is repealed and renamed to read as follows:

5107 [RESERVED]

Section 5108, POSTED NOTICE TO THE PUBLIC, is repealed and renamed to read as follows:

5108 [RESERVED]

Section 5109, COMMENTS FROM ANCS LOCATED IN THE AFFECTED WARD, is repealed and renamed to read as follows:

5109 [RESERVED]

Chapter 52, REGISTRATION LIMITATIONS, is amended as follows:

Section 5200, LIMITATION ON THE NUMBER OF DISPENSARIES, CULTIVATION CENTERS, AND TESTING LABORATORIES, is deleted.

Section 5201, REGISTRATION APPLICATIONS NEAR SCHOOLS AND RECREATION CENTERS, is renumbered as Section 5200, renamed, and amended to read as follows:

5200 DISTANCE REQUIREMENTS

5200.1 A medical cannabis business, except for a courier license, shall not locate within three hundred feet (300 ft.) of a preschool, primary or secondary school, or recreation center unless the main entrance to the preschool, primary, or secondary school, or recreation center, or the nearest property line of the school or recreation center, is actually on or occupies ground zoned commercial or industrial according to the official atlases of the Zoning Commission of the District of Columbia.

5200.2 No new retailer license shall be issued for a location that is within four hundred feet (400 ft.) of another retailer.

5200.3 An academy or other facility providing educational services operated by the Department of Youth Rehabilitation Services or the D.C. Department of Corrections at a residential facility subject to mandatory detention at the facility shall not be deemed to be a school.

Chapter 54, REGISTRATION APPLICATIONS, is amended as follows:

Section 5400, GENERAL QUALIFICATIONS FOR ALL APPLICANTS, is amended as follows:

The heading is amended to read as follows:

5400 QUALIFICATIONS FOR LICENSURE

Subsection 5400.1(c) is amended to read as follows:

(c) The applicant has not had a felony conviction for a crime of violence as defined in D.C. Official Code § 23-1331(4), a gun offense, tax evasion, fraud, or credit card fraud within the three (3) years preceding the date the application is filed with ABCA unless the applicant demonstrates rehabilitation and fitness for licensure in accordance with section 7 of the Act (D.C. Official Code § 7-1671.06);

A new Subsection 5400.3 is added to read as follows:

5400.3 In addition to the requirements of § 5400.1, an applicant for a licensed medical cannabis facility shall demonstrate to the satisfaction of the Board that the applicant is the true and actual owner of the facility for which the license is sought and the individual intends to carry on the business for himself or herself and not as the agent of any other individual, partnership, association, limited liability company, or corporation not identified in the application.

Section 5401, OPEN APPLICATION PERIOD AND REQUIRED LETTER OF INTENT, is amended as follows:

The heading is amended to read as follows:

5401 OPEN APPLICATION PERIOD

Subsections 5401.1 through 5401.4 are amended to read as follows:

5401.1 Applications for a new medical cannabis business license shall only be accepted by the Board during an open application period as specified by the Board by publishing a Notice in the *District of Columbia Register*. The period selected by the Board shall not be extended.

5401.2 An application for a new testing laboratory may be filed with the Board at any time.

5401.3 At the start of each open application period for a new cultivation center, manufacturer, internet retailer, retailer, or courier license the Board shall publish a notice in the *District of Columbia Register* setting forth the process for submission of the applications, which shall include:

(a) The opening and ending dates for the submission of applications for a new cultivation center, manufacturer, internet retailer, retailer, or courier license;

(b) The address and email address to submit an application to the Board; and

(c) The process for obtaining application materials from the Board.

5401.4 The Notice required in § 5401.3 of this chapter shall appear, at a minimum, in the *District of Columbia Register* and on ABCA's website.

Section 5402, SELECTION PROCESS, is renamed and amended to read as follows:

5402 APPLICATION REQUIREMENTS

5402.1 A person applying for issuance, transfer to a new owner, or renewal of a license, endorsement, or permit, or for approval of substantial changes in operation, including a transfer to a new location related to a licensed medical cannabis facility, shall file with the Board an application in the form prescribed by the Board.

5402.2 The application shall contain the information set forth in this chapter and any additional information that the Board may require.

5402.3 A separate application shall be filed for each medical cannabis facility for which a license is sought.

5402.4 The Board may require an applicant to submit additional documents and information needed to properly process an application.

5402.5 The Board shall not accept as filed, and shall take no action upon, any application that is not complete.

5402.6 An applicant for a medical cannabis business may amend or correct its license application at any time prior to Board approval.

5402.7 Any changes to an applicant's listed contact information, including mailing address, e-mail address, and telephone number, and other information as required by this chapter and provided on its license application that has been submitted to or approved by the Board shall be reported to ABCA within thirty (30) calendar days of the change. The failure to comply with this subsection after a written warning has been issued concerning the licensee's timely compliance shall be deemed a violation if not corrected within fifteen (15) days of receipt of the warning.

Section 5403, SELECTION CRITERIA, is renamed and amended to read as follows:

5403 APPLICATION CONTENTS

5403.1 The application of a person or entity applying for a medical cannabis business license shall include:

(a) In the case of a partnership or limited liability company applicant, the names and addresses of each member of the partnership or limited liability company and their ownership shares;

(b) In the case of a corporation, the legal name of the corporation, the proposed trade name of the business, place of incorporation, principal place of business, and the names and addresses of each of the corporation's principal officers, directors, and shareholders holding, directly or beneficially, one percent (1%) or more of its common stock;

(c) Whether the corporation is for-profit or non-profit;

(d) The name, address, telephone number, and e-mail address of the owners of the medical cannabis facility for which the license is sought;

(e) The address of the premises where the license is sought;

(f) The name and e-mail address of either an owner of the medical cannabis facility or the owner's designee, for purposes of receiving communications from ABCA, including correspondence, hearing notices and other types of service of process, and Board orders;

(g) The type of license, endorsements, and other permits sought through submission of the application;

(h) The proximity of the facility to the nearest public or private, elementary, middle, charter, junior high, or high school and recreation center, and the name of the school and recreation center;

(i) Proposed hours of operation of the facility; hours of sale of medical cannabis and medical cannabis products; summer garden hours; and safe-use treatment facility hours if applicable;

(j) The size and design of the facility, which shall include the number of occupants permitted both inside and on any safe-use treatment facility or summer garden;

(k) The location of all restricted access areas closed to the public;

(l) An affidavit that complies with § 47-2863;

(m) Documents or other written statements or evidence establishing to the satisfaction of the Board that the person applying for the license, endorsement, or permit meets all of the qualifications set forth in the Act and this subtitle;

(n) The size and design of the facility;

(o) A lease or deed for the proposed location;

(p) A zoning certificate authorizing the proposed business activity or a certificate of occupancy for the proposed location;

(q) A food manufacturing permit and other permits from the Department of Health, if required;

(r) An operational permit from the Office of the Fire Marshal, if required.

(s) A certificate of good standing for the corporation;

(t) A site plan showing the entire structure of the medical cannabis facility, including the street(s), parking lot(s), other tenants within the facility, any other entities in facilities that physically border the applicant; and the area designated for trash disposal; and

(u) The medical cannabis facility applicant acknowledgment attestation form.

5403.2 An applicant for a medical cannabis business license shall file a security plan with

their application.

5403.3 If protested by an affected Advisory Neighborhood Commission, the applicant for a cultivation center, manufacturer, internet retailer, or retailer license shall also provide information at the Board protest hearing related to the appropriateness of the facility regarding:

(a) The facility's impact on peace, order, and quiet, including measures to prevent noise disturbances and litter, and measures to foster public safety;

(b) The facility's impact on residential parking and vehicular and pedestrian safety, including the availability of parking at or near the establishment and the proximity of the business to public transportation and shared transportation services (e.g., Metro, bus, bike share station); and

(c) The facility's impact on real property values, including measures to prevent blight and maintain its building and efforts to prevent odor nuisances from impacting neighboring properties, and whether the property was subject to any building code violations while under the ownership or control of the applicant, and whether the violations indicated have been resolved.

5403.4 An applicant for any license shall advise the Board, in the application, as to the source of funds used to acquire or develop the business for which the license is sought.

Section 5404, APPLICATION FORMAT AND CONTENTS, is renamed and amended to read as follows:

5404 APPLICATION FOR A SUBSTANTIAL CHANGE

5404.1 A licensee shall obtain the approval of the Board by filing an application for a substantial change, if not initially approved as part of the licensee's initial application, prior to:

(1) Changing or expanding its location;

(2) Increasing the facility's plant capacity or physical plant count to another tier, if a cultivation center;

(3) Adding a safe-use treatment facility or summer garden;

(4) Extracting medical cannabis if not previously permitted or authorized;

(5) Increasing the hours of operation, delivery, or the hours of sale, service, or consumption of cannabis at the premises, the safe-use treatment facility, or the summer garden; or

(6) Increasing the physical occupancy or capacity of the premises, the safe-use treatment facility, or the summer garden or allowing or permitting more persons than permitted by the Board.

Section 5405, DISPENSARY REGISTRATION APPLICATION REQUIREMENTS, is renamed and amended to read as follows:

5405 ABANDONMENT OF APPLICATION

5405.1 The Board may deem an application abandoned or withdrawn if an applicant fails to provide any additional documents within thirty (30) days of a request from ABCA or the Board for additional or required information.

5405.2 An applicant may seek an extension of time to submit documents needed to process the application upon a showing of good cause. An extension granted by the Board shall not exceed thirty (30) days.

Section 5406, CULTIVATION CENTER REGISTRATION REQUIREMENTS, is renamed and amended to read as follows:

5406 APPLICATION CERTIFICATION AND SIGNATURE

5406.1 An individual applicant, all of the general partners of an applicant partnership, all of the members of a limited liability company, or the president or vice-president of an applicant corporation shall sign a statement with an original signature, which may be a signature by wet ink, an electronic signature, or a copy thereof, certifying that the application is complete and accurate, and agreeing to all certifications required by the Board.

5406.2 The medical cannabis facility application of a person or entity applying for a medical cannabis business license shall state each of the following notices:

(a) **Limitation of Liability** -- To the extent provided by Section 12 of the Act (D.C. Official Code § 7-1671.11), the District of Columbia shall not be liable to the registrant, its employees, agents, business invitees, licensees, customers, clients, family members or guests for any damage, injury, accident, loss, compensation, or claim, based on, arising out of, or resulting from a person's participation in the District of Columbia's medical cannabis program, including but not limited to the following: any fire, robbery, theft, mysterious disappearance, or any other casualty; or injury arising from the use of medical cannabis obtained through the program. This Limitation of Liability provision shall survive expiration or the earlier termination of this registration if such registration is granted; and

(b) **Federal Prosecution** - The United States Congress has determined that cannabis is a controlled substance and has placed cannabis in Schedule I of

the Controlled Substance Act. Growing, distributing, and possessing cannabis in any capacity, other than as a part of a federally authorized research program, is a violation of federal laws. The District of Columbia's law authorizing the District's medical cannabis program will not excuse any licensee from any violation of the federal laws governing cannabis or authorize any licensee to violate federal laws.

(c) **Knowledge of Law** – The applicant swears or affirms that the ownership is sufficiently familiar with the District of Columbia's medical cannabis laws to superintend a medical cannabis business and has the ability to ensure the business complies with the law.

(d) **True and Actual Owner-** The applicant is the true and actual owner of the business for which the license is sought and that he or she intends to carry on the business for himself or herself and not as the agent of any other individual, partnership, association, or corporation not identified in the application; and that the licensed establishment will be managed by the applicant in person or by a manager approved by the Board.

5406.3 As part of the application process, every applicant for a licensed medical cannabis business shall sign a written statement attesting to the following:

(a) The applicant acknowledges receipt and advisement of the notices set forth in § 5406.2 of this subtitle;

(b) The applicant agrees to and accepts the limitation of liability against the District, and the requirement to indemnify, hold harmless, and defend the District, as set forth in § 5406.2 of this subtitle;

(c) The applicant assumes any and all risk or liability that may result under District of Columbia or federal laws arising from the possession, use, cultivation, administration, dispensing, or testing of medical cannabis;

(d) The applicant understands that the medical cannabis laws and enforcement thereof by the District of Columbia and the Federal government are subject to change at any time; and

(e) The applicant chooses to sign this attestation willingly and without reservation and is fully aware of its meaning and effect.

5406.4 The making of a false statement, whether made with or without the knowledge or consent of the applicant, shall, in the reasonable discretion of the Board based on the materiality and willfulness of the false statement, constitute sufficient cause for denial of the application or revocation of the license.

5406.5 A person shall not knowingly submit an altered document or application to the

Board for the purpose of deceiving the Board. The submission of an altered document intended to deceive the Board, may, at the reasonable discretion of the Board, constitute sufficient cause for denial of the application or revocation of the license.

Section 5407, CULTIVATION CENTER, DISPENSARY, AND TESTING LABORATORY REGISTRATION ISSUANCE, is renamed and amended to read as follows:

5407 BOARD AUTHORITY TO ISSUE LICENSES

5407.1 The Board may issue medical cannabis facility licenses to persons who meet the requirements set forth in the Act and the regulations.

5407.2 All medical cannabis facility licenses issued under this title, unless otherwise stated, shall be valid for a term of three (3) years and may be renewed upon completion of the procedures set forth in the Act and this title and payment of the required fees.

5407.3 A license to sell medical cannabis, medical cannabis products, and paraphernalia in the District can be granted only by the Board upon completion of the application and review process as contained in the Act and this title.

5407.4 Unless otherwise stated in the Act or this title, each license or permit shall particularly describe the place where the rights of the license are to be exercised.

5407.5 The Board, in issuing licenses, may require that certain conditions be met if it determines that the inclusion of the conditions will be in the best interest of the locality, section, or portion of the District where the licensed facility is to be located. The Board, in setting the conditions, shall state, in writing, the rationale for the determination.

Section 5408, DIRECTOR, OFFICER, MEMBER, INCORPORATOR, AND AGENT REGISTRATION REQUIREMENTS, is amended as follows:

Subsection 5408.1(b) is amended to read as follows:

5408.1(b) An individual who has been approved by the Board as a director, officer, member, incorporator, or agent shall not be required to register as an employee or manager. However, nothing in this subsection shall obviate the requirement in Subsection 5604.1 that in the absence of an owner, a licensed medical cannabis business is required to have a Board-approved manager present at the licensed establishment during the hours that the licensed medical cannabis business is open.

Section 5409, EMPLOYEE REGISTRATION REQUIREMENTS, is amended as follows:

Subsection 5409.1(a) is amended by striking the phrase "registration qualifications; and"

and inserting the phrase "registration qualifications."

Subsection 5409.1(b) is repealed.

Section 5410, MANAGER'S REGISTRATION REQUIREMENTS, is amended as follows:

Section 5410, MANAGER'S REGISTRATION REQUIREMENTS, is renamed MANAGER LICENSE REQUIREMENTS.

Subsection 5410.3 is amended to read as follows:

5410.3 An owner of a medical cannabis business may request that the Board issue a temporary license card to a manager valid for forty-five (45) days.

Section 5411, CRIMINAL BACKGROUND CHECKS, is amended to read as follows:

5411 CRIMINAL BACKGROUND CHECKS

5411.1 Each applicant for a medical cannabis business license, except for an applicant for an agent, employee, or manager registration, shall be required to undergo a criminal background check prior to being registered or licensed. In the case of an applicant for a non-profit or for-profit corporation, a criminal background check shall be conducted on all of its directors, officers, members, and incorporators.

5411.2 Except for social equity applicants, ABCA shall not require the submission of a criminal background check for a director, officer, member, or incorporator until the agency deems the applicant otherwise qualified for licensure and its license application accepted by the agency.

5411.3 Consistent with D.C. Official Code § 7-1671.06(u)(2)(A), ABCA's determination that an applicant is qualified or its license or registration application should be accepted does not overrule the Board's authority to deem the applicant qualified or unqualified, hold a qualifications hearing, or to otherwise deem the applicant unfit for licensure.

Section 5412, REGISTRATION PROHIBITED IN RESIDENTIAL USE DISTRICT, is renamed and amended to read as follows:

5412 LICENSE PROHIBITED IN RESIDENTIAL USE DISTRICT

5412.1 No license shall be issued to a medical cannabis business located in a residential-use district as defined in the Zoning Regulations and shown in the official atlases of the Zoning Commission for the District.

Section 5413, RESTRICTIONS ON OWNERSHIP AND HOLDING A CONFLICT OF INTEREST, is renamed and amended to read as follows:

5413 RESTRICTIONS ON OWNERSHIP AND HOLDING A CONFLICTING INTEREST

5413. 1 The holder of a testing laboratory license shall not hold, own, control or have any beneficial or other financial interest in a cultivation center, manufacturer, internet retailer, retailer, or courier license.

5413.2 The holder of a courier license shall not hold, own, control or have any beneficial or other financial interest in a cultivation center, manufacturer, internet retailer, retailer, or testing laboratory license.

5413.3 The holder of a cultivation center license shall not hold, own, control, or have any beneficial or other financial interest in more than two (2) cultivation center licenses.

5413.4 The holder of a retailer or internet retailer license shall not hold, own, control, or have any beneficial or other financial interest in a combined number of more than three (3) internet retailer and retailer licenses.

5413.5 The holder of a cultivation center license shall not hold, own, control or have any beneficial or other financial interest in more than one retailer license.

5413.6 The holder of an internet retailer license shall not hold, own, control or have any beneficial or financial interest in a cultivation center license.

5413.7 The Board may fine as set forth in the schedule of civil penalties, suspend, and revoke the license of a person that obtains ownership or control of a license, whether in whole or in part, in violation of this section or permit the person to place the license in safekeeping for a period not to exceed one hundred and eighty (180) days to facilitate the sale, transfer, divestment or other action necessary to comply with this section.

5413.8 It shall be a violation for a licensee to obtain an interest prohibited by this section.

Section 5414, RENEWAL PROCESS, is renamed and amended to read as follows:

5414 RENEWAL APPLICATION

5414.1 An applicant for license renewal shall self-certify the accuracy of its application, including any changes in ownership or other documents and submissions constituting a part of the application for its initial license or, if appropriate, at the time of application by the medical cannabis facility for a substantial change in operation.

5414.2 Each license for a medical cannabis business issued by the Board shall be valid for

three (3) years, except in the following circumstances:

(a) When suspended or revoked; or

(b) When the license takes effect on a date in between the dates established by the Board for the regular renewal licensing period, in which case the license shall be valid only until the end of the license period.

Section 5415, [REPEALED], is renamed and amended to read as follows:

5415 SECURITY PLAN

5415.1 All medical cannabis businesses shall be required to file with their initial application and maintain a written and compliant security plan with the Board.

5415.2 A compliant security plan shall fully provide or describe the following:

(a) A statement on the type of security training provided for, and completed by, establishment personnel, which shall include conflict resolution, handling robberies and violent incidents, and medical emergencies;

(b) Procedures for handling violent incidents, other emergencies, and calling the Metropolitan Police Department;

(c) The type of security or alarm system and outdoor lighting to be used by the applicant;

(d) A site and floor plan detailing:

(1) All entrances and exits to the facility;

(2) The location of any windows, skylights, roof hatches, and outdoor lighting;

(3) The number and location of security cameras used by the business and their field of view;

(4) The location of all alarm inputs (door contacts, motion detectors, duress/hold up devices) and alarm sirens;

(5) The location of the digital video recorder and alarm control panel;

(6) Restricted and public areas; and

(7) The structure the facility is housed in, including nearby street(s), parking lots and other tenants that are within or border the facility;

(e) Security measures taken by the applicant to prevent individuals from entering the limited access area portion of the premises;

(f) Procedures for using and maintaining an incident log;

(g) Procedures for preserving a crime scene;

(h) The closing procedures after the cessation of business each day, including steps to properly store cannabis in a secure area and to prevent theft; and

(i) Procedures to prevent theft, robbery, or the diversion of medical cannabis in compliance with District law.

5415.3 A licensee shall provide either in-person or virtual training regarding its security plan to all employees and security within thirty (30) days of hire and at least once per year thereafter.

5415.4 A licensee may amend or replace an existing security plan on file with the Board by filing a new security plan that is compliant with this section.

5415.5 A licensee provided written notice that its submitted plan is deficient under this regulation shall file a corrected security plan within fifteen (15) days of receiving notice.

Section 5416, [REPEALED], is renamed and amended to read as follows:

5416 CONDITIONAL LICENSE

5416.1 A conditional license application may be filed by both standard and social equity applicants for a cultivation center, manufacturer, internet retailer, retailer, or courier license that do not currently have a proposed location. A conditional license application may only be filed with the Board during an open application period noticed in the *District of Columbia Register* and on the ABCA website.

5416.2 An applicant for a conditional license shall indicate the type of license facility applied for in the application and request conditional status.

5416.3 If approved, the holder of a conditional license has one (1) year from the date of Board approval to submit to ABCA:

(1) A lease or similar documentation;

(2) A security plan;

(3) A certificate of occupancy for the proposed location;

(4) A permanent medical cannabis facility license application;

(5) Any remaining or additional licensing or endorsement fees owed to ABCA; and

(6) Any other documentation requested by the Board.

5416.4 The Board shall deem the conditional license expired and cancel the license if all the documents listed in §§ 5403 and 5416.3 are not provided within one (1) year from the date of Board approval.

5416.5 A conditional license application is not required to undergo a forty-five (45)-calendar day public comment period. Approved conditional license applicants are required to undergo a forty-five (45)-calendar day public comment period after their permanent medical cannabis facility application is filed with ABCA.

5416.6 A conditional license does not permit the holder to distribute, purchase, possess, cultivate, manufacture, or sell medical cannabis or medical cannabis products.

5416.7 A one (1)-year conditional license cannot be sold or transferred to a new owner.

5416.8 The holder of a conditional license is required to have their facility operational within one (1)-year of Board approval.

5416.9 The one (1)-year conditional license period shall not be extended.

5416.10 A conditional license approved by the Board shall count toward the requirement that at least fifty percent (50%) of all new cultivation center, manufacturer, internet retailer, retailer, and courier licenses be set aside for social equity applicants.

Section 5417, [REPEALED], is renamed and amended to read as follows:

5417 SOCIAL EQUITY APPLICANT STATUS

5417.1 At least fifty percent (50%) of all new cultivation center, manufacturer, internet retailer, retailer, and courier licenses shall be set aside for social equity applicants. Only social equity applicants and medical cannabis certified business enterprises are eligible to receive equity, grants, and loans from the medical cannabis social equity fund.

5417.2 A social equity applicant is entitled to a seventy-five percent (75%) fee reduction on application and licensing fees associated with receiving a medical cannabis facility license for the first three years. The seventy-five (75%) fee reduction for social equity applicants does not apply to endorsement fees, including the application fees.

5417.3 To qualify as a social equity applicant, an applicant must satisfy two (2) or more of the following criteria:

(a) Has at least one (1) owner who is a District resident, individually or collectively owns at least fifty percent (50%) of the business, and is a returning citizen;

(b) Has at least one (1) owner who is a District resident, individually or collectively owns at least fifty percent (50%) of the business, and is married to or in a civil union, has a child, or is the child of a person or has a non-parent legal guardian, or a grandparent or a sibling who is or has been arrested, convicted, or incarcerated in the District or any other jurisdiction for a cannabis or drug-related offense; or

(c) Has at least one (1) owner who is a District resident, individually or collectively owns at least fifty percent (50%) of the business and has an income that does not exceed one hundred and fifty percent (150%) of the median family income as set forth by the United States Department of Housing and Urban Development, adjusted for household size, at the time the applicant submits the application.

5417.4 In order to qualify for a social equity applicant status, an applicant shall file with its application a Social Equity Declaration Form.

5417.5 A complete application from a social equity applicant shall also provide or describe the following for each owner:

(a) The two (2) or more criteria that qualify the applicant for social equity status in accordance with § 5417.3;

(b) An affidavit, which shall be referred to as the Social Equity Applicant Attestation Form, attesting to:

(1) The number of owners who meet the criteria for a social equity applicant;

(2) The ownership interests, incomes, and net worth of any owners;

(3) The location of all managerial employees in the principal office;

(4) The residency of owners, employees, and contractors; and

(5) The locations of the assets and the percentages of the assets in each location.

(c) Proof of District residency for each owner claiming social equity applicant status, which shall include two (2) of the following:

(1) Proof of payment of D.C. personal income tax during the last tax period;

(2) A current tax withholding statement which contains the applicant's name;

(3) Current official documentation of financial assistance from the District (such as Temporary Assistance for Needy Families or housing assistance);

(4) Valid, unexpired D.C. driver's license or non-driver's identification;

(5) Valid, unexpired vehicle registration;

(6) Valid, unexpired lease and rent receipts for a period within two (2) months immediately preceding consideration of residency; or

(7) Utility bills with paid receipts or cancelled checks from a period within the two (2) months immediately preceding the filing of the application.

(d) If claiming social equity applicant status based upon returning citizen status, each owner claiming this status shall provide with their application law enforcement or court documents demonstrating proof of arrest, conviction, or incarceration for a drug-related offense;

(e) If claiming social equity applicant status based upon the incarceration of an immediate family member due to cannabis or drug-related offense, each owner claiming this status, shall:

(1) Identify the immediate family member that qualifies the applicant;

(2) Identify the nature of the qualifying relationship, including whether the relation is based on a marriage or civil union, and whether the applicant is the parent of a qualifying child or the child of a qualifying parent or non-parent legal guardian, or has a qualifying grandparent or sibling;

(3) Provide documents proving the relationship (e.g., birth certificate, marriage certificate, proof of legal guardianship);

(4) Provide law enforcement or court documents demonstrating arrest, incarceration, or conviction; and

(5) Provide law enforcement or court documents demonstrating that the arrest, conviction, or incarceration of the qualifying relative was due to a cannabis or drug-related offense.

(f) If claiming social equity applicant status based on income, for each owner claiming this status, the applicant shall provide proof of income and household size, which shall include:

(1) Documentation establishing proof of income tax filing or withholding in the District of Columbia from the tax year prior to the date of the application; or

(2) If the documentation described in subparagraph (1) is not possible to obtain, a notarized statement of net income anticipated to be received with the next twelve (12) months, based on the previous twelve (12) months and explanation of the reason for failing to obtain one of the documents listed in subparagraph (1) of this paragraph.

Section 5418, LIMITATION ON SUCCESSIVE APPLICATIONS AFTER DENIAL, is amended to read as follows:

5418 LIMITATION ON SUCCESSIVE APPLICATIONS AFTER DENIAL

5418.1 The Board shall not consider an application for the same class of license, permit, endorsement, or substantial change by the same applicant if the Board has denied a previously filed application within five (5) years.

5418.2 Notwithstanding Subsection 5418.1, if an application is withdrawn for good cause, as determined by the Board, and prior to the protest status hearing, or if a previously filed application for the same license class, permit, endorsement, or substantial change was denied by the Board on purely technical or procedural grounds, a successive application by such applicant may be considered.

A new Section 5420, MEDICAL CANNABIS CERTIFIED BUSINESS ENTERPRISE AFFIDAVIT, is added to read as follows:

5420 MEDICAL CANNABIS CERTIFIED BUSINESS ENTERPRISE AFFIDAVIT

5420.1 The applicant shall attest by completing the Annual Personal Net Income Attestation Form that the annual personal net income of each owner of the enterprise applying for a medical cannabis business license does not exceed $349,999.

A new Section 5421, APPROPRIATENESS REQUIREMENT, is added to read as follows:

5421 APPROPRIATENESS REQUIREMENT

5421.1 To qualify for issuance, renewal of a license, transfer of a license to a new location, or an application for the approval of a substantial change in operation as determined by the Board, an applicant shall demonstrate to the satisfaction of the Board that the medical cannabis establishment is appropriate for the locality, section, or portion of the District where it is to be located.

5421.2 In determining the appropriateness of a medical cannabis establishment, the Board shall consider all relevant evidence of record, including:

(a) The effect of the establishment on real property values;

(b) The effect of the establishment on peace, order, and quiet; and

(c) The effect of the establishment upon residential parking needs and vehicular and pedestrian safety;

5421.3 In determining the appropriateness of a medical cannabis establishment for initial issuance of a license or a transfer of a license to a new location, the Board shall also consider the following as they relate to the appropriateness factors described in § 5421.2:

(a) The proximity of the establishment to schools, recreation centers, day care centers, public libraries, or other similar facilities;

(b) The effect of the establishment on the operation and clientele of schools, recreation centers, day care centers, public libraries, or other similar facilities; and

(c) Whether issuance of the license would create or contribute to an overconcentration of licensed medical cannabis establishments of the same type.

5421.4 The requirements of this section shall only apply to applicants for a cultivation center, manufacturer, internet retailer, or retailer license.

5421.5 For purposes of establishing the appropriateness of the medical cannabis establishment, the applicant shall present to the Board such evidence and argument as would lead a reasonable person to conclude the following:

(a) The establishment will not interfere with the peace, order, and quiet of the relevant area, considering such elements as noise, rowdiness, loitering,

litter, and criminal activity;

(b) The establishment will not have an adverse impact on residential parking needs, considering available public and private parking and any arrangements made to secure such parking for the clientele of the establishment;

(c) The flow of traffic to be generated by the establishment will be of such pattern and volume as to neither increase the likelihood of vehicular accidents nor put pedestrians at an unreasonable risk of harm from vehicles; and

(d) The establishment will not have an adverse impact on real property values in the locality, section, or portion of the District of Columbia where it is to be located, considering such elements as blight, the presence of graffiti, the history of building violations and vacancy status under the applicant, and the physical impact of the property on neighboring properties, including odors and noise.

5421.6 Whenever an applicant has initially presented evidence to show that the establishment is appropriate, any protestant opposing the license shall present to the Board such evidence and argument as would establish the inappropriateness of the establishment, and as would overcome, to the satisfaction of a reasonable person, the evidence and argument presented by the applicant.

A new Section 5422, PRESUMPTION OF APPROPRIATENESS, is added to read as follows:

5422 PRESUMPTION OF APPROPRIATENESS

5422.1 If notice in accordance with the Act and this chapter is provided and no valid objection regarding appropriateness is filed by a protestant, the application shall be presumed to be appropriate for the locality, section, or portion of the District where it is located.

A new Section 5423, DENIAL FOR VIOLATIONS OF THE LAW, is added to read as follows:

5423 DENIAL FOR VIOLATIONS OF THE LAW

5423.1 The Board may deny a license to an applicant if the preponderance of the evidence shows that the applicant has permitted conduct at the medical cannabis establishment that is in violation of the Act or this chapter.

A new Section 5424, SPOUSAL INTEREST IN LICENSE, is added to read as follows:

5424 SPOUSAL INTEREST IN LICENSE

5424.1 The spouse of a license holder may apply for a separate medical cannabis business license if the individual can establish that the conflict-of-interest provisions found at 22-C DCMR § 5413 will not be violated. Specifically, in applying for a license the spouse not holding a medical cannabis business license must submit a signed and notarized affidavit which states that:

(a) The applicant has no present or future ownership, except for an executory interest or property distributed in accordance with Title 16 of the D.C. Official Code or similar marriage or domestic partnership separation, annulment, or divorce law in another jurisdiction, in any other licensed medical cannabis business that the applicant is prohibited from owning under the Act;

(b) The applicant's spouse will have no ownership interest in the license being sought by the applicant;

(c) The applicant or another corporation (in which the spouse is not an officer, shareholder or member) is solely liable for the business rather than the spouse or spouse's business;

(d) The applicant's spouse will not have any operational control over the establishment and will not serve in a management capacity for the establishment or apply for a manager's license for that establishment; and

(e) The applicant will not transfer any medical cannabis inventory to, or receive any medical cannabis inventory from, their spouse's licensed establishment.

5424.2 The applicant shall provide documentation, upon request of the Board, necessary to validate the applicant's sworn affidavit. Failure to submit the necessary documentation within ten (10) business days of the Board's request may result in the suspension or revocation of the applicant's license unless an extension is granted by the Board.

A new Section 5425, NOTICE BY BOARD, is added to read as follows:

5425 NOTICE BY BOARD

5425.1 Upon the receipt of an application filed by a cultivation center, manufacturer, internet retailer, or retailer, excluding conditional license applications, for the issuance or renewal of a license, for a substantial change in operation as determined by the Board, for the transfer of a license to a new location, or for a unilateral petition to amend or terminate a settlement agreement, the Board shall give notice of the application to the following parties:

(a) The Councilmember of the ward where the establishment is or will be located; and

(b) All ANCs in the ward where the establishment is or will be located.

5425.2 The notice shall contain the legal name and trade name of the applicant, the street address of the establishment for which the license is sought, the type of license sought, and a description of the nature of the operation the applicant has proposed or the proposed change in operation.

5425.3 The notice shall state that ANCs objecting to approval of the application are entitled to be heard before the granting of the application and shall inform the recipient of the final day of the protest period and the date, time, and place of the roll call hearing in accordance with this chapter.

5425.4 The Board shall give notice by electronic mail on or before the first day of the forty-five (45)-day comment period to:

(a) The ANC office established pursuant to D.C. Official Code § 1-1309.13(e), with a copy to each ANC member in the affected ward;

(b) The ANC chairperson in the affected ward; and

(c) The ANC member in whose single-member district the establishment is or will be located.

5425.5 The Board shall publish the notices required under this section in the *District of Columbia Register*.

A new Section 5426, LICENSEE NOTICE REQUIREMENT, is added to read as follows:

5426 LICENSEE NOTICE REQUIREMENT

5426.1 A cultivation center, manufacturer, or retailer applicant that is required to undergo a forty-five (45)-day public comment period under the Act or this chapter shall post two (2) notices, furnished by ABCA, of the application in conspicuous places on the outside of the establishment for the duration of the protest period.

5426.2 The notices shall state:

(a) The information required by § 5425;

(b) The final day of the protest period;

(c) The date, time, and place of the roll call hearing;

(d) The telephone number and mailing address of ABCA; and

(e) That any person willfully removing, obliterating, or defacing the notices shall be guilty of a violation of this chapter.

5426.3 An applicant who fails to maintain the posted notices continuously during the protest period shall be guilty of a violation of this chapter.

5426.4 If the Board determines that the notices posted at an applicant's establishment have not remained visible to the public for the duration of the forty-five (45)-day protest period, the Board shall require the reposting of the notices and shall reschedule the roll call hearing for a date at least forty-five (45) days after the originally scheduled hearing, unless the applicant has fully performed all other notice requirements and the Board determines that it is in the best interest of the parties to proceed at an earlier date.

5426.5 An applicant for an internet retailer license shall not be required to post the two (2) notices required by this section; provided, that the notice shall be posted on the applicant's website for the entire forty-five (45)-day public comment period.

5426.6 An applicant for a new or renewal license or for the transfer of a license to a new location shall take a picture of the posted placards within two (2) calendar days of the date the placards were posted, and upon request of the Board provide a copy of the picture, or pictures, of the posted notices that includes the date and time that the pictures were taken.

A new Section 5427, STANDING TO FILE PROTEST, is added to read as follows:

5427 STANDING TO FILE PROTEST

5427.1 An ANC located within 600 feet of the applicant's proposed location may protest the issuance or renewal of a license, or the transfer of a license to a new location involving a cultivation center, manufacturer, retailer, or internet retailer.

A new Section 5428, FILING A PROTEST, is added to read as follows:

5428 FILING A PROTEST

5428.1 Any affected ANC objecting to the approval of an application shall notify the Board in writing of its intention to object and the grounds for the objection within the protest period. The initial protest letter filed by the ANC shall state all appropriateness grounds that the ANC intends to raise and any other legal issue related to the application.

5428.2 Protests submitted by the ANC shall be signed by the Chairperson, the Vice-Chairperson or any other person authorized to sign a protest by the ANC's bylaws or a resolution adopted by the ANC.

5428.3 The protest shall state the name and position of the designated representative who shall receive correspondence from the Board on behalf of the ANC.

A new Section 5429, ANC COMMENTS, is added to read as follows:

5429 ANC COMMENTS

5429.1 An affected ANC shall notify the Board in writing of its recommendations, if any, and serve a copy upon the applicant or licensee, not less than seven (7) calendar days before the date of the protest hearing. The Board shall give great weight to the ANC recommendations as required by Section 13 of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.10). The applicant or licensee may file a written objection or respond to the comments at the protest hearing.

A new Section 5430, EXTENDING THE LICENSURE PERIOD, is added to read as follows:

5430 EXTENDING THE LICENSURE PERIOD

5430.1 Licenses that have been made the subject of protest hearings shall be extended as provided by this section.

5430.2 If the Board has not issued a decision on the matter, and the license has expired, the license shall continue in effect until such time as the Board has rendered a final decision.

5430.3 In the case of protested applications for a transfer to a new location, the license shall continue in effect only for purposes of the original location, and operations at the new location shall be prohibited until the Board has rendered a final decision.

A new Section 5431, APPLICATION REVIEW, is added to read as follows:

5431 APPLICATION REVIEW

5431.1 Upon receipt of a complete new, renewal, or transfer to new location application filed by a cultivation center, manufacturer, internet retailer, or internet retailer, excluding conditional license applications, the Board shall schedule a roll call hearing on the application. The roll call hearing shall not take place until after the close of the forty-five (45)-day protest period.

5431.2 Before any license is issued or renewed, the Board shall ensure that proper notice has been provided to the public and that an ANC located in the same ward as the applicant has been given at least forty-five (45) days in which to protest the license and that a roll call hearing has been conducted.

5431.3 If no protest has been received by the Board from an affected ANC during the protest period, the Board shall consider the application within ten (10) days after the end of the protest period.

5431.4 If a protest has been received by the Board during the protest period, the Board shall take the following actions:

(a) The Board shall schedule a protest hearing, to be held within one hundred and twenty (120) days of the end of the protest period, for new license applications to receive testimony and other evidence regarding the application.

(b) The parties shall be informed of their obligation to attend a mediation for the purpose of discussing and resolving, if possible, the objections raised by the protestants.

(c) The parties shall be informed of their rights and responsibilities with respect to reaching a settlement.

5431.5 The Board shall issue a decision in accordance with the Act and this chapter.

A new Section 5432, ROLL CALL HEARING, is added to read as follows:

5432 ROLL CALL HEARING

5432.1 The roll call hearing shall be a non-adversarial proceeding conducted by the Board or the Board's agent, in which a list of applications for a new or renewed license, transfer to new location, or a substantial change in operation, and the protestants thereto, shall be read to the public.

5432.2 For the purposes of this subsection, the term "Board's agent" means an employee at or above the Grade 12 level in the Office of the General Counsel within ABCA, excluding the ABCA General Counsel, who shall have the authority to:

(a) Regulate the course of the hearing;

(b) Request the persons appearing at the hearing to identify themselves, and to provide contact information, including e-mail addresses;

(c) Request or accept written documentation from the parties, including letters of representation;

(d) Identify the parties with standing and the filed protest issues;

(e) Schedule mediation;

(f) Adjourn a hearing and establish the date when the hearing will be continued; and

(g) Take any other action considered necessary by the Board.

5432.3 Each applicant and each protestant shall attend the roll call hearing in person or appear through a designated representative.

5432.4 The ANC may designate any member or every member of its Commission, or a non-member of the Commission, to participate in the protest process, hearings, and negotiating settlement agreements.

5432.5 Failure to appear in person or through a designated representative at the roll call hearing may result in denial of the license application or dismissal of a protest, unless, in the discretion of the Board, good cause is shown for the failure to appear. Examples of good cause for failure to appear may include:

(a) Sudden, severe illness or accident;

(b) Death or sudden illness in the immediate family, such as spouse, partner children, parents, siblings;

(c) Incarceration; or

(d) Severe inclement weather.

5432.6 A recommendation by the Board's agent to dismiss a license application or dismiss a protest for failure to attend the roll call hearing shall be forwarded to the Board for issuance of a written order.

5432.7 At the roll call hearing, the Board's agent shall have the authority to:

(a) Regulate the course of the hearing;

(b) Request the persons appearing at the hearing to identify themselves, and provide contact information including email addresses;

(c) Request or accept written documentation from the parties including letters of representation;

(d) Identify the parties with standing and the filed protest issues, if undisputed;

(e) Approve a joint request from the parties to schedule mediation;

(f) Adjourn a hearing and establish the date when the hearing will be continued; and

(g) Take any other action authorized by, or necessary under, this section.

5432.8 At the roll call hearing the parties shall be required, on a form prescribed by the Board, to provide their name, address, email address, and telephone numbers, as well as the same information for any attorney or non-attorney representative representing the parties. The parties shall also indicate on the form their consent to service by electronic means to their email address or to the email address of their attorney or representative.

5432.9 Upon the scheduling of the roll call hearing, all parties shall be prohibited from participating in any ex parte communication with the Board's agent relevant to the merits of the proceeding. This shall include any oral or written communication not in the public hearing record with respect to which reasonable prior notice is not given to all parties to the proceeding.

5432.10 The roll call hearing shall be open to the public and transcribed by a certified court reporter.

A new Section 5433, PROTEST STATUS HEARING, is added to read as follows:

5433 PROTEST STATUS HEARING

5433.1 The protest status hearing is a proceeding held by the Board at which the parties may address any unresolved legal issues from the roll call hearing, including whether a protestant granted conditional standing has subsequently met the standard for full standing, or address motions or pleadings previously filed with the Board.

5433.2 At the protest status hearing, the parties also inform the Board of their progress in reaching a settlement agreement. The Board in its discretion may set another status hearing if the Board determines that the parties are close to reaching a settlement agreement or that mediation might be helpful.

5433.3 Failure to appear at the protest status hearing either in person or through a designated representative may result in denial of the license application or dismissal of a protest, unless, in the discretion of the Board, good cause is shown for the failure to appear. Examples of good cause for failure to appear include, but are not limited to:

(a) Sudden, severe illness or accident;

(b) Death or sudden illness in the immediate family, such as spouse, partner, children, parents, or siblings;

(c) Incarceration; or

(d) Severe inclement weather.

5433.4 The protest status hearing shall be open to the public and transcribed by a certified court reporter.

A new Section 5434, PARTY DISMISSAL, is added to read as follows:

5434 PARTY DISMISSAL

5434.1 If an applicant or a protestant is dismissed and not reinstated by the Board for good cause after failing to appear at a roll call hearing, status hearing, or protest hearing, the Board may deny the license application, dismiss the protest, or take both actions if appropriate.

5434.2 If an applicant's request to renew its license is dismissed and not reinstated by the Board for good cause, the applicant shall be permitted to submit a second renewal application upon the filing of an application fee of one thousand dollars ($1,000).

5434.3 The re-filed second renewal application shall be submitted to ABCA within ten (10) calendar days of receipt of the Board's order dismissing the license application or not reinstating the license application in the event that a request for reinstatement was filed by the applicant. In the event that the applicant fails to resubmit its second renewal application within ten (10) calendar days, the Board shall issue a cease and desist order to the applicant notifying the business to immediately cease the sale, distribution, manufacturing, or delivery of medical cannabis, medical cannabis products, and paraphernalia upon expiration of the non-renewed license for the prior licensing period.

5434.4 If a second renewal application is re-filed by an applicant within ten (10) calendar days, any protestant that appeared at the roll call hearing or status hearing where the applicant was dismissed for failure to appear shall not be required to refile a previously submitted valid protest letter.

5434.5 If an applicant's re-filed second renewal application is dismissed for failure to appear at a hearing and not reinstated by the Board for good cause, the license renewal application shall be denied. The applicant shall be required to file a new license application and the Board shall not accept a third license renewal application from the applicant.

5434.6 If an applicant's request to terminate or amend its settlement agreement is dismissed and not reinstated by the Board for good cause, the applicant shall not be permitted to file a subsequent request to terminate or amend its settlement agreement until the next three-year renewal period.

A new Section 5435, ESTABLISHMENT OF GEOGRAPHIC BOUNDARIES IN A PROTEST, is added to read as follows:

5435 ESTABLISHMENT OF GEOGRAPHIC BOUNDARIES IN A PROTEST

5435.1 Upon recognition by the Board of a properly filed protest at a roll call hearing, the geographic boundary of the protest shall be deemed the "section." The applicant may select another geographic area permitted by this section. The applicant shall submit the alternative proposed boundaries to the Board and the protestants no later than ten (10) calendar days after the roll call hearing.

5435.2 Any protestant may object to the area and boundaries proposed by an applicant by filing a written objection with the Board no later than thirty (30) calendar days after receipt of the applicant's proposed boundaries. The objection shall also be served on the applicant in accordance with the Act and this title. The objection shall state in detail the following:

(a) The reasons for objecting to the boundaries proposed by the applicant;

(b) The boundaries proposed by the protestant; and

(c) The reasons why the protestant's boundaries should be adopted by the Board.

5435.3 The applicant may file a reply to the protestant's objection within seven (7) days of receipt of the objection.

5435.4 Any protestant or applicant who makes a submission to the Board may forward written argument or documentary evidence to the Board in support of the boundaries he or she proposes.

5435.5 The Board shall determine, on a case-by-case basis, the size of the area relevant for the appropriateness review. In making this determination, the Board shall consider the overall characteristics of the area, including population, density, and general commercial and residential activities.

5435.6 For the purpose of determining the appropriateness of a license, the geographic areas to be considered by the Board shall be measured pursuant to § 101.1 and shall be as follows:

(a) A "locality," which shall be the immediate neighborhood of the establishment and whose boundary shall be at a distance of six hundred feet (600 ft.) from the establishment;

(b) A "section," whose boundary shall be at an area larger than the immediate neighborhood and whose boundary shall be at a distance of twelve hundred

feet (1,200 ft.) from the establishment; and

(c) A "portion," whose boundary shall be at an area larger than a "section" and whose boundary shall be at a distance of eighteen hundred feet (1,800 ft.) from the establishment.

5435.7 In determining the area to be considered, the Board shall consider the overall characteristics of the alternative areas, including the following:

(a) The population and density of the areas surrounding the establishment;

(b) The general commercial and residential activities in the areas surrounding the establishment;

(c) Geographical factors, such as parks, rail lines, major thoroughfares, bodies of water, cemeteries, and unimproved or unused property, which may tend to define physically an area to be considered; and

(d) Historical patterns of commercial or residential activity leading to an identification of a given area as a distinct, generally-recognized neighborhood, or larger area.

5435.8 The Board shall make a final decision on the boundaries without a hearing and based on the submissions received from the applicant and the protestant.

5435.9 The Board's final decision shall be made and announced at the first status hearing for the application at issue unless no geographic boundary selection is made by the parties.

5435.10 In establishing a geographic boundary, including the designations of locality, section, or portion set forth in the Act or this chapter, the Board shall measure the specified distance in an arc from each corner of the building on which the licensed establishment is located, connecting the arcs by tangent lines.

A new Section 5436, DECISIONS OF THE BOARD, is added to read as follows:

5436 DECISIONS OF THE BOARD

5436.1 No application shall be approved until the Board has determined that the applicant has complied with the Act and this title or, in the case of a renewal, has fulfilled the license requirements. The Board shall make findings of fact with respect to each requirement, including the appropriateness standards set forth in the Act and the regulations.

5436.2 For the purposes of this section, the record shall close thirty (30) days after a hearing is concluded to allow the parties to submit proposed findings of fact and

conclusions of law and any other document submissions requested by the Board.

5436.3 Within ninety (90) days after the close of the record, the Board shall issue its written decision accompanied by findings of fact and conclusions of law.

A new Section 5437, PROTEST PARTIES, is added to read as follows:

5437 PROTEST PARTIES

5437.1 The parties to the protest hearing shall be the applicant and the protestants as identified at the roll call hearing.

5437.2 If there is more than one protestant, the Board, in its discretion, may request that multiple protestants confer among themselves and designate one person to conduct the protestants' case. In the case where the protestants fail to agree, the Board may select the protestant presentation order and limit the presentation time of one or more parties to ensure that the applicant and protestants have similar presentation times.

A new Section 5438, MEDIATION, is added to read as follows:

5438 MEDIATION

5438.1 A mediation among the parties shall be held to discuss and resolve, if possible, the objections raised by the protestants. If the parties fail to reach a settlement agreement on one or more of the protest issues, they shall so inform the Board at the scheduled protest status hearing or the protest hearing and the Board shall proceed with a protest hearing as to all unresolved issues.

5438.2 Mediation, which may be arranged at a roll call hearing or any other time, shall be set on a mutually convenient date before the scheduled protest status hearing or the protest hearing.

5438.3 At the request of all parties, and if a mediation would be unlikely to succeed, the Board may waive the parties' obligation to attend a mediation.

A new Section 5439, PROTEST HEARINGS, is added to read as follows:

5439 PROTEST HEARINGS

5439.1 The parties to a protest hearing shall be the applicant or licensee and the protestants.

5439.2 At the protest hearing, an applicant or licensee may give a brief opening statement summarizing the evidence and testimony they intend to present regarding the appropriateness of the application or license at issue. Thereafter, the protestant may give a brief opening statement summarizing the evidence they intend to present to

rebut or overcome the evidence and argument presented by the applicant or licensee.

5439.3 At the conclusion of the opening statements, the Board shall call its own witnesses, if any, who shall testify to the results of their investigation into the appropriateness of the establishment.

5439.4 At the conclusion of testimony by the Board's witnesses, if any, the applicant shall call its witnesses to give testimony and present evidence regarding the appropriateness of the establishment.

5439.5 At the conclusion of testimony by the applicant's witnesses, the protestant shall call witnesses to give testimony and present evidence.

5439.6 All witnesses shall testify under oath and shall be subject to questioning by the Board and to cross-examination by the opposing party.

5439.7 In any case where there is more than one (1) protestant, the Board, in its discretion, may request that the protestants designate one (1) person to conduct the protestant's case, to give opening and closing statements, and to examine and cross-examine witnesses.

5439.8 The Board may, on a motion from either party or on its own motion, limit the number of persons who may testify on behalf of the applicant, licensee, or protestant if the Board determines the testimony would be redundant.

A new Section 5440, SETTLEMENT AGREEMENTS, is added to read as follows:

5440 SETTLEMENT AGREEMENTS

5440.1 The applicant and one or more ANCs that have protested, or would have standing to protest, an application pursuant to the Act or this title may, at any time, negotiate a settlement and enter into a written settlement agreement setting forth the terms of the settlement.

5440.2 The signatories to the agreement shall submit the agreement to the Board for approval. A settlement agreement, amendment to a settlement agreement, or cancellation of a settlement agreement shall not be effective until the Board issues a written Order approving the proposed settlement.

5440.3 All provisions of a settlement agreement approved by the Board shall be enforceable by ABCA or the Board unless prohibited by the Act or this chapter.

5440.4 A settlement agreement not approved by the Board shall not be enforced by ABCA or the Board.

5440.5 Unless a shorter term is agreed upon by the parties, a settlement agreement shall run for the term of a license, including renewal periods, unless it is terminated or amended in writing by the parties and the termination or amendment is approved by the Board.

5440.6 The terms of a settlement agreement submitted by the parties shall be consistent with District of Columbia law, typed, and in compliance with the Act and this title.

5440.7 A settlement agreement submitted to the Board shall include the form provided by the Board that shall be deemed part of the agreement and at a minimum:

(a) Identify all parties to the agreement;

(b) Contain the contact information for all parties; and

(c) Contain the signatures of all parties.

5440.8 When the parties file an additional settlement agreement or amendment to an existing settlement agreement, the Board may, before considering the agreement or amendment, require the parties to cancel all prior agreements and consolidate all intended settlement terms into one comprehensive document before approval.

A new Section 5441, SUCCESSOR ANC, is added to read as follows:

5441 SUCCESSOR ANC

5441.1 After the approval of a settlement agreement between the licensee and an ANC or the filing of a protest, if the District legally changes the boundaries of ANCs and the licensed location is located in a new ANC's jurisdiction, the new ANC shall, to the extent consistent with governing law, be deemed the successor-in-interest and replace the original ANC as a party to the agreement and the protest.

A new Section 5442, AUTOMATIC TERMINATION, is added to read as follows:

5442 AUTOMATIC TERMINATION

5442.1 A settlement agreement shall be terminated by the Board upon petition of the applicant if the applicant shows that the Board has approved a transfer of the license to a new location at least twelve hundred feet (1,200 ft.) away from the prior location after the initial approval of the agreement. The licensee may request a declaratory order terminating the settlement agreement if its settlement agreement qualifies for termination under this section.

A new Section 5443, BOARD REVIEW OF SETTLEMENT AGREEMENTS, is added to read as follows:

5443 BOARD REVIEW OF SETTLEMENT AGREEMENTS

5443.1 If the Board determines that the settlement agreement complies with all applicable laws and regulations and the applicant otherwise qualifies for licensure, it may, in its discretion, approve the license application, conditioned upon the licensee's compliance with the terms of the settlement agreement. The Board shall incorporate the text of the settlement agreement in its order and the settlement agreement shall be enforceable by the Board.

5443.2 The Board may reject any settlement agreement that is not in accordance with the law, not in the public interest, or otherwise not in the interest of ABCA to enforce.

5443.3 The Board may reject a settlement agreement that does not represent the entire agreement of the parties or when any or all of the terms of the settlement agreement:

(a) Violate the Act or this title, the Constitution, the D.C. Human Rights Act, or any other law or regulation;

(b) Are not in the public interest;

(c) Are not in the agency's interest to enforce because it is overly burdensome, unenforceable, or overrides the prosecutorial or other discretion provided to the Board or the District;

(d) Are incomplete, not final, or vague; or

(e) Require the licensee or the District to exercise control over third parties outside the premises.

5443.4 The parties may submit a settlement agreement at any time, except that, on the date of the protest hearing or after the close of the record, the parties may only file a settlement agreement with the permission of the Board.

5443.5 If the Board determines that a settlement agreement submitted by the parties does not comply with all applicable laws and regulations, the Board may condition approval of the settlement agreement on the parties' acceptance of modifications of the agreement proposed by the Board. If the parties reject the modifications proposed by the Board, they may submit a new settlement agreement for Board review that complies with applicable laws and regulations or the Board may order the parties to proceed to a Protest Hearing.

5443.6 The Board shall issue an Order rejecting the settlement agreement if the parties to a settlement agreement reject the modifications proposed by the Board and fail to submit a new settlement agreement, or fail to respond to the Board's modifications, within thirty (30) days of receiving notice of the modifications.

5443.7 If the Board issues an Order denying the settlement agreement and a protest has been filed against the application, the matter will be scheduled for a Protest Hearing.

A new Section 5444, UNILATERAL AMENDMENT OR TERMINATION, is added to read as follows:

5444 UNILATERAL AMENDMENT OR TERMINATION

5444.1 The Board may accept an application to amend or terminate a settlement agreement by fewer than all parties in the following circumstances:

(A) During the license's renewal period; and

(B) After four (4) years from the date of the Board's decision initially approving the settlement agreement.

5444.2 Notice of an application under § 5444.1 to amend or terminate a settlement agreement shall be given both to the parties of the agreement and to the public at the time of the applicant's renewal application according to the renewal procedures required under the Act and this chapter.

5444.3 The Board may approve a request by fewer than all parties to amend or terminate a settlement agreement for good cause shown if it makes each of the following findings based upon sworn evidence:

(a) The applicant seeking the amendment or termination has made a diligent effort to locate all other parties to the settlement agreement; or if non-applicant parties are located, the applicant has made a good faith attempt to negotiate a mutually acceptable amendment or termination of the settlement agreement;

(b) The need for an amendment or termination is either caused by circumstances beyond the control of the applicant or is due to a change in the neighborhood where the applicant's establishment is located; and

(c) The amendment or termination will not have an adverse impact on the neighborhood where the establishment is located.

5444.4 To fulfill the good-faith attempt criteria of this section, the applicant shall file a sworn affidavit with the Board at the time that an application to amend or terminate a settlement agreement by fewer than all parties is filed stating that either:

(a) A meeting occurred between the parties which did not result in agreement; or

(b) The non-applicant parties refused to meet with the applicant.

5444.5 For the purposes of this section, the term "license's renewal period" means the sixty (60)-day period before the expiration date of a license.

5444.6 Upon the filing of a valid petition for termination or amendment, any signatory party that has not filed a valid protest against the petition shall automatically be removed from the agreement.

A new Section 5445, ENFORCEABLE SETTLEMENT AGREEMENT PROVISIONS, is added to read as follows:

5445 ENFORCEABLE SETTLEMENT AGREEMENT PROVISIONS

5445.1 A settlement agreement enforceable by the Board under this chapter may, to the extent consistent with the Act, include:

(a) Provisions allowing or prohibiting background or recorded music or other amplified sounds, restricting the location of music and sound equipment, and the hours of recorded or background music may be provided;

(b) Provisions requiring specific methods to mitigate sound or noise disturbances, including, but not limited to, specific architectural features; requiring doors and windows to remain closed except in the case of ingress and egress; sound barriers and other sound proofing elements; the use of sound limiters and other equipment; and the placement of sound equipment;

(c) Provisions requiring cleanliness, odor, smoke, litter, and trash control on the premises and in the immediate area surrounding the premises, including, but not limited to, the frequency the immediate area is cleaned; trash removal times; efforts to limit rat and vermin infestation, the use of odor control technology, the establishment of non-smoking areas, and trash and recycling management;

(d) Provisions requiring specific parking arrangements;

(e) Provisions requiring the use of validated or valet parking so long as the required valet service is properly approved and has all licenses, permits, and other approvals required by law;

(f) Requirements that the applicant or existing licensee use and maintain an incident log and that the incident log be made available to ABCA and the Board, upon request;

(g) Provisions requiring the filing and compliance with a security plan in accordance with the Act and this title;

(h) Notice to cure provisions;

(i) Provisions restricting the indoor and outdoor hours of operation, and hours of medical cannabis sales and delivery;

(j) Provisions prohibiting or restricting the utilization of floors and outdoor areas, or the occupancy of all or a portion of the premises;

(k) Provisions requiring the use security cameras, minimum identification checking procedures, minimum security personnel staffing, the use of various doors as exits and entrances except in the case of an emergency, restricting the consumption of cannabis and cannabis products, and other safety and security policies and procedures unless otherwise required by law or the Board;

(l) Provisions requiring minimum training for managers and staff;

(m) Provisions requiring the posting of signage or information on the establishment's website; and

(n) Provisions that mandate that the establishment comply with existing District law and all licenses, permits, and other privileges granted by the District.

A new Section 5446, UNENFORCEABLE SETTLEMENT AGREEMENT PROVISIONS, is added to read as follows:

5446 UNENFORCEABLE SETTLEMENT AGREEMENT PROVISIONS

5446.1 The Board shall not enforce the following if included in a settlement agreement covered by this chapter:

(a) Provisions that require approval from a signatory or third party to file an application or request with the Board;

(b) Provisions that require additional or specific notice to a signatory or third party outside of the notice required by law;

(c) Provisions that restrict the sale or transfer of the business to new or different owners or require or restrict a change in the type of license;

(d) Provisions that prohibit the act of filing of an application or request with the District. This section does not prevent the settlement agreement from allowing, restricting, or prohibiting various activities of the business;

(e) Provisions that mandate the purchase, service, or sale of specific types of food, non-alcoholic beverages, and medical cannabis; mandate the type of cuisine; mandate the use of brands or types of medical cannabis and other products; or mandate any or all prices set by the business;

(f) Provisions restricting customers based on age, gender, national origin, status as a student, or other criteria prohibited by the D.C. Human Rights Act (D.C. Official Code § 2-1401.01 *et seq*.);

(g) Provisions requiring the use of specific businesses; require the joining of any group; or requiring the hiring of any specific person or local individuals;

(h) Provisions that create additional administrative procedures in addition to those required by ABCA or the District, alter the penalties of existing laws, or otherwise restrict prosecutorial or Board discretion;

(i) Provisions that require the licensee or their agents to attend ANC or community meetings, events, or otherwise require them to appear or communicate with the signatories or third parties;

(j) Provisions that require the establishment to provide money, buy specific goods or services, or provide financial or other benefits to the community or its agents; provide discounts, free goods and service; or offer specific promotions;

(k) Provisions requiring the provision of contracts, incident logs, and other documents to the signatories or third parties except to ABCA or the Board;

(l) Provisions that require a minimum or maximum level of food, non-alcoholic beverage, or cannabis sales to the public, individuals, qualified patients, or other persons authorized to purchase goods and services from the establishment or require the purchase of specific products by qualified patients, caregivers, or other customers.

(m) Provisions that require future negotiation or create probationary periods that may alter the terms of the license, the settlement agreement, or the operation of the business after approval of the agreement; and

(n) Provisions that create a plant limit or restrict the products that may manufactured, dispensed, or sold by the licensee.

5446.2 A settlement agreement provision that requires a violation of District law shall not be enforced, even if the law did not exist at the time the agreement was approved.

5446.3 If a settlement agreement provision is deemed unenforceable after approval of the agreement, it shall be presumed that the parties intended for the remainder of the

agreement to remain enforceable.

A new Section 5447, DISCOVERY OF LICENSEE DOCUMENTS, is added to read as follows:

5447 DISCOVERY OF LICENSEE DOCUMENTS

5447.1 An ANC granted standing as a protestant during the pendency of the protest may request from ABCA a copy of a contract to which a licensee is a party, an incident log kept by a licensee, or similar document, if obtained by ABCA, except for patient and caregiver records, financial information, or any other document that in the determination of the Board merits privacy protection.

A new Section 5448, QUALIFICATIONS HEARING, is added to read as follows:

5448 QUALIFICATIONS HEARING

5448.1 The Board may hold a qualifications hearing before issuing, transferring, or renewing a license, registration, or permit to determine whether the applicant, licensee, registrant, or permittee meets the criteria set forth in the Act and this subtitle even if not raised as part of a protest.

5448.2 A qualifications hearing shall be conducted as a contested case pursuant to the DC APA.

5448.3 The Board shall give notice to the applicant, licensee, or permittee, by personal service or certified mail, requiring the person to appear before the Board within 15 calendar days after receipt of the notice to provide evidence establishing that the person meets the criterion set forth in the Act and this title.

5448.4 The hearing notice required by § 5448.3 of this section shall include:

(a) The criterion about which the Board is requesting information;

(b) The evidence to be considered by the Board at the hearing, including documentation, exhibits, investigative reports, or electronic or digitally stored information; and

(c) The conditions, if any, that the Board is considering imposing on the applicant.

5448.5 If after notice has been provided, as required by § 5448.3 of the section, the applicant refuses or otherwise fails to appear at the hearing, the Board may hold the hearing ex parte.

5448.6 The Board shall deny the issuance, transfer, or renewal of a license, registration, or

permit application if it determines that the applicant does not meet the criteria set forth in the Act or this title.

5448.7 In issuing or renewing a license, registration, or permit, or approving a transfer, the Board may require that certain conditions be met, consistent with the requirements set forth in the Act or this title.

A new Section 5449, UNLICENSED ESTABLISHMENT APPLICATION, is added to read as follows:

5449 UNLICENSED ESTABLISHMENT APPLICATION

5449.1 An unlicensed establishment described in section 7a of the Act (D.C. Official Code § 7-1671.06a) applying for a cultivation center, internet retailer, or retailer license shall provide the information required by section 7a of the Act (D.C. Official Code § 7-1671.06a) in order to be eligible to file a license application for a cultivation center, internet retailer, or retailer license.

5449.2 In order to satisfy Section 7a(a)(2)(B) of the Act (D.C. Official Code § 7-1671.06a(a)(2)(B)), an applicant for an unlicensed establishment applying for a cultivation center shall provide an architectural map of the facility indicating where medical cannabis will be grown, processed, and packaged and attest that the proposed facility will have sufficient power and heating and ventilation systems to support medical cannabis growing activity.

5449.3 Once an unlicensed establishment files an application, no amendment to the selected location for the license may be accepted until the license is issued.

A new Section 5450, [RESERVED], is added to read as follows:

5450 [RESERVED]

Chapter 55, REGISTRATION CHANGES, is amended as follows:

Section 5501, INDIVIDUAL OWNERSHIP, PARTNERSHIP, LIMITED LIABILITY COMPANY OR PARTNERSHIP, AND CORPORATE CHANGES, is deleted in its entirety and amended to read as follows:

5501 INDIVIDUAL OWNERSHIP, PARTNERSHIP, LIMITED LIABILITY COMPANY OR PARTNERSHIP, AND CORPORATE CHANGES

5501.1 For a corporation that holds a medical cannabis business license, if there is a change in corporate officers or directors, or other persons, owning or controlling one percent (1%) or more, but less than fifty percent (50%), of that corporation's common stock, the corporation shall submit to the Board, within fifteen (15) calendar days of the change, the minutes or other instrument giving the names and

addresses of any new officer, director, or person owning or controlling any percentage of the stock.

5501.2 For a partnership or limited liability company that holds a medical cannabis business license, if there is a change in the ownership of the partnership or limited liability company of one percent (1%) or more, but less than fifty percent (50%), of the total ownership interest of the business, the partnership or limited liability company shall submit to the Board in a timely manner, but no later than fifteen (15) calendar days after the change has occurred, the instruments reflecting the change in ownership interests.

5501.3 Within fifteen (15) calendar days of the changes set forth in § 5501.1 and § 5501.2, the individual owner, partnership, limited liability company or partnership, or corporation shall submit to the Board any relevant data pertaining to the personal and business history of any new officer, director, stockholder, member, general or limited partner, or other person that the Board may require, and each new person shall apply for a license as required under this subtitle.

5501.4 Each individual seeking to own or control interest of at least one percent (1%) in a partnership, limited liability company, or corporation shall pass a criminal background check and pay the applicable registration fee as required by the Act and this subtitle.

5501.5 The proposed transferee(s) shall not operate the licensed medical cannabis business until they have received a license issued by the Board.

Section 5502, TRANSFER OF EQUAL OR MAJORITY OWNERSHIP OR CONTROL, is amended to read as follows:

5502.1 At least thirty (30) days before executing an agreement that will result in the transfer of ownership or control of fifty percent (50%) or more of the ownership interest or common stock of an entity that holds a licensed medical cannabis business, the current licensee shall submit to the Board an application for a transfer of equal or majority ownership or control.

5502.2 A licensee shall not complete the sale or transfer of fifty percent (50%) or more of its ownership or control of an entity that holds a licensed medical cannabis business until the licensee has received written approval from the Board of the sale or transfer.

5502.3 If a licensee transfers ownership or control of fifty percent (50%) or more of its ownership or control of an entity that holds a licensed medical cannabis business without Board approval, the license shall automatically be deemed void and shall be surrendered to the Board upon demand.

5502.4 The Board shall not approve an application for a transfer of fifty percent (50%) or more of its ownership or control of a licensed medical cannabis business until a complete application providing the following information is filed:

(a) The legal name or trade name of the business and a copy of the trade name registration, if applicable;

(b) The name, address, date of birth, and social security number of the individual owner, partners, limited liability company or partnership member, principal officers, directors, or shareholders (no P.O. Boxes will be accepted);

(c) The Certificate of Good Standing for the partnership, limited liability company or partnership, or corporation, issued within thirty (30) days of the date of submission of the application;

(d) A Basic Business Registration with a General Business registration endorsement;

(e) A certificate of occupancy for the premises issued in the name of the new owner, if applicable;

(f) Evidence that the transferee has entered into a bona fide agreement with the owner of the building to lease, purchase, or occupy the premises;

(g) A signed and notarized Acknowledgment and Attestation form;

(h) Information on the source of funds used to acquire the ownership or control interests of the business;

(i) A copy of both the Bill of Sale and the Purchase and Sale Agreement between the licensee and the transferee, if such documents exist; and

(j) A notarized and signed copy of the Transfer of License Affidavit Form.

5502.5 The proposed transferee(s) shall pass a criminal background check as required by the Act and the regulations.

5502.6 The proposed transferee(s) shall not operate the licensed medical cannabis business until they have received a license issued by the Board.

Chapter 56, GENERAL OPERATING REQUIREMENTS, is amended as follows:

Section 5601, POSTING OF IDENTIFICATION REQUIREMENT BY DISPENSARY, is renamed and amended to read as follows:

5601 POSTING OF IDENTIFICATION REQUIREMENT BY RETAILER AND INTERNET RETAILER

5601.1 The notice required to be posted by the retailer shall state that no person shall be sold medical cannabis who does not produce both:

(a) A valid registration card issued by the Board or valid out of state documentation demonstrating enrollment in another jurisdiction's medical cannabis program; and

(b) A valid government issued photo identification document displaying proof of age that matches the name on the registration card.

5601.2 An internet retailer shall be required to post the information required by § 5601.1 on its website.

Section 5602, HOURS OF OPERATION, SALE, SERVICE, AND DELIVERY, is amended as follows:

Subsection 5602.1 is amended to read as follows:

5602.1 A retailer may operate and sell medical cannabis, and a retailer with a retail delivery endorsement may deliver medical cannabis, on any day and at any time except between the hours of 11:00 p.m. and 7:00 a.m.

Subsection 5602.2 is amended to read as follows:

5602.2 A licensed courier, cultivation center, internet retailer, manufacturer, and testing laboratory shall not be open to the public.

Subsection 5602.3 is amended to read as follows:

5602.3 A manufacturer may operate its business twenty-four (24) hours a day.

Subsection 5602.8 is renumbered Subsection 5602.9.

Subsection 5602.9 is renumbered Subsection 5602.10.

A new Subsection 5602.8 is added to read as follows:

5602.8 A courier and internet retailer may operate, sell, and deliver medical cannabis on any day and at any time except between the hours of 11:00 p.m. and 7:00 a.m.

A new Subsection 5602.11 is added to read as follows:

5602.11 A medical cannabis business may maintain its websites, mobile applications, and third-party listings active after its Board-approved hours and receive internet orders for medical cannabis so long as no medical cannabis is dispensed or delivered to a

qualifying patient, caregiver, or courier until its Board-approved hours permit the business to open.

Section 5604, MANAGER'S REGISTRATION, is amended to read as follows:

5604 MANAGER'S APPLICATION

5604.1 In the absence of an owner, a licensed medical cannabis business shall have a Board-approved manager present at the licensed premises during the hours that the licensed medical cannabis business is open.

5604.2 An applicant for a manager's license shall submit:

(a) An application to the Board on the prescribed form;

(b) A copy of their certificate showing completion of a medical cannabis training and education program from a Board-approved medical cannabis certification provider; and

(c) The required fee.

5604.3 If a licensed medical cannabis business has designated one or more persons to manage the licensed business, each manager shall be the holder of a valid manager's license which shall be renewable each year.

5604.4 A manager's license shall remain valid until surrendered, expired, suspended, or revoked.

5604.5 An applicant for a manager's license shall be subject to the requirements of the Act and this title.

5604.6 A licensed medical cannabis business may file a written request with the Board that an applicant for a manager's license who has not completed a medical cannabis training and education certification program be issued a temporary manager's license and shall attest that the applicant for the manager's license will complete the medical cannabis and cannabis training within thirty (30) calendar days of receipt of the temporary manager's license.

5604.7 The written request for a temporary manager's license shall set forth the name of the licensed establishment, the trade name, the address of the establishment, the name of the applicant for the manager's license, and the reason why the issuance of the temporary manager's license is necessary.

5604.8 The temporary manager's license issued pursuant to § 5604.8 shall cease after thirty (30) days or upon the approval or denial of the manager's license application.

5604.9 A manager's license shall expire one (1) year from issuance.

Section 5606, NOTICE OF CRIMINAL CONVICTION OF DIRECTOR, OFFICER,

MEMBER, INCORPORATOR, AGENT OR EMPLOYEE, is amended to read as follows:

5606 NOTICE OF CRIMINAL CONVICTION OF DIRECTOR, OFFICER, MEMBER, INCORPORATOR, AGENT OR EMPLOYEE

5606.1 If a licensed medical cannabis business discovers that any director, officer, member, incorporator, agent, or employee has at any time during their employment been convicted of a felony, it shall notify the Board within seven (7) days of that discovery.

Subsection 5606.2 is deleted.

Section 5607, LABELING AND PACKAGING OF MEDICAL CANNABIS, is amended as follows:

Subsection 5607.1(f) is repealed.

Subsection 5607.13 is amended to read as follows:

5607.13 The cultivation center or manufacturer shall place medical cannabis or medical cannabis products in either tamper-evident or tamper-proof packaging so long as such packaging is difficult for children under five (5) years of age to open prior to transporting the products to the internet retailer or retailer.

Subsection 5607.17 is amended to read as follows:

5607.17 An internet retailer, retailer, cultivation center, and manufacturer shall submit its labeling to the Board for approval and record.

Section 5608, INGESTIBLE ITEMS, is amended to read as follows:

5608.1 No medical cannabis business shall produce any cannabis product in an edible form, or other form which is intended to be eaten, drunk, or otherwise consumed orally, unless it has:

(a) Prepared the product at a cultivation center facility that meets all requirements of a retail food establishment, including any Department of Health licensing and certification requirements;

(b) Complied with all District of Columbia health regulations relating to the production, preparation, and sale of prepared food items in accordance with Title 25 DCMR, Subtitle A (Food and Food Operations); and

(c) Obtained all licenses, permits, endorsements, or other permissions required by law, including any Hazard Analysis and Critical Control Points (HACCP) plan required by law, before producing any ingestible products.

5608.2 A medical cannabis business shall not create, process, sell or transfer a cannabis item that:

(a) That by its shape, design or flavor is likely to appeal to minors, including:

(1) Products that are modeled after non-cannabis products primarily consumed by and marketed to children; or

(2) Products in the shape of an animal, vehicle, person, fruit, or character;

(b) That is made by applying cannabinoid concentrates or extracts to commercially available candy or snack food items;

(c) That contains dimethyl sulfoxide (DMSO);

(d) That contains more than 200 mg of THC per package;

(e) That contains more than 20mg of THC per serving size or piece; or

(f) That requires cooking or baking by the consumer.

5608.3 In addition to the requirements of § 5608.2, chocolate cannabis-infused products shall comply with the following requirements:

(a) Each serving size piece shall be individually wrapped; and

(b) Each serving size piece shall be affixed with a stamp or the imprinted letters "THC."

5608.4 The sale of an ingestible item containing either a serving size piece of more than 20 mg of THC or more than 200 mg of THC per package shall be permitted as follows:

(a) Notwithstanding the THC limits set forth in subsections 5608.2, a medical cannabis business may apply to the Board to manufacture, sell, and transfer to other medical cannabis businesses as permitted by law ingestible items that may be sold only to qualifying patients with a written recommendation from an authorized practitioner, and that contain:

(1) Serving size pieces with a maximum of 50 mg of THC; and

(2) No more than 500 mg of THC per package.

(b) It shall be a violation of this title for a medical cannabis business to sell ingestible items containing more than 20 mg of THC per serving size piece or 200 mg of THC per package to a qualifying patient that does not possess a valid written recommendation from an authorized practitioner.

(c) The serving size and per package THC limits set forth in paragraph (a) of this subsection shall not apply to the sale of:

(1) Ingestible capsules;

(2) Tinctures; and

(3) Non-injectable syringes no larger than 5,000 mg.

(d) A qualifying patient with a valid non-resident patient card issued by another state or jurisdiction that does not permit patient self-certification shall be deemed as possessing a written recommendation from an authorized practitioner and shall be eligible to purchase ingestible items consistent with the limits set forth in paragraphs (a)(1) and (a)(2).

Section 5611, EDUCATIONAL CLASSES AND DEMONSTRATIONS, is amended to read as follows:

5611 EDUCATIONAL CLASSES AND DEMONSTRATIONS

5611.1 A retailer may offer educational classes and demonstrations to qualifying patients, caregivers, and non-resident qualifying patients upon issuance of an education tasting endorsement.

5611.2 Educational classes and demonstrations permitted to be offered on-site shall include cooking and how-to classes and demonstrations, including how to utilize cannabis paraphernalia, how to cook foods with medical cannabis, and other medical cannabis preparation techniques.

5611.3 A retailer shall only offer educational classes and demonstrations on the retailer's registered premises.

5611.4 A retailer may permit a qualifying patient, caregiver, or non-resident qualifying patient to smell or touch medical cannabis products provided medical cannabis is not administered or consumed on the registered premises and the medical cannabis has not been sold or otherwise given away.

5611.5 An educational activity that includes the smoking, administering, or consumption of medical cannabis shall be prohibited.

5611.6 A retailer shall ensure that containers of medical cannabis to be utilized for educational activities are labeled as such and may not be sold.

5611.7 A retailer shall ensure that medical cannabis containers to be utilized for educational purposes remain in its secure storage area during non-operating hours.

5611.8 A retailer shall not allow a qualifying patient, caregiver, or non-resident qualifying patient to leave the premises with medical cannabis that was made available or offered as part of the educational activity.

5611.9 A retailer shall destroy and dispose of medical cannabis utilized during the educational activity consistent with the requirements of this subtitle. This subsection shall include all medical cannabis that is physically touched or handled by patients, caregivers, or staff as part of the educational activity.

5611.10 A retailer with an educational tasting endorsement may offer educational activities on the registered premises between the hours of 7:00 a.m. and 11:00 p.m., daily.

5611.11 A retailer shall be permitted to charge a qualifying patient, caregiver, or non-resident qualifying patient an additional fee to attend or participate in the educational class or demonstration.

Section 5612, PRODUCTION OF VALID PHOTO IDENTIFICATION REQUIRED, is renamed and amended to read as follows:

5612 PRODUCTION OF VALID IDENTIFICATION REQUIRED

5612.1 An internet retailer or retailer shall refuse to sell or deliver medical cannabis to any person who fails to produce a valid medical cannabis patient card issued by ABCA or a nonresident patient card or state-issued document and a valid government issued photo identification document displaying proof of age that matches the name on the patient card.

5612.2 A licensee shall take steps reasonably necessary to ascertain whether any person to whom the licensee sells, delivers, or serves medical cannabis is a qualifying patient registered or authorized to purchase or possess medical cannabis, and that the sale otherwise complies with the medical cannabis quantity and sale limits provided by the Act and this title.

5612.3 Any person who supplies a valid and unexpired medical cannabis patient card or medical cannabis caregiver card showing their legal age to be the legal age and authorization to obtain medical cannabis and all other documents required by the Act and this title, if required, shall be deemed authorized to obtain medical cannabis.

5612.4 The provisions of this section notwithstanding, no licensee shall discriminate on any basis prohibited by the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq*.).

5612.5 It shall be an affirmative defense to a violation of § 5612.1 that the licensee or their agent was shown and inspected a fake or fraudulent identification document of such quality that a reasonable person would believe that it was valid unless:

(a) The identification was visibly damaged;

(b) The identification lacked the physical materials or features of the valid identification being imitated;

(c) The photograph contained in the identification that was shown did not match the bearer;

(d) The identification is displayed past the printed expiration date; or

(e) The licensee or their agent knew the person was not authorized or ineligible to obtain medical cannabis.

Section 5614, CO-LOCATION AND INTEGRATION, is amended as follows:

Subsection 5614.2 is amended to read as follows:

5614.2 Separately licensed medical cannabis businesses may be located in the same building or space but shall maintain separate books and records and a separate secure space. A medical cannabis business may share space or the same address if the licensed medical cannabis businesses demonstrate to the satisfaction of the Board that the medical cannabis businesses will have their own separate secure space, maintain separate inventory, records, and financial accounts, and otherwise operate in accordance with the Act and this title.

Subsection 5614.4 is repealed.

Section 5615, SEED-TO-SALE TRACKING SYSTEM, is renamed and amended to read as follows:

5615 SEED-TO-SALE TRACKING

5615.1 A medical cannabis business shall purchase access to the METRC real-time electronic records system.

5615.2 All information required by this section shall be entered into the real-time electronic records system designated in § 5615.1.

5615.3 All information entered into the METRC real-time electronic records system shall be true, complete, and a real-time electronic record of the event, information, or occurrence recorded in the system.

5615.4 All information required to be entered into the real-time electronic records system shall be entered immediately at the time of the transaction, event, or occurrence, or the information becomes available to the licensee or its agents.

5615.5 A courier, internet retailer, or retailer shall enter the following information into the real-time electronic records system:

(a) All transactions where the licensee distributed or sold medical cannabis to a qualifying patient, nonresident qualifying patient, or caregiver, including,

(1) The quantity of medical cannabis distributed, delivered, or dispensed;

(2) Whether the transaction was fulfilled at the store, by curbside delivery, or delivery at another location;

(3) The amount of money or other consideration provided by the purchaser; and

(4) The name and address of the purchaser;

(b) The quantity of medical cannabis or medical cannabis products at the facility; and

(c) The destruction or disposal of cultivated, processed, or acquired medical cannabis, the method used, the reason for its destruction or disposal, and proof of disposal.

5615.6 A cultivation center and manufacturer shall enter the following information into the real-time electronic records system:

(a) The date of each distribution, transportation, or sale of medical cannabis to an internet retailer, manufacturer, retailer, or testing laboratory;

(b) The name, address, and license number of the internet retailer, manufacturer, or retailer;

(c) The quantity of medical cannabis and paraphernalia distributed, transported, or sold to the internet retailer, manufacturer, or retailer;

(d) The price charged and the amount received for the medical cannabis or medical cannabis products distributed, transported, or sold to the internet retailer, manufacturer, or retailer;

(e) The type, brand, and quantity of medical cannabis or medical cannabis products maintained at the cultivation center on a daily basis;

(f) The number of plants being grown at the cultivation center on a daily basis;

(g) The type, brand name, and quantity of medical cannabis or medical cannabis products produced on a daily basis;

(h) The results of the testing laboratory analysis for five (5) years from the date of the test; and

(i) The destruction or disposal of cultivated, processed, or acquired medical cannabis or medical cannabis products, the method used, the reason for its destruction or disposal, and proof of disposal.

5615.7 It is an affirmative defense to a violation of § 5615.6(h) that the medical cannabis or medical cannabis product was not subject to a testing requirement due to the absence of testing laboratory licenses in the District of Columbia or that all testing laboratories were in safekeeping, not in operation, or out of business for a period of more than fourteen (14) days.

Section 5616, SIGN REQUIREMENTS, is amended as follows:

Subsection 5616.1 is amended to read as follows:

5616.1 A retailer shall post at its building entrance in a conspicuous place, a sign from the Board that states the following:

(a) Minors are precluded from entering the premises unless they are a qualifying patient and are in the presence of a parent or guardian; and

(b) Smoking, ingesting, or consuming cannabis on the premises is prohibited.

5616.2 A retailer with a Board-approved safe-use treatment facility, summer garden, or education tasting endorsement shall not be required to post the language contained in § 5616.1(b).

Subsection 5616.4 is amended to read as follows:

5616.4 An internet retailer or retailer shall conspicuously post a sign on the premises accessible to the public; make a booklet or other document readily available to the public; or on its website post information or a document containing the current retail prices of all items available for sale.

Section 5620, MANUFACTURING STANDARDS, is amended to read as follows:

5620 MANUFACTURING STANDARDS

5620.1 In the course of producing and growing medical cannabis, a cultivation center or manufacturer is forbidden from using any of the following substances or techniques:

(a) Synthetic pesticides (for example defoliants and desiccants, fungicides, insecticides and rodenticides), or wood preservatives (such as arsenate);

(b) Fertilizer or composted plant and animal material that contains a substance prohibited by this section;

(c) Sewage sludge, in any form, as a soil amendment;

(d) Synthetic growth regulators;

(e) Synthetic allopathic veterinary drugs, including antibiotics and parasiticides;

(f) Synthetic processing substances, aids and ingredients, and food additives and processing aids including sulphates, nitrates and nitrites;

(g) Equipment, packaging materials and storage containers, or bins that contain synthetic fungicide, preservative or fumigant; or

(h) Any pesticide, fungicide, fertilizer, rodenticide, or drug banned by the Department of Agriculture or Food and Drug Administration.

5620.2 The prohibition on "synthetic growth regulators" shall not preclude the use of artificial lighting or lighting equipment.

5620.3 A cultivation center or manufacturer shall obtain written approval from the Board before engaging in the use of butane or other explosive gases to extract or separate resin or tetrahydrocannabinol from cannabis or to produce or process any form of cannabis concentrates or cannabis-infused product.

5620.4 In reviewing a request for the use of butane or other explosive gases, the Board may consult with subject matter experts in the field, the Fire and Emergency Medical Services Department, and the Department of Energy and Environment as to the safety and sufficiency of the cultivation center's proposal.

5620.5 Pesticides may be legally used on medical cannabis by cultivation centers under the following criteria:

(a) Any pesticide used in the cultivation of medical cannabis must be registered with the Department of Energy and Environment (DOEE);

(b) The use of any pesticide used in the cultivation of medical cannabis must comply with the regulations promulgated by the DOEE; and

(c) Any pesticide registered with the DOEE may be used in accordance with its

label or labeling directions for the cultivation of medical cannabis in the District of Columbia provided, that for products registered by the Environmental Protection Agency under Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act:

(1) All active ingredients of the pesticide product are exempt from the requirements of a tolerance, as established under 40 CFR Part 180, Subparts D and E;

(2) The pesticide product label allows use on the intended site of application;

(3) The pesticide product label expressly allows use on crops or plants intended for human consumption; and

(4) The active ingredients of the pesticide product are allowed for use on tobacco by the Environmental Protection Agency.

Section 5621, TRANSPORT OF MEDICAL CANNABIS, amended to read as follows:

5621 TRANSPORT OF MEDICAL CANNABIS

5621.1 A licensed medical cannabis business shall obtain from the Board a transporter license to transport medical cannabis within the District of Columbia to another licensed medical cannabis business if permitted by law. An original transporter license shall be required for each vehicle being designated by the licensed medical cannabis business or its contracted agent to be authorized to deliver medical cannabis to another licensed medical cannabis business.

5621.2 A licensed medical cannabis business, or its contracted agent, shall not transport medical cannabis within the District of Columbia without an original transporter license. A licensed medical cannabis business shall permit only an employee, director, officer, member, incorporator, or agent registered with the Board or its contracted agent to transport medical cannabis to another licensed medical cannabis business.

5621.3 Upon demand by an ABCA investigator, the registered person in charge of the transportation or its contracted agent shall exhibit to the ABCA investigator an original transporter license.

Section 5622, INVENTORY, is amended to read as follows:

5622 INVENTORY

5622.1 Each licensed medical cannabis business shall be required to develop, implement, and maintain, on its registered premises, a written real-time inventory control plan, which shall:

(a) Establish inventory controls and procedures it will use to conduct inventory reviews and verify the business's cultivated, stored, useable and unusable cannabis and cannabis products that are in its possession; and

(b) Include its procedures for storing cannabis and cannabis products and preventing theft and diversion.

5622.2 Each licensed medical cannabis business shall be responsible for inputting and maintaining in METRC an accurate inventory in real time of all cannabis and cannabis products in the possession of the licensed medical cannabis business. This inventory shall include all cannabis and cannabis products available for cultivation, finished usable cannabis and cannabis products available for sale, immature and mature plants, and unusable cannabis and cannabis products at the registered premises.

5622.3 In entering inventory into METRC, pursuant to § 5615, a licensed medical cannabis business shall include damaged, defective, expired, or adulterated cannabis or cannabis products awaiting disposal, including the name, the quantity, and the reasons for which the licensed medical cannabis business is maintaining the cannabis or cannabis products.

5622.4 In tracking its cannabis and cannabis products inventory, a licensed medical cannabis business shall:

(a) Update cannabis and cannabis product inventories on at least a daily basis;

(b) Conduct a monthly inventory audit of cultivated, stored, useable and unusable cannabis and cannabis products; and

(c) Conduct a comprehensive annual inventory audit at least once a year.

5622.5 The record of an inventory audit conducted pursuant to § 5622.4(b) or (c) shall include, at a minimum, the date of the audit, a summary of the audit findings, and the name, signature, and title of the person(s) who conducted the audit.

5622.6 A licensed medical cannabis business that becomes aware of a reportable loss, discrepancies identified during an audit, diversion, or theft, whether or not the cannabis or cannabis products are subsequently recovered or the responsible parties are identified, shall notify the Board within twenty-four (24) hours.

5622.7 For the purpose of this section, the phrase "unusable cannabis and cannabis products" means the seeds and roots of the cannabis plant, as well as any products derived therefrom.

A new Section 5623, MANUFACTURING RESTRICTIONS AT CULTIVATION CENTERS, is added to read as follows:

5623 MANUFACTURING RESTRICTIONS AT CULTIVATION CENTERS

5623.1 A cultivation center that does not hold a manufacturer's license may distribute and produce medical cannabis in the form of pre-rolls and bulk fresh or dried cannabis flower and other cannabis plant material.

5623.2 A cultivation center that does not possess a manufacturer's license shall not produce concentrates, edibles, infused edibles, lozenges, vaping products, tinctures, topicals, or any other product except those listed in 5623.1.

5623.3 A cultivation center that does not possess a manufacturer's license shall not extract THC, CBD, or other chemicals from cannabis plants.

A new Section 5624, RETAILER DELIVERY ENDORSEMENT, is added to read as follows:

5624 RETAILER DELIVERY ENDORSEMENT

5624.1 A retailer may apply for a retailer delivery endorsement, which shall authorize curbside pickup and off-site delivery of medical cannabis, medical cannabis products, and paraphernalia to qualifying patients and their caregivers.

5624.2 An internet retailer shall not be required to obtain a delivery endorsement to deliver medical cannabis, medical cannabis products, and paraphernalia off-site to qualifying patients and their caregivers.

5624.3 Medical cannabis that cannot be delivered shall be returned to the internet retailer or retailer. A retailer or internet retailer that uses the services of a licensed courier must accept returns during their hours of operation from the licensed courier if the courier determines that the patient's or caregiver's order is undeliverable.

5624.4 The internet retailer's or retailer's delivery driver(s) shall wear an employee badge when making deliveries.

5624.5 The internet retailer or retailer shall implement a mechanism or process for patients and caregivers to submit copies of their registration cards and identification cards to the internet retailer or retailer for verification prior to delivery, and the internet retailer or retailer shall maintain a copy of both as part of the internet retailer's or retailer's recordkeeping requirements;

5624.6 The qualifying patient or caregiver ordering the medical cannabis and medical cannabis products shall be physically present at the residence or the commercial building in the District where medical cannabis and medical cannabis products can be lawfully delivered. For purposes of this paragraph, "physically present at the residence" includes the residence's porch, driveway, or yard. The phrase does not include any place that is not included within the residence's property line, including the sidewalk or the curb.

5624.7 An internet retailer or retailer may make deliveries up to seven (7) days a week,

but shall only make deliveries between the hours of **7:00 a.m. and 11:00** p.m.

5624.8 The internet retailer or retailer shall implement a mechanism or recordkeeping process for patients and caregivers to document receipt of medical cannabis deliveries, and shall maintain the records as part of the internet retailer and retailer's recordkeeping requirements.

5624.9 An internet retailer or retailer delivery driver shall only travel from the internet retailer and retailer to the driver's assigned delivery address(es) and return to the internet retailer and retailer.

5624.10 The internet retailer or retailer shall record each delivery in the METRC delivery manifest system in real-time and maintain a copy of the record as part of the internet retailer and retailer's recordkeeping requirements.

5624.11 The internet retailer or retailer shall provide a copy of its delivery manifest to the Board or ABCA investigators immediately upon request.

5624.12 An internet retailer or retailer may use the services of a courier.

5624.13 An internet retailer or retailer shall only store medical cannabis at its licensed location unless stored at a courier's licensed premise in accordance with the time restrictions provided by the Act and this title.

A new Section 5625, SAFE-USE TREATMENT FACILITY, is added to read as follows:

5625 SAFE-USE TREATMENT FACILITY

5625.1 The holder of a retailer' license shall be eligible to apply for a Safe-Use Treatment Facility endorsement.

5625.2 An application for a Safe-Use Treatment Facility endorsement shall be filed as a substantial change.

5625.3 An applicant for a Safe-Use Treatment Facility shall provide an architectural map of the premises that identifies:

(a) The area to be covered by the endorsement;

(b) The location of all security cameras;

(c) All access doors and walls of the Safe-Use Treatment Facility;

(d) The location of the ventilation system and pollution or odor control unit;

(e) The smoke-free area for employees to monitor the facility; and

(f) All of the information required by section 7c(e)(2) of the Act (D.C. Official Code § 7-1671.06c(e)(2)).

5625.4 The holder of a Safe-Use Treatment Facility endorsement shall not permit odor, smoke, or by-products from the combustion of cannabis to be detectable by sense of smell in a separate residence or commercial property, whether located on the same lot or a separate lot, if emanating from the interior of the licensed premises.

5625.5 A Safe-Use Treatment Facility shall not offer disc jockeys, live bands and any other form of entertainment as provided by D.C. Official Code § 25-101(19A) and (21A). A Safe-Use Treatment Facility may offer prerecorded and background music, movies, television, radio, and other media that does not qualify as entertainment in accordance with D.C. Official Code § 25-101(19A) and (21A).

5625.6 Security cameras installed in the Safe-Use Treatment Facility shall record all areas where patients are permitted, except for the interior of bathrooms, and shall be operated in accordance with the rules governing security cameras as described in the Act and this title.

5625.7 No qualifying patient shall possess more medical cannabis than permitted by the medical cannabis quantity limit provided by the Act or this chapter.

A new Section 5626, SUMMER GARDEN ENDORSEMENT, is added to read as follows:

5626 SUMMER GARDEN ENDORSEMENT

5626.1 An applicant for or the holder of a retailer's license shall be eligible to apply for a Summer Garden if also issued Safe-Use Treatment Facility endorsement.

5626.2 An application for a Summer Garden endorsement shall be filed with the initial application for licensure or as a substantial change.

5626.3 An applicant for a Summer Garden shall provide an architectural map of the premises that identifies:

(a) The area to be covered by the endorsement;

(b) The location of all security cameras;

(c) All access doors and walls of the Summer Garden; and

(d) All of the information required by Section 7c of the Act (D.C. Official Code § 7-1671.06c(e)(2)).

5626.4 The holder of a Summer Garden endorsement shall not permit odor, smoke, or by-products from the combustion of cannabis to be detectable by sense of smell in the

interior of a separate premise with its windows or doors closed.

5626.5 A Summer Garden may offer recorded and background music but shall not offer disc jockeys, live bands or any other form of entertainment or live performance as provided by D.C. Official Code §§ 25-101(19A) and 25-101(21A).

5626.6 Security cameras installed in the Summer Garden area shall record all areas where patients are permitted, except for the interior of bathrooms, and shall be operated in accordance with the rules governing security cameras as described in the Act and this title.

5626.7 No qualifying patient shall possess more medical cannabis than permitted by the medical cannabis quantity limit provided by the Act or this chapter.

A new Section 5627, MANDATORY TRAINING, is added to read as follows:

5627 MANDATORY TRAINING

5627.1 All directors, officers, members, incorporators, agents, employees, and managers shall receive training on the topics required by § 5105 at least once every three (3) years. The licensee shall maintain a written log or record on the licensed premises that must be made available to ABCA or the Board upon request for a period of at least four (4) years showing:

(a) The trainer or presenter;

(b) The date(s) and time(s) of the training;

(c) A list of the directors, officers, members, incorporators, agents, employees, and managers that attended the training; and

(d) The manner in which the training was provided (in-person class, online, etc.).

5627.2 No director, officer, member, incorporator, agent, or employee shall be required to obtain a medical cannabis training certificate from a Board-approved certified medical cannabis training provider in order to comply with § 5627.1. This subsection shall not apply to managers.

5627.3 A director, officer, member, incorporator, agent, or employee shall be initially trained on the topics required by § 5105 within thirty (30) calendar days of being registered with ABCA as either a director, officer, member, incorporator, agent or employee. This subsection shall not apply to managers.

A new Section 5628, MANAGEMENT AGREEMENT, is added to read as follows:

5628.1 A licensee or applicant who enters into a management agreement with a third-party for the management of a medical cannabis business shall provide the Board with a copy of the agreement within thirty (30) calendar days of execution.

5628.2 Notice of cancellation or termination of a management agreement shall be provided in writing to the Board within thirty (30) calendar days of the cancellation or termination.

Chapter 57, PROHIBITED AND RESTRICTED ACTIVITIES, is amended as follows:

Section 5700, SALE AND PURCHASE OF MEDICAL MARIJUANA BY DISPENSARIES, is renamed and amended to read as follows:

5700 SALE, PURCHASE, AND POSSESSION OF MEDICAL CANNABIS

5700.1 A licensed internet retailer or retailer shall not receive or purchase medical cannabis from a source other than a cultivation center or manufacturer licensed in the District of Columbia.

5700.2 It is a violation for the retailer to allow a person to possess, use, or consume any cannabis or cannabis products not sold or distributed by a licensed internet retailer or retailer.

Section 5703, DELIVERY OF MEDICAL MARIJUANA, is amended as follows:

The heading is amended to read as follows:

5703 DELIVERY OF MEDICAL CANNABIS

Subsection 5703.3 is amended to read as follows:

5703.3 A licensed internet retailer, retailer, or courier shall only be permitted to deliver medical cannabis, medical cannabis products, and paraphernalia to a qualifying patient or caregiver registered in the Program or to a non-resident qualifying patient if the internet retailer, retailer, or courier complies with the following requirements:

(a) The internet retailer, retailer, or courier shall register its delivery vehicles with the Board by completing a Board-issued application form and providing all required information, which shall include each vehicle's license plate number, vehicle identification number (VIN), and its make, model and color;

(b) There shall be no limit on the number of delivery vehicles that an internet retailer, retailer, or courier may register with the Board;

(c) A delivery vehicle shall not be marked with any signage, symbols, images, or advertisement identifying the vehicle as associated with medical cannabis;

(d) A delivery vehicle shall have a functioning global positioning system (GPS) to ensure that the most direct delivery route is followed;

(e) A delivery driver shall be an employee of the internet retailer or retailer or an employee or independent contractor of the courier;

(f) The internet retailer, retailer, or courier shall register the name and medical cannabis employee registration number of each delivery driver with the Board;

(g) Each delivery driver of an internet retailer, retailer, or courier shall have an active District of Columbia medical cannabis employee registration;

(h) Each delivery driver of an internet retailer, retailer, or courier shall have their ABCA issued registration card on their person when making deliveries;

(i) The internet retailer, retailer, or courier shall implement a mechanism or process for patients and caregivers to submit copies of their registration cards and identification cards, or relevant information contained therein, to the internet retailer, retailer, or courier for verification prior to delivery, and the internet retailer, retailer, or courier shall maintain a copy of both as part of the internet retailer, retailer's or courier's recordkeeping requirements;

(j) Prior to delivery, the internet retailer, retailer, or courier shall:

(1) Verify that the patient, or the patient and caregiver, is actively enrolled in the District's medical cannabis program or is a non-resident qualifying patient, by checking their medical cannabis registration card and comparing it to their records in order to ensure that the information matches;

(2) Verify that the delivery address is a residence or a commercial building address in the District that is not on federal or District government property or public or private school grounds;

(3) Maintain a copy of the Program or out-of-state or U.S. territory registration card and a copy of the valid government-issued identification card;

(4) Verify that the patient's requested amount does not exceed the legal medical cannabis possession and sale limits, as set by section

7(o)(1) of the Act (D.C. Official Code § 7-1671.06(o)(1)), 22-C DCMR § 301, and 22-C DCMR § 5709; and

(5) Receive and only accept an order by electronic or other means from a qualifying patient or the qualifying patient's caregiver or a non-resident qualifying patient.

(k) The internet retailer, retailer, or courier shall only make deliveries to residential or commercial building addresses located within the District that are not on federal or District government property or public or private school grounds, except as provided in Section 6a(c) of the Act (D.C. Official Code § 7-1671.05a(c)), to qualifying patients and caregivers registered in the District medical cannabis program or to non-resident qualifying patients as set forth in § 5703.2 when the patient or caregiver is physically present;

(l) The patient or caregiver ordering the medical cannabis shall be physically present at the residence or the commercial building in the District where medical cannabis can be lawfully delivered. For purposes of this paragraph, "physically present at the residence" includes the residence's porch, driveway, or yard. The phrase does not include any place that is not included within the residence's property line, including the sidewalk or the curb;

(m) The internet retailer, retailer, or courier may make deliveries up to seven (7) days a week, but shall only make deliveries between the hours of 7:00 a.m. and 11:00 p.m.;

(n) The internet retailer, retailer, or courier shall implement a mechanism or recordkeeping process for patients and caregivers to document receipt of medical cannabis deliveries, and shall maintain the records as part of the internet retailer or retailer's recordkeeping requirements. If, in an enforcement action pursuant to Chapter 10 or Chapter 62 of this subtitle, a patient or caregiver disputes receiving the medical cannabis and the internet retailer or retailer does not have documentation proving the delivery occurred, the Board shall apply a rebuttable presumption that the delivery did not occur;

(o) An internet retailer, retailer, or courier delivery driver shall only travel from the internet retailer, retailer or courier to the driver's assigned delivery address(es) and return to the internet retailer, retailer, or courier;

(p) The internet retailer, retailer, or courier shall record each delivery in the METRC delivery manifest system in real-time and maintain a copy of the record as part of the internet retailer or retailer's recordkeeping requirements; and

(q) The internet retailer, retailer, or courier shall provide a copy of its delivery manifest to the Board or ABCA investigators immediately upon request.

Subsection 5703.4 is amended to read as follows:

5703.4 A retailer may dispense medical cannabis through curbside pickup or at-the-door pickup to a qualifying patient or caregiver or non-resident qualifying patient only if the retailer holds a retailer delivery endorsement and complies with the following requirements:

(a) The retailer shall only be permitted to dispense medical cannabis through curbside pickup or at-the-door pickup to a qualifying patient or caregiver registered in the Program, or to a patient enrolled in another state's medical cannabis program who is recognized by the Board, as evidenced by a state-issued medical cannabis patient card and with a government-issued identification card. A retailer that dispenses medical cannabis to individuals who possess cards issued by unauthorized entities on the Internet or states that are not yet recognized by the Board shall be subject to disciplinary action up to and including revocation of registration;

(b) The retailer shall implement a mechanism or process for a patient or a District registered caregiver to submit a copy of the patient, or registered caregiver's, medical cannabis registration card and the patient, or registered caregiver's, government-issued identification card to the retailer for verification prior to dispensing. The retailer shall maintain a copy of both as part of the retailer's recordkeeping requirements;

(c) Prior to dispensing, the retailer shall:

(1) Verify that the patient, or patient and registered caregiver, is actively registered in the District's medical cannabis program, or that the non-resident patient is actively enrolled in another state's medical cannabis program;

(2) Maintain a copy of the medical cannabis program or out of state or U.S. territory registration card and a copy of the government-issued identification card; and

(3) Verify that the patient's requested amount does not exceed the legal medical cannabis possession and sale limits, as set by section 7(o)(1) of the Act (D.C. Official Code § 7-1671.06(o)(1)), 22-C DCMR § 301, and 22-C DCMR § 5709.

(d) The retailer shall implement procedures to ensure that curbside pickup or at-the-door pickup is completed quickly and efficiently; and

(e) The retailer shall implement a mechanism or recordkeeping process for patients to document receipt of curbside pickup or at-the-door pickup, and shall maintain the records as part of the retailer's recordkeeping requirements.

5703.5 At the retailer's discretion, the retailer may require electronic payment before scheduling a delivery, curbside pickup, or at-the-door pickup; may limit deliveries, curbside pickup, and or at-the-door pickup to electronic payment only.

5703.6 A cultivation center shall not be permitted to deliver medical cannabis to any premises other than the specific licensed premises of the internet retailer or retailer where the medical cannabis is to be sold for resale to qualifying patients and caregivers.

Section 5706, TIE-IN PURCHASES PROHIBITED, is amended to read as follows:

5706 TIE-IN PURCHASES PROHIBITED

5706.1 A cultivation center or manufacturer shall not require, directly or indirectly, a licensee to purchase any type of medical cannabis, medical cannabis product, paraphernalia, or other commodity in order to purchase any other medical cannabis product.

5706.2 An internet retailer or retailer shall not require, directly or indirectly, a qualifying patient or caregiver to purchase any type of medical cannabis, medical cannabis product, paraphernalia, or other commodity in order to purchase any other medical cannabis product.

Section 5707, MINIMUM AGE AND ENTRY REQUIREMENTS, is amended as follows:

Subsection 5707.8 is amended to read as follows:

5707.8 In the event of an emergency, a licensed medical cannabis business shall be permitted to provide an outside contractor with access to a limited or restricted access area for the sole purpose of making repairs when not open to the public. The licensed medical cannabis business shall be required to log in and out the outside contractor and retain with the log a photocopy of the outside contractor's government issued identification.

Section 5709, MEDICAL MARIJUANA AND PARAPHERNALIA RESTRICTIONS, is renamed and amended to read as follows:

5709 MEDICAL CANNABIS SALE, DISTRIBUTION, AND DISPENSING RESTRICTIONS

5709.1 A courier, internet retailer, or retailer shall not provide a qualifying patient or

caregiver more than the legal medical cannabis possession limit, as set by Section 7(o)(1) of the Act (D.C. Official Code § 7-1671.06(o)(1)) and 22-C DCMR § 301.

5709.2 The maximum amount of medical cannabis an internet retailer or retailer, whether individually or in combination, may distribute, dispense, or sell to a qualifying patient directly or through their caregiver, in a 30-day period, is:

(a) Eight (8) ounces of dried medical cannabis; or

(b) Two hundred and forty (240) grams of medical cannabis concentrate for a patient 21 years old of age or older, or sixty (60) grams of medical cannabis concentrate for a patient between 18 and 20 years old; or

(c) Medical cannabis products in any form containing a combined total of 600,000 mg of THC.

5709.3 The maximum amount limits set forth in paragraphs (b) and (c) of this subsection shall take effect on October 2, 2023.

5709.4 It shall be an affirmative defense to a violation of 5709.2 that the District's electronic inventory tracking system did not indicate at the time of sale that the patient had reached their 30-day quantity limit at the time the transaction occurred.

5709.5 An internet retailer or retailer shall dispense medical cannabis and distribute paraphernalia only to a qualifying patient or caregiver.

Chapter 59, RECORDS AND REPORTS, is amended as follows:

Section 5900, CULTIVATION CENTER BOOKS AND RECORDS, is renamed and amended to read as follows:

5900 CULTIVATION CENTER AND MANUFACTURER BOOKS AND RECORDS

5900.1 Each licensed cultivation center or manufacturer shall keep and maintain upon the licensed premises true, complete, legible, and current books and records, including the following:

(a) The date of each sale to a licensee;

(b) The name, address, and license number of the licensee;

(c) The quantity of medical cannabis and paraphernalia sold to the licensee;

(d) The price charged and the amount received for the medical cannabis from the licensee;

(e) The quantity and form of medical cannabis maintained by the business;

(f) The number of plants being grown at the cultivation center on a daily basis; and

(g) The results of the testing laboratory analysis for five (5) years from the date of the test.

5900.2 These books and records, excluding the requirement in paragraph (g) of this subsection, shall be maintained by the cultivation center or manufacturer for a period of four (4) years.

Section 5901, CULTIVATION CENTER INVOICES, is amended as follows:

The heading is amended to read as follows:

5901 CULTIVATION CENTER AND MANUFACTURER INVOICES

Subsection 5901.1 is amended to read as follows:

5901.1 With each sale of medical cannabis, the cultivation center and manufacturer shall cause to be made in duplicate an invoice of the sale showing the following information:

(a) The date of each sale to a licensee;

(b) The name, address, and license number of the licensee;

(c) The form and quantity of medical cannabis and paraphernalia in each sale;

(d) The price of each item in each sale with the total price; and

(e) A true, accurate, legible, and complete statement of the terms and conditions on which the sale is made.

Section 5902, DISPENSARY BOOKS AND RECORDS, is renamed and amended to read as follows:

5902 COURIER AND RETAILER BOOKS AND RECORDS

5902.1 Each courier, internet retailer, and retailer shall keep and maintain upon the licensed premises, true, complete, and current books and records which include invoices that adequately and fully reflect all purchases and sales of medical cannabis made to and by the licensee.

5902.2 Records shall include and distinctly show the following information:

(a) The quantity, form, and price of medical cannabis and paraphernalia purchased from a licensee;

(b) The date and time of delivery of each purchase from a licensee;

(c) The date and time of each sale to a qualifying patient or caregiver;

(d) The quantity, form, and price of medical cannabis distributed or dispensed to the qualifying patient or caregiver;

(e) The consideration given by the qualifying patient or caregiver for the medical cannabis;

(f) The name, address, and card number of the qualifying patient or caregiver of the medical cannabis;

(g) The name, initials, or employee identification number of the person who dispensed or sold the medical cannabis; and

(h) The quantity of medical cannabis still available for sale at the licensed establishment.

Section 5903, CULTIVATION CENTER REPORTS, is renamed and amended to read as follows:

5903 CULTIVATION CENTER AND MANUFACTURER REPORTS

5903.1 Cultivation center and manufacturer licensees shall, on or before the thirtieth (30th) day of July and January, furnish to the Board on a form to be prescribed by the Board a statement under oath showing the following information:

(a) The quantity of medical cannabis or medical cannabis product manufactured during the preceding six (6) months;

(b) The quantity of each medical cannabis or medical cannabis product sold during the preceding six (6) months;

(c) The quantity of paraphernalia manufactured during the preceding six (6) months;

(d) The quantity and price of paraphernalia sold during the preceding six (6) months;

(e) The amount of medical cannabis or medical cannabis products destroyed or disposed of during the preceding six (6) months;

(f) Certification from MPD that medical cannabis that was cultivated or the medical cannabis products were relinquished for destruction or disposal;

(g) The total expenditures for manufacturing medical cannabis or medical cannabis products during the preceding six (6) months;

(h) The total amount of sales of medical cannabis or medical cannabis products during the preceding six (6) months;

(i) The licensee's gross revenue based upon its medical cannabis or medical cannabis product sales during the preceding six (6) months;

(j) The amount of sales tax reported to OTR during the preceding six (6) months;

(k) The quantity of medical cannabis or medical cannabis products still available for sale at the establishment on the date the report is filed with the Board;

(l) The name, address, home telephone number, and date of birth of each current employee; and

(m) An affidavit executed by an individual licensee, partner of an applicant partnership, or the appropriate officer of an applicant corporation, attesting to the truth of the submitted report.

Section 5904, DISPENSARY REPORTS, is renamed and amended to read as follows:

5904 COURIER AND RETAILER REPORTS

5904.1 On or before the thirtieth (30th) day of July and January, a courier, internet retailer or retailer licensee shall furnish to the Board on a form to be prescribed by the Board a statement under oath showing the following information:

(a) The quantity and price of medical cannabis or medical cannabis products distributed or dispensed to qualifying patients and caregivers during the preceding six (6) months;

(b) The licensee's total expenditures for distributing or dispensing medical cannabis or medical cannabis products during the preceding six (6) months;

(c) The licensee's total amount of receipts for the sale of medical cannabis or medical cannabis products;

(d) The quantity of paraphernalia sold by the licensee during the preceding six (6) months;

(e) The licensee's gross revenue based upon its medical cannabis, medical cannabis products, and paraphernalia sales during the preceding six (6) months;

(f) The amount of sales tax reported by the licensee to OTR during the preceding six (6) months;

(g) The amount of medical cannabis or medical cannabis products that were

destroyed or disposed of during the preceding six (6) months;

(h) Certification from MPD that the medical cannabis or medical cannabis products described in paragraph (g) were relinquished for destruction or disposal;

(i) The quantity of medical cannabis or medical cannabis products still available for sale at the licensee on the date the report is filed with the Board;

(j) The name, address, home telephone number, and date of birth of each current employee; and

(k) An affidavit executed by an individual registrant, partner of an applicant partnership, or the appropriate officer of an applicant corporation, attesting to the truth of the submitted report.

Section 5906, RETENTION AND INSPECTION OF BOOKS AND RECORDS, is amended to read as follows:

5906 RETENTION AND INSPECTION OF BOOKS AND RECORDS

5906.1 The books and records referred to in this chapter, including the original and duplicate invoices, shall be open to inspection by the Board, ABCA's Enforcement Division, or any other District agency that may have jurisdiction over the establishment, including OTR, Department of Licensing and Consumer Protection, the Department of Buildings, and D.C. Fire and Emergency Medical Services Department, during the establishment's approved hours of operation.

5906.2 A licensed medical cannabis business shall keep and maintain all books and records referred to in this chapter on the licensed premises for a period of four (4) years after the latest transaction recorded in those books and records.

Section 5907, REPORTING DIRECTOR, OFFICER, MEMBER, INCORPORATOR, AGENT, EMPLOYEE, AND MANAGER CHANGES, is renamed and amended to read as follows:

5907 REPORTING CORPORATE OFFICER, MANAGER, AND OTHER LICENSED STAFF CHANGES

5907.1 A licensed medical cannabis business shall notify the Board within ten (10) days after a registered director, officer, member, incorporator, agent, employee, or manager ceases to work at, volunteer at, manage, or own the operation. The director, officer, member, incorporator, agent, employee, or manager shall surrender their identification card to the Board within ten (10) days of ceasing to work at, manage, own, or otherwise be associated with the operation.

Chapter 60, BOARD APPROVAL PROCEDURES, is repealed.

Chapter 61, MANDATORY REVOCATION AND MANDATORY SUSPENSION, is amended as follows:

Section 6100, MANDATORY REVOCATION OR SUSPENSION OF REGISTRATION, is amended to read as follows:

6100 [RESERVED]

Chapter 62, ENFORCEMENT PROCEEDINGS AND HEARINGS, is amended as follows:

Section 6200, COMPLAINTS AGAINST DISPENSARIES, CULTIVATION CENTERS, AND AFFILIATED EMPLOYEES OR OFFICERS, is amended to read as follows:

6200 [RESERVED]

Section 6201, REVOCATION, SUSPENSION, OR FINES - GENERAL PROVISIONS, is amended as follows:

The heading is amended to read as follows:

6201 REVOCATION AND SUSPENSION – GENERAL PROVISIONS

A new subsection 6201.6 is amended to read as follows:

6201.6 Upon revocation, the remaining medical cannabis stock of the license whose license has been revoked shall be disposed of only with the approval of the Board.

Subsections 6201.7 and 6201.8 are repealed.

Section 6202, NOTICE OF CONTEMPLATED ACTION AND HEARING, is amended to read as follows:

6202 [RESERVED]

Section 6203, NOTICE OF SUMMARY SUSPENSION OR SUMMARY REVOCATION ACTION AND HEARING, is renamed and amended to read as follows:

6203 SUMMARY SUSPENSION OR REVOCATION

6203.1 If the Board determines, after investigation, that the operations of a licensee present an imminent danger to the health and safety of the public, the Board may summarily revoke, suspend, or restrict, without a prior hearing, the license to sell, manufacture, distribute, or deliver medical cannabis, medical cannabis products or paraphernalia in the District.

6203.2 The Board, after investigation, may also summarily revoke, suspend, or restrict the license of a licensee when the preponderance of the evidence shows that the establishment has been:

(a) The scene of a criminal assault as defined in Chapter 4 of Title 22 of the D.C. Official Code, or a crime of violence, as defined in D.C. Official Code § 23-1331(4), against a police officer, government inspector or investigator, or other governmental official, who was acting in their official capacity, when such assault occurred by patrons who were within 1,000 feet of the establishment;

(b) In violation of the District of Columbia Controlled Substances Act or the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1101 *et* seq.); or

(c) The scene of an assault or crime of violence, as defined in D.C. Official Code § 23-1331(4), against a patient or caregiver by the ownership, management, employees, or agents of a licensed medical cannabis business.

6203.3 The notice of summary suspension or revocation shall contain the following:

(a) A statement setting forth the reasons for the action and any proposed action, including a specification of any specific violation complained of;

(b) Reference to any particular section of the Act or this subtitle allegedly violated;

(c) A date of both a show cause status and evidentiary show cause hearing as well as the contact information for the assigned Office of Attorney General attorney, if known;

(d) A statement that the Board may proceed *ex parte* if the registrant does not appear for the show cause hearing.

(e) A statement that operations must cease immediately, with the exception of necessary tending requirements by cultivation centers;

(f) A statement that the licensed medical cannabis business must submit to an immediate inventory of all medical cannabis items on the premises by ABCA investigators;

(g) A statement that the licensed medical cannabis business must surrender all registration cards and permits associated with the licensed medical cannabis business to the Board within twenty-four (24) hours of receiving the summary suspension notice;

(h) A statement setting forth the reasons for the summary action, including a specification of any specific violation complained of;

(i) A statement that the registrant may request an immediate hearing before the Board for the purpose of determining whether the suspension shall continue

in accordance with § 6203.5; and that

(j) A statement that a person aggrieved by a final summary action may file an appeal with the District of Columbia Court of Appeals in accordance with the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat.1204; D.C. Official Code § 2-501 et seq.).

6203.4 If the Board orders the suspension or revocation of a license, the Board shall post two (2) notices in conspicuous places at or near the main street entrance of the outside of the establishment. The posted notice shall state that the license has been suspended, the period of the suspension, and that the suspension is ordered because of an alleged violation of the Act or of the regulations promulgated under the Act. Any licensee willfully removing, obliterating, or defacing the notice shall be guilty of a violation of this chapter.

6203.5 A licensee may request a hearing within three (3) business days after service of notice of a summary revocation, suspension, fine, or restriction of license. The Board shall hold a hearing within two (2) business days of receipt of a timely request and shall issue a decision within three (3) business days after the hearing.

6203.6 In rendering a decision on a summary suspension hearing, the Board may suspend or restrict the license of the licensee. Additionally, after issuing a decision, the Board may hold additional proceedings to review, amend, or vacate the Board's Order, to ensure compliance with any conditions and to monitor the licensee's operations.

6203.7 A request for a hearing under this chapter shall include the following:

(a) A statement of the facts relevant to the review of the action;

(b) A statement of the arguments that the respondent considers relevant to the review of the action; and

(c) Any other evidence considered relevant.

6203.8 If the registrant fails to request a hearing within the time and in the manner specified in the notice, the summary suspension shall become final, and shall continue unless duly reversed by the Board.

6203.9 A person aggrieved by a final summary action may file an appeal in accordance with the procedures set forth in the DC APA.

6203.10 The decision rendered by the Board following a hearing conducted pursuant to this section shall be the final order in the matter. Either party may seek review of the Board's decision with the District of Columbia Court of Appeals in accordance with the DC APA.

Section 6205, NOTICE TO DISTRICT AGENCIES, is amended to read as follows:

6205 NOTICE TO DISTRICT AGENCIES

6205.1 The Board shall provide written notice to MPD of any decision that results in the suspension or revocation of a license held by licensed medical cannabis business.

Section 6206, NOTICE OF SUSPENSION OR REVOCATION TO PUBLIC, is amended as follows:

Subsection 6206.1 is amended to read as follows:

6206.1 If a license held by a licensed medical cannabis business is revoked or suspended, the Board shall post two (2) notices in conspicuous places at or near the main street entrance of the outside of the establishment.

Section 6207, EXAMINATION OF PREMISES AND BOOKS AND RECORDS, is repealed.

A new Section 6210, CEASE AND DESIST, is added to read as follows:

6210 CEASE AND DESIST

6210.1 The Board, in its discretion, may issue a cease-and-desist order immediately suspending a license, following the process described in § 6210.2, when one (1) of the following has occurred:

(a) The licensee has been issued a notice of summary suspension by the Department of Health;

(b) The licensee's basic business license has expired;

(c) The licensee's certificate of occupancy has been revoked or expired;

(d) The licensee's sales tax certificate has been suspended or revoked by the OTR;

(e) The corporation, limited liability company, partnership, or other entity owning the license is no longer in good standing to operate in the District;

(f) The licensee has failed to pay a Board-ordered fine or a citation by the payment deadline; or

(g) Payment has been made to ABCA with a check returned unpaid.

6210.2 The Board shall give written notice to the licensee of its intent to issue a cease-and-desist order. The licensee shall have fourteen (14) calendar days to respond to the notice. If the Board thereafter determines that one of the circumstances described in § 6210.1 has occurred, and that the licensee's failure to address the issues set

forth in § 6210.1 is not for good cause, the Board shall issue the cease-and-desist order.

A new Section 6211, CANCELLATION DUE TO EVICTION, is added to read as follows:

6211 CANCELLATION DUE TO EVICTION

6211.1 If the Board, after an investigation, but before a hearing, has cause to believe that a licensee has been evicted from the premises or has otherwise vacated the premises and an application for safekeeping or transfer to a new location or person has not been submitted, the Board shall issue an order cancelling the license after providing the licensee with written notice of the basis for the cancellation and 30 days to submit:

(a) A written request to the Board to hold a hearing or decision on the papers; and

(b) Evidence disputing the basis for the cancellation.

6211.2 The Board, in its reasonable discretion, may adjudicate the cancellation appeal on the papers without holding a hearing if there is no dispute regarding any material facts.

A new Section 6212, REQUEST FOR HEARING ON CITATION, is added to read as follows:

6212 REQUEST FOR HEARING ON CITATION

6212.1 A licensee may challenge the issuance of a citation issued by an ABCA Investigator by requesting a show cause hearing before the Board either in writing or on a form provided by ABCA. The written request for a show cause hearing must be received by ABCA within thirty (30) days from the date that the citation was issued to the establishment.

A new Section 6213, OFFER-IN-COMPROMISE, is added to read as follows:

6213 OFFER-IN-COMPROMISE

6213.1 The Board may, in its discretion, accept from the licensee and the Office of the Attorney General for the District of Columbia an offer-in-compromise to resolve the charges brought by the District of Columbia against the licensee.

6213.2 An offer-in-compromise may be presented to the Board at the show cause status hearing or show cause hearing.

6213.3 The offer-in-compromise shall be consistent with the range of fines set forth in this

title.

6213.4 An offer-in-compromise and settlement may be tendered to the Board at any time prior to the issuance of a decision by the Board on the contested matter.

6213.5 An offer submitted by the parties and accepted by the Board shall constitute a waiver of appeal and judicial review and other hearing rights granted by this title, the regulations, and the D.C. Administrative Procedure Act.

Chapter 63, SLIDING SCALE PROGRAM, is renumbered as Chapter 98 and the sections and subsections are renumbered as appropriate.

A new Chapter 63, PENALTIES, is added to read as follows:

CHAPTER 63 PENALTIES

6300 ABCA CIVIL PENALTY SCHEDULE

6300.1 [Reserved for Civil Penalty Chart]

6300.2 The penalties contained under this section shall become effective after the completion of the Council review described in D.C. Official Code § 7-1671.08(e), and then five (5) days after publication in the *District of Columbia Register*.

6300.3 None of the descriptions contained in the civil penalty schedule shall be construed to expand, limit, or define any specific violation.

6300.4 Whether violations are classified as primary tier or secondary tier shall be determined with reference to the ABCA civil penalty schedule in effect when the violation was committed.

6301 PRIMARY TIER VIOLATIONS

6301.1 The Board may fine a licensee for a primary tier violation after a show cause hearing as follows:

(a) For the first primary tier violation, the fine shall be $ 1,000-$ 2,000;

(b) For the second primary tier violation within two (2) years, the fine shall be $ 2,000-$ 4,000;

(c) For the third primary tier violation in three (3) years, the fine shall be $ 4,000-$ 6,000;

(d) For the fourth primary tier violation in four (4) years, the license shall be revoked or fined no less than $30,000 and suspended for thirty (30)

consecutive days; and

(e) For the fifth primary tier violation in four (4) years, the license shall be revoked.

6302 SECONDARY TIER VIOLATIONS

6302.1 The Board may fine a licensee for a secondary tier violation at a show cause hearing as follows:

(a) For the first secondary tier violation, $250-$500;

(b) For the second secondary tier violation within two (2) years, $500-$750;

(c) For the third secondary tier violation within three (3) years, $750-$1,000; and

(d) A licensee found in violation of a secondary tier violation for the fourth time within four (4) years shall be penalized according to a first primary tier violation ($1,000-2,000). Every subsequent secondary tier offense within five (5) years of the first violation shall be fined according to the schedule for primary tier violations.

6303 CITATIONS

6303.1 ABCA investigators may issue citations for primary tier, secondary tier, and other violations of the Act and this title.

6303.2 If the licensee admits guilt for a violation listed in a citation, the licensee shall only pay the minimum fine for the offense based on the type and level of the offense, as indicated in §§ 6301 and 6302.

6304 WARNINGS

6304.1 An ABCA investigator may issue an administrative written warning before the issuance of a citation for a violation.

6304.2 In not less than ten (10) business days following the issuance of an administrative written warning, an ABCA investigator shall conduct a subsequent inspection of the licensed premises to ensure that the licensee has taken corrective action for the violation found for which the administrative written warning was issued. If corrections to violations that resulted in the issuance of the administrative written warning are not completed at the time of the subsequent inspection, the ABCA investigator shall issue the licensee a citation or refer the matter to the ABC Board if:

(a) Other violations that are not entitled to a warning are observed; or

(b) The licensee already has three or more secondary tier violations.

6304.3 A licensee entitled to a mandatory administrative written warning for a first violation shall not be entitled to a mandatory administrative written warning for a second or subsequent violation of the same offense committed within four (4) years of issuance of the first mandatory administrative written warning.

6305 VIOLATION HISTORY COMPUTATION

6305.1 This section applies to all instances that require a computation of a person's or licensee's violation history.

6305.2 The review period for computing the number of a licensee's prior primary and secondary tier violations commences on the date of violation in the instant case, and runs backward for the number of years specified in this section.

6305.3 The computation of violation history shall only include prior adjudicated cases whose dates of adjudication fall within the applicable review period for the instant case.

6305.4 The date of adjudication for computation purposes shall be the date:

(a) The citation was paid;

(b) A final written order finding liability has been issued by the Board;

(c) A staff settlement was paid; or

(d) The date an offer-in compromise was accepted by the Board.

6305.5 The computation shall not include:

(a) Any violation that has not been adjudicated as of the date of the violation in the instant case; or

(b) Any adjudicated case whose date of adjudication falls outside of the review period.

6305.6 A licensee shall be found liable for a second, third, or additional level primary or secondary tier violation, whichever is applicable, if one (1) of the prior violations of the same tier was adjudicated within look back period from the date of violation in the instant case.

6305.7 Each date upon which a violation is committed shall constitute a separate violation.

6305.8 When a violation requires multiple instances, a continuous course of conduct, or other ongoing acts to sustain a charge, the date of the violation shall be the last date on which any act related to the violation occurred.

6305.9 If multiple secondary tier violations are committed on the same date, they will be counted as one (1) violation for purposes of computing a licensee's violation history.

6305.10 If the Board suspends a respondent's license but stays the suspension:

(a) The stay shall commence on the date of adjudication and conclude on the one (1)-year anniversary of that date; and

(b) The stay shall be revoked and the suspension imposed upon adjudication of any subsequent violation within the stay period.

6305.11 Written warnings, either issued by the Board or by citation, are not counted as violations for computation purposes.

6306 COLLECTION OF FINES

6306.1 Any fines collected by the Board shall be paid immediately, unless otherwise ordered by the Board, to the D.C. Treasurer.

Chapter 64, TESTING LABORATORIES, is amended as follows:

Section 6401, GENERAL PROVISIONS, is amended to read as follows:

6401 GENERAL PROVISIONS

6401.1 A testing laboratory shall not be owned or operated, in whole or in part, by a director, officer, member, incorporator, agent, or employee of a cultivation center, manufacturer, internet retailer, retailer, or testing laboratory.

6401.2 No owner, member, manager, employee, or agent of a testing laboratory shall have an ownership interest in, or a direct or indirect financial interest in any other licensed medical cannabis business except for one (1) or more testing laboratories.

6401.3 A testing laboratory shall not handle, test, or analyze medical cannabis or medical cannabis products in the District of Columbia unless the laboratory has been issued a medical cannabis license.

6401.4 Medical cannabis or medical cannabis products shall be sold only after a representative sample has been tested by a registered testing laboratory and the test results have been uploaded to the District of Columbia's electronic tracking system,

which verify the medical cannabis sample has received passing results.

6401.5 A testing laboratory shall not cultivate, process, manufacture, distribute, provide, or sell medical cannabis or medical cannabis products in any form.

6401.6 A testing laboratory shall not permit the consumption of medical cannabis or medical cannabis products in any form on the premises.

6401.7 A testing laboratory shall not share a facility with a licensed medical cannabis business but may operate in the same building so long as it has its own separate space.

6401.8 A testing laboratory shall not falsify, change, modify, or otherwise alter in any way the results of quantitative or other analyses performed on samples or the corresponding certificates of analysis.

6401.9 A testing laboratory shall not employ any sampling methods that do not ensure that a random sample is collected for analysis, or that could provide results that are not representative of a batch or lot from which a sample is taken.

6401.10 A testing laboratory shall not prepare samples in such a manner as to provide results that are not representative of a batch or lot from which a sample is taken.

6401.11 A testing laboratory shall not store medical cannabis or medical cannabis products in quantities greater than that which is necessary to perform required analysis.

6401.12 A testing laboratory shall not transport medical cannabis or medical cannabis products in quantities greater than that which is necessary to perform required analysis.

6401.13 A testing laboratory shall not perform analysis on any medical cannabis or medical cannabis products that has not been obtained from a licensed medical cannabis business.

6401.14 A testing laboratory shall not perform analysis on any medical cannabis or medical cannabis product that has not been identified in the real-time electronic records system.

6401.15 A testing laboratory shall not endorse, advertise, or make claims on behalf of any cultivation center, dispensary, brand or strain of medical cannabis, or brand or type of medical cannabis product.

Section 6402, TESTING LABORATORY REGISTRATION APPLICATION REQUIREMENTS AND SELECTION PROCESS, is renamed and amended to read as follows:

6402 TESTING LABORATORY LICENSE APPLICATION

6402.1 In addition to the requirements contained in the Act and other provisions of this title, an application for a testing laboratory license shall also contain the following:

(a) A laboratory testing plan that demonstrates the applicant's knowledge, experience, training, and applicable certifications in laboratory testing techniques, and ability to provide and ensure quality assurance, quality control, proficiency testing, analytical processes, chain of custody, sample retention, space, recordkeeping, results reporting, and corrective action protocols and a timeline for obtaining accreditation, if applicable;

(b) A notarized written statement from the applicant that he or she has read the Act and this subtitle and has knowledge of the District and federal laws and regulations relating to medical cannabis; and

(c) Information regarding whether the applicant has qualified as a medical cannabis certified business enterprise or social equity applicant or is eligible to qualify as a medical cannabis certified business enterprise or social equity applicant.

Section 6407, STANDARD OPERATING PROCEDURE REQUIREMENTS, is amended as follows:

Section 6407 is renumbered Section 6501, subsections renumbered as appropriate, and Section 6407 is repealed.

Section 6409, TESTING REQUIREMENTS AND METHODOLOGIES, is amended as follows:

Section 6409 is renumbered Section 6502, subsections renumbered as appropriate, and Section 6409 is repealed.

Section 6410, RESULT REPORTING, is amended as follows:

Section 6410 is renumbered Section 6510, subsections renumbered as appropriate, and Section 6410 is repealed.

A new Chapter 65, CANNABIS TESTING, is added:

A new Section 6500 is added, which shall read as follows:

6500 MEDICAL CANNABIS TESTING REQUIREMENT

6500.1 Upon the issuance of a testing laboratory license, ABCA shall provide notice in the *District of Columbia Register* that a testing lab has become operational and that the testing requirement is in effect.

6500.2 Once notice of the issuance of a testing lab is issued in the *District of Columbia Register*, no medical cannabis or medical cannabis product shall be sold or distributed to an internet retailer, manufacturer, retailer, qualifying patient or caregiver until it has been tested and determined to be unadulterated as provided by this title.

6500.3 No licensee shall distribute, sell, or transfer adulterated medical cannabis to another licensee or person unless the product is being sent to a testing laboratory for the purposes of testing in compliance with the Act and this subtitle, for the purposes of disposal or destruction, complying with a court order, law enforcement investigation, or order of the Board.

6500.4 Section 6503 through 6600 shall not apply to the testing of medical cannabis samples provided by qualifying patients in accordance with the Act.

6500.5 Section 6503 through 6600 shall not apply to the testing of medical cannabis samples from cultivation centers and manufacturers for the purposes of quality assurance, research, and development in accordance with the Act so long as such samples are not dispensed, distributed, or sold to internet retailers, retailers, or the public.

Renumbered Subsection 6502.20 shall be amended to read as follows:

6502.20 [REPEALED]

Renumbered Subsection 6502.21, Table G, is amended by striking the number "10,000" and inserting the number "100,000" in its place.

New Sections 6503 to 6509 are added, which shall read as follows:

6503 CREATION OF BATCHES

6503.1 A cultivation center or manufacturer shall divide medical cannabis or medical cannabis products into homogenous batches not to exceed 50 pounds, and as directed by a testing laboratory.

6503.2 A cultivation center or manufacturer shall divide medical cannabis and medical cannabis products into homogenous batches as directed by a testing laboratory, and in accordance with the following size limitations:

(a) Medical cannabis or medical cannabis product batches containing concentrated medical cannabis may not exceed 50 pounds (22.7 kilograms); and

(b) Medical cannabis product batches containing medical cannabis extract or products that are infused with medical cannabis or medical cannabis extract may not exceed 70,000 unpackaged retail servings.

6503.3 A cultivation center or manufacturer shall assign a unique batch identifier to the cannabis or cannabis products, and when cannabis is harvested or trimmed,

(a) Medical cannabis flower shall be assigned to a batch containing a single strain from a single harvest date; and

(b) Medical cannabis trim may be assigned to a batch containing multiple strains and from multiple trimming dates.

6503.4 A batch may be divided into multiple containers.

6503.5 If medical cannabis or medical cannabis product yield is in excess of the batch size limitations, the yield must be divided into separate batches in accordance with this section in order to be sampled.

6503.6 All medical cannabis and medical cannabis products in each batch must be uniform throughout except for cannabis leaf trim.

6504 SAMPLE REQUIREMENTS FOR MEDICAL CANNABIS

6504.1 With the exception of pre-rolled medical cannabis, all cannabis and cannabis products must be in final form ready to be packaged upon receipt of passing results for all required tests to be sampled.

6504.2 A cultivation center or manufacturer may not alter the medical cannabis or medical cannabis product batch after sampling has occurred.

6504.3 The testing laboratory or their agent shall sample the amount of cannabis and cannabis products in increments in accordance with the tables below:

Cannabis Flower and Trim

Batch Size Range (lbs)	Batch Size Range (kg)	Minimum Sample Amount (g)	Sample Increments Representing Total Minimum Sample Amount
0-1.00	0 - 0.453592	2.50	5

1.01-10.00	0.4581283 - 4.53592	4.00	8
10.01-20.00	4.5404596 - 9.07185	7.50	15
20.01-40.00	9.0763833 - 18.1437	11.0	22
40.01-50.00	18.148231 - 22.6796	16.50	33

6504.4 If a testing laboratory or their agent requires a sample amount that exceeds the minimum sample amount for medical cannabis batch size range as specified in the table above, the testing laboratory or their agent must use sample increments of 0.5 grams.

Cannabis Products - Concentrated Cannabis			
Batch Size Range (lbs)	Batch Size Range (kg)	Minimum Sample Amount (g)	Sample Increments Representing Total Minimum Sample Amount
0-1.00	0 - 0.453592	1.25	5
1.01-2.00	0.4581283 - 0.907185	2.00	8
2.01-5.00	0.9117207 - 2.26796	3.75	15

5.01-15.00	2.272498 - 6.80389	5.50	22
15.01-50.00	6.8084215 - 22.6796	8.25	33

6504.5 If a testing laboratory or their agent requires a sample amount that exceeds the minimum sample amount for the batch size range of medical cannabis or medical cannabis product containing concentrated medical cannabis, as specified in the table above, the testing laboratory or their agent must use sample increments of 0.25 grams.

Cannabis Products - Cannabis Infused Products

Batch Size Range (Unpackaged Servings)	Minimum Sample Amount (Unpackaged Servings)	Minimum Number of units for Sampling a 5-Serving Unit	Minimum Number of units for Sampling a 10-Serving Unit	Minimum Number of units for Sampling a 20-Serving Unit	Minimum Number of units for Sampling a 100-Serving Unit
0-100	5	2	2	2	2
100-1,000	8	2	2	2	2
1,000-5,000	15	3	2	2	2
5,000-10,000	22	5	3	2	2
10,000-50,000	33	7	4	2	2

50,000-70,000	43	9	5	3	3

6504.6 A serving unit is a single quantity of all pre-packaged total servings for one product package of medical cannabis infused product intended for sale.

6504.7 The cultivation center or manufacturer must determine the size of a serving for each medical cannabis infused product, and the number of servings in the medical cannabis or medical cannabis product batch. If the minimum required number of sample servings does not align with the anticipated final form of the product, the testing laboratory or their agent must increase sample increments to ensure products are sampled in final form.

6504.8 If a testing laboratory or their agent requires a sample amount that exceeds the minimum sample amount for the batch size range of medical cannabis or medical cannabis product containing infused medical cannabis, as specified in the table above, the testing laboratory or their agent must use sample increments of one serving.

6505 PACKAGING OF SAMPLES FOR TESTING

6505.1 All samples of cannabis or cannabis products must be transferred to a testing facility in sealed, child-resistant, and tamper-evident containers that are supplied by a testing facility or that meet criteria specified by a testing facility.

6506 TESTING FOR RESIDUAL SOLVENTS

6506.1 Cultivation centers and manufacturers shall test all products for residual solvents and processing chemicals in accordance with this section before distributing, selling, or otherwise transferring the product to an internet retailer, manufacturer, or retailer.

6506.2 The testing laboratory shall analyze at minimum 0.25 grams of the representative sample of cannabis product or pre-rolls to determine whether residual solvents or processing chemicals are present.

6506.3 The testing laboratory shall report the result of the residual solvents and processing chemicals testing in unit micrograms per gram (µg/g) in the testing results and indicate “pass” or “fail” in the result report.

6506.4 The sample shall be deemed to have passed the residual solvents and processing chemicals testing if the presence of any residual solvent or processing chemical

listed in the following tables in Category I and Category II does not exceed the indicated critical limit, except that:

(1) The critical limit for ethanol does not apply to cannabis products that are tinctures; and

(2) The critical limit for ethanol or isopropyl alcohol does not apply to cannabis products that are topical cannabis products.

Category I Residual Solvent or Processing Chemical	***CAS No.***	***Cannabis Product or Pre-Roll Critical Limit (µg/g)***
1. 1,2-Dichloroethane	107-06-2	1.0
Benzene	71-43-2	1.0
Chloroform	67-66-3	1.0
Ethylene oxide	75-21-8	1.0
Methylene chloride	75-09-2	1.0
Trichloroethylene	79-01-6	1.0

Category II Residual Solvent or Processing Chemical	***CAS No.***	***Cannabis Product or Pre-roll Action Level (µg/g)***
2. Acetone	67-64-1	5000
Acetonitrile	75-05-8	410
Butane	106-97-8	5000

Ethanol	64-17-5	5000
Ethyl acetate	141-78-6	5000
Ethyl ether	60-29-7	5000
Heptane	142-82-5	5000
Hexane	110-54-3	290
Isopropyl alcohol	67-63-0	5000
Methanol	67-56-1	3000
Pentane	109-66-0	5000
Propane	74-98-6	5000
Toluene	108-88-3	890
Total xylenes (ortho-, meta-, para-)	1330-20-7	2170

6506.5 If the sample fails residual solvents and processing chemicals testing, the batch from which the sample was collected fails residual solvents and processing chemicals testing and shall be deemed adulterated.

6507 TESTING FOR MYCOTOXIN

6507.1 Cultivation centers and manufacturers shall test all products for mycotoxin in

accordance with this section before distributing, selling, or otherwise transferring the product to an internet retailer, manufacturer, or retailer.

6507.2 The testing laboratory shall analyze at minimum 0.5 grams of the representative sample of medical cannabis and medical cannabis products to determine whether mycotoxins are present.

6507.3 The testing laboratory shall report the result of the mycotoxins in unit micrograms per gram (µg/g) in the testing results and indicate "pass" or "fail" in the result report.

6507.4 The sample shall be deemed to have passed mycotoxin testing if both the following conditions are met:

(a) Total of aflatoxin B1, B2, G1, and G2 does not exceed 20 µg/kg of substance; and

(b) Ochratoxin A does not exceed 20 µg/kg of substance.

6507.5 If the sample fails mycotoxin testing, the batch from which the sample was collected fails mycotoxin testing and shall be deemed adulterated.

6508 TESTING FOR FOREIGN MATERIAL

6508.1 Cultivation centers and manufacturers shall test all products for mold, mildew, pests, and other foreign materials in accordance with this section before distributing, selling, or otherwise transferring the product to an internet retailer, manufacturer, or retailer.

6508.2 The testing laboratory shall analyze the representative sample of medical cannabis and medical cannabis products to determine whether mold, mildew, pests and other foreign material is present.

6508.3 The licensed laboratory shall report the result of the foreign material test by indicating "pass" or "fail" in the result report.

6508.4 The testing laboratory shall perform foreign material testing required by this section on the total representative sample prior to sample homogenization.

6508.5 When the testing laboratory performs foreign material testing, the laboratory shall, at minimum, do all of the following:

(a) Examine both the exterior and interior of the dried flower sample, and

(b) Examine the exterior of the cannabis product sample.

6508.6 The sample shall be deemed to have passed the foreign material testing if the presence of foreign material does not exceed:

(a) 1/4 of the total sample area covered by sand, soil, cinders, or dirt;

(b) 1/4 of the total sample area covered by mold or mildew;

(c) 1 insect fragment, 1 hair, or 1 count mammalian excreta per 3.0 grams; or

(d) 1/4 of the total sample area covered by an imbedded foreign material.

6508.7 If the sample fails foreign material testing, the batch from which the sample was collected fails foreign material testing and shall be deemed adulterated.

6509 TESTING FOR FERTILIZER AND NUTRIENTS

6509.1 Cultivation centers and manufacturers shall test all products for the presence and concentration of fertilizer and nutrients in accordance with this section before distributing, selling, or otherwise transferring the product to an internet retailer, manufacturer, or retailer.

6509.2 A leaf tissue sample or other test designed to elicit the presence and concentration of the following nutrients in the sampled medical cannabis or medical cannabis product:

(a) Nitrogen (N);

(b) Phosphorus (P);

(c) Potassium (K);

(d) Calcium (Ca);

(e) Magnesium (Mg);

(f) Sulfur (S);

(g) Boron (B);

(h) Copper (Cu);

(i) Iron (Fe);

(j) Manganese (Mn);

(k) Zinc (Zn);

(l) Molybdenum (Mo);

(m) Sodium (Na); and

(n) Chloride (Cl).

6509.3 The cultivation center and manufacturer shall be required to disclose to the testing laboratory all fertilizers and nutrients used during the growing or production of the medical cannabis or medical cannabis product being tested.

6509.4 The testing laboratory shall further test for the presence of all fertilizers and nutrients disclosed by the cultivation center and manufacturer in accordance with the testing labs standard operating procedures.

A new Chapter 66, ADULTERATED CANNABIS, is added:

A new Section 6600 is added, which shall read as follows:

6600 PROHIBITION ON DISTRIBUTING ADULTERATED PRODUCTS

6600.1 Medical cannabis and medical cannabis products that exceed, fail, or violate any of the testing standards, testing limits, or testing levels provided by the Act or this chapter shall be deemed adulterated and unfit for use or consumption.

6600.2 If a sample taken from a batch exceeds, fails, or violates any of the testing standards, testing limits, or testing levels set by this chapter, the batch from which the sample was collected shall also be deemed adulterated.

6600.3 A cultivation center or manufacturer shall not sell, distribute, or otherwise transfer any portion of the batch of medical cannabis or medical cannabis products that qualify as adulterated and unfit for use or consumption in accordance with this section to an internet retailer, manufacturer, or retailer.

6600.4 A internet retailer or retailer shall not sell, distribute, or otherwise transfer any portion of the batch of medical cannabis or medical cannabis products deemed adulterated and unfit for consumption in accordance with this section to any person.

A new Chapter 67, COURIERS, is added:

A new Section 6700, COURIERS, is added to read as follows:

6700 COURIERS

6700.1 A courier shall not obtain medical cannabis or medical cannabis product except when:

(a) Fulfilling an order submitted by a qualifying patient or caregiver, on behalf of a licensed internet retailer or retailer; or

(b) Obtaining medical cannabis in their personal capacity, in a manner consistent with the Act and this subtitle, for their own personal use and consumption.

6700.2 A courier may store and prepare medical cannabis or medical cannabis product obtained from a licensed internet retailer or retailer for delivery at its licensed location but shall not hold the product for more than 24 hours.

6700.3 Medical cannabis and medical cannabis products that cannot be delivered shall be returned to the internet retailer or retailer. An internet retailer or retailer that uses the services of a courier must accept returns by the courier when in operation.

6700.4 A courier may make deliveries up to seven (7) days a week, but shall only make deliveries between the hours of 9:00 a.m. and 9:00 p.m.

6700.5 A courier delivery driver shall only travel from the internet retailer and retailer to the driver's assigned delivery address(es) and return to the internet retailer, retailer, or courier.

6700.6 The courier shall record each delivery in the METRC delivery manifest system in real-time and maintain a copy of the record as part of the internet retailer and retailer's recordkeeping requirements.

6700.7 The courier shall provide a copy of its delivery manifest to the Board or ABCA investigators immediately upon request.

A new Chapter 96, MORATORIUMS, is added:

A new Section 9600, ESTABLISHMENT OF MORATORIUM is added to read as follows:

9600 ESTABLISHMENT OF MORATORIUM

9600.1 If the Board reasonably determines that it is in the public interest to do so based on the standards set forth in the Act, the Board may, by rule:

(a) Limit the number of medical cannabis business licenses of any class to be issued; or

(b) Declare a moratorium on the issuance of licenses of any class in any ward, single-member district, or ANC.

9600.2 An ANC may request the Board to issue regulations establishing a moratorium.

9600.3 A moratorium issued by the Board in accordance with this section shall have a prospective effect and shall not apply to existing licenses.

9600.4 A moratorium shall be effective for five (5) years from the date of final rulemaking, or for a lesser period as determined by the Board.

9600.5 If the Board acts on a moratorium request, a moratorium request for the same area, or an area covering substantially the same area, shall not be considered for two (2) years from the date of the Board's action.

A new Section 9601, MORATORIUM PROCEDURES, is added to read as follows:

9601 MORATORIUM PROCEDURES

9601.1 The moratorium request shall be made to the Board in writing, providing:

(a) The identity of the ANC;

(b) The resolution containing the official ANC vote and statement approving of the moratorium request filed with the Board;

(c) The area of the District to be covered by the moratorium;

(d) The class or classes of licenses to be covered by the moratorium;

(e) A detailed statement of the reasons that the moratorium is appropriate under at least two (2) of the appropriateness standards set forth in the Act and this chapter; and

(f) A statement identifying whether the moratorium shall be either a ward, ANC, or single-member district.

9601.2 A moratorium may be sought for a single class of license or for any combination of the classes of licenses except for those licenses exempted by § 9600.6.

9601.3 No moratorium request to limit the number of licenses to be issued, the number of licenses issued for any single class, or the issuance of amended licenses for any single class that constitute a substantial change shall be considered by the Board unless all the requirements of subsection § 9601.1 have been met and the following conditions are satisfied:

(a) If the requested moratorium area is a single-member district, there shall exist in the area at least three (3) licensed establishments of the same class or six (6) licensed establishments of any class or combination of classes;

(b) If the requested moratorium area is an ANC, there shall exist in the area at least six (6) establishments of the same class or twelve (12) establishments of any class or combination of classes; or

(c) If the requested moratorium area is the Ward, there shall exist in the area at least nine (9) establishments of the same class or eighteen (18) establishments of any class or combination of classes.

A new Section 9602, MORATORIUM NOTICE, is added to read as follows:

9602 MORATORIUM NOTICE

9602.1 If a moratorium request meets all the requirements set forth in this chapter, the Board shall provide notice to the public according to the same procedures as required by § 5425.

A new Section 9603, MORATORIUM HEARING, is added to read as follows:

9603 MORATORIUM HEARING

9603.1 The Board shall hold a public hearing to review a proposed moratorium. The public hearing shall be a rulemaking hearing under section 6 of the DC APA and not in the nature of a contested case under section 10 of the DC APA.

9603.2 At the public hearing, any interested person may appear to give oral or written testimony in support of, or in opposition to, the moratorium request.

9603.3 In addition to receiving testimony from the public, the Board shall request formal comments from the following persons or agencies:

(1) The Councilmembers within whose wards the requested moratorium area is located;

(2) The ANCs within whose boundaries the requested moratorium area is located and any other ANC abutting the proposed moratorium area;

(3) The Assistant City Administrator for Economic Development, or their designee;

(4) The Office of Planning, or its successor agency; and

(5) The District Commander of the Metropolitan Police Department in which the requested moratorium zone is located.

9603.4 In deciding on a moratorium request, the Board shall consider the extent to which the testimony and comments show that the requested moratorium is appropriate

under at least two (2) of the appropriateness standards set forth in the Act and this title.

9603.5 The Board may grant the moratorium request:

(1) In whole or in part;

(2) By enlarging or decreasing the moratorium area; or

(3) By limiting the moratorium to no more than one class of license.

9603.6 The Board may deny the moratorium request in its entirety.

9603.7 The decision of the Board shall be final and shall be issued in writing, including each member's vote.

A new Chapter 97, HEARING PROCEDURES, is added to read as follows:

A new Section 9700, HEARING PROCEDURES - APPLICABILITY, is added to read as follows:

9700 HEARING PROCEDURES - APPLICABILITY

9700.1 This chapter shall apply to all hearings held before the Board, including:

(a) Roll call hearings or status hearings regarding the issuance, transfer, or renewal of a license, or the making of substantial changes to a licensee's business operations under authority of the Act;

(b) Protest hearings regarding the issuance, transfer or renewal of a license, or the making of substantial changes to a licensee's business operations under authority of the Act;

(c) Fact finding hearings on any matter governed by the Act regarding an applicant for a license or a licensee; and

(d) Show cause hearings, summary suspension hearings, or summary revocation hearings regarding the revocation or suspension of a license issued under the Act.

9700.2 The Board may, for good cause shown and in the interest of justice or to prevent hardship, waive any provision of this chapter which is not required by the Act in any proceeding after duly advising the parties of its intention to do so.

9700.3 The following hearings held before the Board shall be conducted in the same manner as hearings conducted pursuant to D.C. Official Code § 2-509:

(a) Protest hearings;

(b) Show cause hearings;

(c) Summary suspension or summary revocation hearings;

(d) Cease and desist hearings;

(e) Contested fact finding hearings in which the Board may suspend or revoke one's license or issue an order or interpretation that may impact the rights of a licensee or applicant; and

(f) Qualifications hearings.

9700.4 The following hearings held before the Board shall be deemed discretionary hearings:

(a) Uncontested fact finding hearings, including the request to extend a license safekeeping; and

(b) Rulemaking hearings.

9700.5 The provisions of this chapter are intended to be consistent with the DC APA (D.C. Official Code § 2-501 *et seq.*). If there is any conflict between this chapter and the DC APA, the DC APA shall govern.

9700.6 To the extent that there is any conflict within this chapter, provisions of specific application shall supersede those of general application.

A new Section 9701, CONTINUANCES, is added to read as follows:

9701 CONTINUANCES

9701.1 A hearing may be continued for good cause.

9701.2 A written motion for a continuance shall be filed with the Board at least six (6) calendar days before the scheduled hearing date and served upon all parties at least six (6) calendar days before the hearing. To be granted, the motion shall, in the opinion of the Board, set forth good and sufficient cause for continuance or demonstrate that an emergency exists.

9701.3 A continuance shall not waive the requirements governing the time in which to file objections, petitions, or other pleadings.

9701.4 The Board may, on motion of any party or on its own motion, continue a hearing

to permit an ANC to vote on a material issue in the hearing, upon a determination that the interests of justice will be served by the granting of the continuance to any party, or for administrative convenience.

9701.5 The Board may waive the provisions of this section if all parties agree to a continuance, to prevent hardship, in the interest of justice, or for administrative convenience.

9701.6 An attorney who knows or should know of a scheduling conflict shall immediately, but no later than two (2) days before the scheduled hearing, file a motion for continuance with the Board, with copies submitted to the opposing party or parties. A scheduling conflict with another tribunal may be considered good cause for continuing the proceeding.

A new Section 9702, WITNESSES, is added to read as follows:

9702 WITNESSES

9702.1 A party shall have the right to call and examine witnesses.

9702.2 Except as provided in § 9702.3, at any proceeding before the Board in a contested case, the Board may hear as witnesses all persons residing within and outside the neighborhood who desire to be heard.

9702.3 The Board may exclude any irrelevant or unduly repetitious evidence or testimony.

A new Section 9703, RULE ON WITNESSES, is added to read as follows:

9703 RULE ON WITNESSES

9703.1 At the request of a party, or on its own motion, the Board shall order witnesses excluded so that they will not hear the testimony of other witnesses.

9703.2 The following persons shall not be excluded from hearings before the Board:

(a) The applicant or the licensee;

(b) The designated representative for a party to a proceeding; or

(c) Any person whose presence is shown by a party to be essential to the presentation of their case.

A new Section 9704, EXAMINATION OF WITNESSES, is added to read as follows:

9704 EXAMINATION OF WITNESSES

9704.1 In any proceeding before the Board, each party shall have the right to present in person or by counsel or designated representative, the party's case or defense, including oral and documentary evidence, to submit rebuttal evidence, and to cross-examine witnesses, unless the matter at issue has been dismissed by the Board.

9704.2 In a protest hearing in which there is more than one (1) protest, and the Board has required the protestants to designate one (1) person to conduct the protestant's case, the designated individual shall present the protestant's case, give the opening and closing statements, and examine and cross-examine witnesses on behalf of the protestants.

9704.3 Any member of the Board may question any witness at any time during or after examination or cross-examination, subject to objection by a party.

9704.4 Any oral or documentary evidence may be received, but the Board shall exclude irrelevant, immaterial, or unduly repetitious evidence.

9704.5 The Board may impose a time limitation on oral arguments and witness testimony as it deems appropriate.

9704.6 The Board shall afford all parties the opportunity to present oral argument unless limited in accordance with § 9704.2.

A new Section 9705, PARTIES, INTERVENTION, AND RIGHT TO BE HEARD, is added to read as follows:

9705 PARTIES, INTERVENTION, AND RIGHT TO BE HEARD

9705.1 The parties to a show cause hearing shall be the following:

(a) The respondent, licensee, permittee, or applicant; and

(b) The District of Columbia.

9705.2 The parties to a protest hearing shall be the applicant and the protestants and their designated representatives, if any.

9705.3 The parties to a fact-finding hearing shall be the licensee, permittee, or applicant for a license, and such other persons whose appearance the Board deems necessary and who are designated by the Board as parties.

9705.4 The Board may, in its discretion, permit interested persons other than parties, as defined in this chapter, to intervene in a proceeding for such general or limited purpose as the Board may specify.

9705.5 A person permitted to intervene under this section shall comply with all conditions

fixed by the Board and shall not be considered a party to the proceedings.

A new Section 9706, COMPUTATION OF TIME FOR FILINGS, is added to read as follows:

9706 COMPUTATION OF TIME FOR FILINGS

9706.1 Whenever a party to a proceeding under this chapter has the right or is required to perform some act within a specified time period after the service of notice upon the party, and the notice is served upon that party by mail, three (3) days shall be added to the prescribed period.

9706.2 Except as otherwise provided by law, any time period prescribed by this chapter may, for good cause shown, be extended by the Board with notice to all parties.

9706.3 For purposes of computing time that is stated in days or a longer unit of time, exclude the day of the event that triggers the computation of time.

9706.4 For purposes of computing time that is stated in days or a longer unit of time, every day, including intermediate Saturdays, Sundays and legal holidays is counted. Count the last day of the period, but if the last day is a Saturday, Sunday or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday or legal holiday.

9706.5 For purposes of computing time that is stated in hours, begin counting every hour immediately at the conclusion of the event that triggers the period, including hours during intermediate Saturdays, Sundays and legal holidays. If the time period would end on a Saturday, Sunday, or legal holiday, the time period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday.

9706.6 Unless a different time is set by a statute, regulation or Board order, the last day of a specified time period is at midnight for electronic filing, and at the close of business on the last day for filing by any other means.

A new Section 9707, SERVICE OF PAPERS, is added to read as follows:

9707 SERVICE OF PAPERS

9707.1 Any papers filed with the Board or on opposing parties in a contested case shall be served by personal delivery, first class U.S. mail, registered or certified mail, or by electronic mail. Proof of service shall be shown as required by the regulations.

9707.2 Any papers required to be served upon a party may be served upon the party or the party's designated representative.

9707.3 When a party has appeared through a representative, who has filed a written notice of appearance service shall be made upon the representative of record.

9707.4 Service upon a party or the party's designated representative may be made in the following manner:

(a) By personal delivery;

(b) By use of a process server;

(c) By registered or certified mail;

(d) By electronic mail; or

(e) As otherwise authorized by law.

9707.5 Service upon a party shall be completed upon any of the following acts:

(a) Handing the paper to the person to be served;

(b) Leaving the paper at the licensed premises with the owner, manager, or other employee of the establishment;

(c) Leaving the paper at the party's usual place of residence with some individual of suitable age and discretion residing therein;

(d) Deposit of the paper in the U.S. Mail, by registered or certified mail, properly stamped and addressed;

(e) By electronic mail at the e-mail address on file with ABCA;

(f) Deposit of the paper in the U.S. Mail, by first class mail, properly stamped and addressed, by an attorney of record; or

(g) By an action in conformity with an order of the Board in any proceeding.

9707.6 Proof of service shall state the name and address of the person served, the manner of service, and the date of service.

9707.7 Proof of service shall be shown by one of the following:

(a) Written acknowledgement of the person served or that person's representative;

(b) The certificate of the person making the service;

(c) A return receipt, if served by registered or certified mail; or

9707.8 Service shall also be deemed proper upon a showing that the party actually received delivery of the notice or paper, irrespective of the delivery method.

A new Section 9708, APPEARANCE AND REPRESENTATION, is added to read as follows:

9708 APPEARANCE AND REPRESENTATION

9708.1 An individual may represent himself or herself in any proceeding before the Board.

9708.2 An attorney may represent any party before the Board by submitting a Notice of Appearance or completing ABCA's Attorney/Representative Designation Form to the Board.

9708.3 In addition to this chapter, the District of Columbia Rules of Professional Conduct shall govern the conduct of all attorneys appearing before the Board.

9708.4 An authorized officer, director, partner, or employee may represent a corporation, partnership, limited partnership, or other legal entity before the Board. Parties appearing before the Board pursuant to this section may be required to demonstrate that authority.

9708.5 Any party appearing before the Board in any proceeding may bring an interpreter of their choice.

9708.6 If it appears to the Board that the facts or issues in a matter before it are so intricate or involved that, in the interests of justice, of conserving time, or of facilitating preparation of an adequate record, a party ought to be represented by an attorney, the Board may urge the party to obtain counsel and shall allow the party a reasonable time, not to exceed fourteen (14) calendar days, to do so, as long as the rights of the other parties to the hearing are not substantially and adversely affected.

9708.7 Any person authorized to appear pursuant to this section may sign any paper required or permitted by the Act, this chapter, or any other statute or regulation to be filed with the Board.

A new Section 9709, NOTICE OF APPEARANCE , is added to read as follows:

9709 NOTICE OF APPEARANCE

9709.1 A non-lawyer representative shall submit a signed statement containing that person's name, address, e-mail address, telephone number, and the nature of the representation, or ABCA's Attorney/Representative Designation Form prior to appearing before the Board.

9709.2 The written statement or the Attorney/Representative Designation Form required by this chapter shall be made a part of the Board's record of the proceeding and

shall be served on all parties to the proceeding.

9709.3 Any attorney appearing as counsel in any proceeding shall submit a Notice of Appearance containing their name, e-mail address, office address, office telephone number, D.C. Bar number, and nature of the representation or ABCA's Attorney/Representative Designation Form to the Board.

9709.4 In the case of law students who appear before the Board under the direction of an accredited law school clinical program, the supervising attorney shall register with the Board.

A new Section 9710, SCHEDULING AND CONDUCT OF HEARINGS: GENERAL PROVISIONS, is added to read as follows:

9710 SCHEDULING AND CONDUCT OF HEARINGS: GENERAL PROVISIONS

9710.1 The Board shall not schedule any hearing until the applicant has submitted, in writing to the Board, all information and documents required by the Act and the regulations.

9710.2 Before a person may be heard to object to approval of an application, the person shall have notified the Board and the applicant or licensee, by any of the means listed in § 5433, of their intent to object, and of the grounds for the objection, prior to the end of the protest period.

9710.3 Decorum and good order shall be maintained at all times during hearings, and the Board may exclude or order the removal from the hearing room of any person who refuses to comply with a reasonable order of the Board.

9710.4 The Chairperson of the Board shall preside over all proceedings conducted by the Board under the authority of the Act and this chapter.

9710.5 The Chairperson of the Board shall conduct all proceedings in accordance with the provisions of this chapter, the Act, and the District of Columbia Administrative Procedures Act.

9710.6 The Chairperson of the Board shall have the authority to:

(a) Open and close a meeting or hearing;

(b) Administer oaths and affirmations;

(c) Regulate the course of the hearing and the conduct of the parties and their representative; and

(d) Take any other action in accordance with the above provisions in furtherance of a fair and orderly hearing.

9710.7 In the event the Chairperson is unable or unavailable to preside over a hearing or meeting, the Chairperson may designate a member of the Board to act as the presiding officer in the Chairperson's absence.

A new Section 9711, EVIDENCE: GENERAL RULES, is added to read as follows:

9711 EVIDENCE: GENERAL RULES

9711.1 Any party objecting to the admission of evidence shall state the grounds relied upon for the objection.

9711.2 Formal exceptions to the rulings of the Board made during the course of a hearing shall not be required.

9711.3 The parties may, by stipulation in writing filed with the Board, or in the record at a hearing, agree upon any facts relevant to a proceeding, or upon the substance of the testimony which would be given by a witness.

9711.4 The Board, in its discretion, may require additional evidence on any matter covered by stipulation.

A new Section 9712, BURDEN OF PROOF, is added to read as follows:

9712 BURDEN OF PROOF

9712.1 In all protest hearings before the Board, the applicant shall have the burden of proof to show by substantial evidence in the record that the licensing action meets the appropriate standards in accordance with this title.

9712.2 In all show cause proceedings before the Board, the District of Columbia shall have the burden of proof to show by substantial evidence in the record that the respondent has committed a violation of the Act or this chapter.

A new Section 9713, OPENING AND CLOSING STATEMENTS, is added to read as follows:

9713 OPENING AND CLOSING STATEMENTS

9713.1 In all protest hearings before the Board, the applicant shall open and close the case insofar as presentation of evidence and argument are concerned.

9713.2 In all show cause proceedings before the Board, the District of Columbia shall open and close the case insofar as presentation of evidence and argument are concerned.

A new Section 9714, OFFERS OF PROOF, is added to read as follows:

9714 OFFERS OF PROOF

9714.1 Any offer of proof made in connection with an objection to any ruling of the Board which rejects or excludes proffered oral testimony shall consist of a statement for the record of the substance of the evidence which the party contends would be established by the testimony.

9714.2 If the excluded evidence is documentary, a copy of the written evidence shall be marked for identification and shall constitute the offer of proof.

9714.3 The document shall be retained by the Board as part of the record for purposes of an appeal.

A new Section 9715, DOCUMENTARY EVIDENCE, is added to read as follows:

9715 DOCUMENTARY EVIDENCE

9715.1 Documentary evidence offered at any hearing before the Board shall, if received by the Board, be retained by the Board.

9715.2 Any party who intends to offer documentary evidence at a hearing shall, seven (7) calendar days prior to the hearing, disclose the evidence to the opposing party. Absent good cause, failure to disclose documentary evidence seven (7) calendar days prior to the hearing may result in the Board excluding the evidence.

9715.3 The Board may, in its discretion, permit the withdrawal of original documents received into evidence and the substitution of certified copies in lieu of the originals.

9715.4 When relevant and material matters offered into evidence are contained in a book or other document which also contains other matters not material or relevant, the person offering the evidence shall plainly designate the matters offered, and the immaterial and irrelevant parts shall be excluded and segregated insofar as practicable.

9715.5 All exhibits that a party intends to introduce at a hearing must be identified on and attached to an exhibit form. Parties shall include the exhibit form, including copies of the exhibits, with the Protest Information Form.

9715.6 Exhibits reasonably anticipated to be used for impeachment need not be included on or attached to the exhibit form.

9715.7 If a document is readily available to the general public, a party need only provide a

complete citation to the source of the document and how the document may be accessed.

9715.8 The Board may exclude at the hearing any exhibit(s) not disclosed on the exhibit form if the Board finds that the opposing party has been prejudiced by the failure to disclose or if there has been a knowing failure to disclose.

9715.9 The Board shall have the discretion to receive documentary evidence from the parties not already listed or attached to the exhibit form upon a finding of good cause.

9715.10 The investigative report and attachments shall be part of the Board's record and it shall not be necessary for the parties to formally move for admission of the investigative report or portions of it into the evidentiary record.

9715.11 The exhibit form and any attachments shall be served on all parties and the Board's Office of General Counsel seven (7) days prior to the hearing.

9715.12 If a PowerPoint presentation or similar presentation is used by the parties, a paper copy of the exhibit shall be filed with the Board.

A new Section 9716, RECORDS IN PROCEEDINGS, is added to read as follows:

9716 RECORDS IN PROCEEDINGS

9716.1 When any part of the record in any other proceeding before the Board, a criminal or civil action, or a proceeding before any administrative agency is offered in evidence, a certified true copy of that part of that record shall be presented to the Board as an exhibit, except in the following instances:

(a) It is described in a manner which makes it readily identifiable and the offeror agrees to supply copies at a later time as required by the Board;

(b) There is a stipulation on the record that it may be incorporated by reference and the Board directs the incorporation; or

(c) It is described in a manner which makes it readily identifiable in the files of the Board.

A new Section 9717, MOTIONS, is added to read as follows:

9717 MOTIONS

9717.1 Any party to a protest may seek relief from the Board against an opposing party by filing a motion with the Board. Unless otherwise specified, motions shall conform to the following requirements:

(a) Be in writing;

(b) Served upon the other parties to the protest by electronic mail or the first-class U.S. Postal Service; and

(c) Filed with the Board.

9717.2 Any party may file a response in opposition to a motion within seven (7) calendar days after service of the motion. In the case of motions for continuances which have been filed by a party on the sixth (6th) calendar day before a scheduled hearing, responses shall either be made in writing and served by personal delivery on all parties prior to the hearing or shall be made orally on the date of the hearing.

9717.3 A response to a motion shall not include a motion for other affirmative relief against the moving party.

9717.4 If a party filing an opposition submits a motion for other affirmative relief, it shall be done by separate pleading.

9717.5 A reply may be filed within three (3) calendar days after service of a response in opposition to a motion, but the reply shall not re-argue propositions presented in the motion, nor present matters which are not strictly in reply to the opposition.

9717.6 A request for reinstatement of the license application or the protest must be filed with the Board within ten (10) days after receipt of the order after dismissal for failure to appear. In reviewing the request for reinstatement of the license application or the protest, the Board shall consider whether, in the discretion of the Board, the party has shown good cause for their failure to appear in accordance with § 5432.5.

9717.7 No further pleading shall be filed except by leave of the Board.

A new Section 9718, POST-HEARING SUBMISSIONS, is added to read as follows:

9718 POST-HEARING SUBMISSIONS

9718.1 No document or other information shall be accepted for the record after the close of a hearing except as follows:

(a) Unless accompanied by a Motion to Re-open the Record demonstrating good cause and the lack of prejudice to any party;

(b) Until all parties are afforded due notice and an opportunity to rebut the information; or

(c) Upon official notice of a material fact not appearing in the evidence in the record in accordance with section 10(b) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1207; D.C. Official Code § 2-509(b)).

9718.2 The Board shall afford parties an opportunity to file Proposed Findings of Fact and Conclusions of Law within thirty (30) calendar days after receipt of the transcript from the hearing. The Board may, in its discretion, grant an extension to file Proposed Findings of Fact and Conclusions of Law for good cause. An extension granted by the Board shall not exceed twenty (20) calendar days after the initial deadline.

9718.3 A copy of the Proposed Findings of Fact and Conclusions of Law shall be served on each party.

9718.4 Proposed Findings of Fact and Conclusions of Law shall be limited to the record and shall not include new legal issues that were not raised during the hearing.

A new Section 9719, DECISIONS OF THE BOARD, is added to read as follows:

9719 DECISIONS OF THE BOARD

9719.1 Unless otherwise required, within ninety (90) calendar days after the close of the record, the Board shall render its written decision accompanied by Findings of Fact and Conclusions of Law.

9719.2 Findings of Fact and Conclusions of Law shall consist of a concise statement of the Board's conclusions on each contested issue of fact, and shall be based solely upon evidence contained in the record and facts of which the Board properly took judicial notice.

9719.3 Findings of Fact and Conclusions of Law shall be supported by and in accordance with reliable, probative, and substantial evidence.

9719.4 All written decisions of the Board shall be available for public inspection and copying at a reasonable cost.

A new Section 9720, RECONSIDERATION, REHEARING, REARGUMENT, AND STAY, is added to read as follows:

9720 RECONSIDERATION, REHEARING, REARGUMENT, AND STAY

9720.1 A motion for reconsideration, rehearing, reargument, or stay of a decision or order of the Board shall be filed with the Board, and a copy shall be served on each party and intervenor.

9720.2 A motion for reconsideration shall state briefly the matters of record alleged to have been erroneously decided, the grounds relied upon, and the relief sought.

9720.3 If a motion is based in whole or in part on a new matter, that new matter shall be set forth in the motion stating that the petition could not by due diligence have known or discovered the new matter prior to the date the case was presented to the Board for a decision.

9720.4 The Board may, in its discretion, permit or require oral argument upon a motion filed under this section.

A new Section 9721, EX PARTE COMMUNICATIONS, is added to read as follows:

9721 EX PARTE COMMUNICATIONS

9721.1 If a proceeding is a contested case within the meaning of the DC APA (D.C. Official Code § 2-502(8)), the following restrictions shall apply:

(a) A person shall not make or knowingly cause to be made to a member of the Board an ex parte communication relevant to the merits of the proceeding; and

(b) No member of the Board shall make or cause to be made to any interested persons outside the Board an ex parte communication relevant to the merits of the proceeding.

9721.2 The prohibitions set forth in this section shall apply upon the filing of a protest against an application for an original, transfer, substantial change or renewal license, or upon the issuance of notice to appear for a show cause hearing.

9721.3 For purpose of this section, "ex parte communication" does not include an inquiry regarding the Board's procedure or practice, or a request for a status report on a matter, proceeding, or notice of a meeting or hearing.

A new Section 9722, TRANSCRIPTS OF HEARINGS, is added to read as follows:

9722 TRANSCRIPTS OF HEARINGS

9722.1 Hearings shall be recorded and transcribed under the direction of the Board.

9722.2 Changes in the official transcript may be made only in cases of material error.

9722.3 A motion to correct the transcript shall be filed with the Board within ten (10) calendar days of the date the transcript is available to the movant. Copies of the motion shall be served on all parties.

9722.4 If no objections to the motion are filed within five (5) days after service of the motion, the Board may correct the transcript.

9722.5 The Board shall have final authority to dispose of all motions for correction of the record.

A new Section 9723, POST HEARING MOTIONS, is added to read as follows:

9723 POST HEARING MOTIONS

9723.1 A petition for reconsideration, rehearing, reargument, or stay of a decision or order of the Board may be filed by a party within ten (10) days after the date of receipt of the Board's final order.

9723.2 The filing of a post hearing motion shall not stay the final order unless the stay is specifically ordered by the Board.

9723.3 A stay of a decision shall be granted only upon good cause, which shall consist of unusual or exceptional circumstances.

A new Section 9724, WAIVER, is added to read as follows:

9724 WAIVER

9724.1 The Board may, for good cause shown and in the interests of justice or to prevent hardship, waive any of the provisions contained in this chapter in any proceeding after duly advising the parties of its intention to do so.

A new Chapter 98, SLIDING SCALE PROGRAM, is added:

Renumbered Section 9800, SLIDING SCALE PROGRAM, is amended to read as follows:

9800 SLIDING SCALE PROGRAM

9800.1 An internet retailer or retailer shall make available discounted cannabis on a sliding scale to qualifying patients determined eligible pursuant to § 1300.4 of this title. The term "make available" in this section means that a licensee violates this section if a qualified patient eligible for discounted medical cannabis requests the discount and is denied by the licensee.

9800.2 A qualifying patient who establishes their qualifications under § 1300.4 of this subtitle, shall be entitled to purchase medical cannabis directly, or through a caregiver, on a sliding scale from an internet retailer or retailer in the District of Columbia.

9800.3 An internet retailer or retailer shall sell medical cannabis to a qualifying patient,

who is registered to purchase medical cannabis on a sliding scale, and possesses a registration card denoting such, at a discount of not less than twenty (20%) of its regular retail price.

9800.6 It shall be an affirmative defense to a violation of § 9800.1 that the sale or dispensing of medical cannabis or medical cannabis products to the qualified patient denied a sliding scale discount would be in violation of the law (e.g., intoxicated, failed to present adequate identification).

Chapter 99, DEFINITIONS, is amended as follows:

Section 9900, DEFINITIONS, is amended as follows:

In Subsection 9900.1 the definition for Pesticide is deleted.

Subsection 9900.1 is amended by adding the following definitions in alphabetical order:

Adulterated – Describes medical cannabis or a medical cannabis product that exceeds, fails, or violates any of the testing standards, testing limits, or testing levels of various substances set by the Act or this title.

Applicant – means, as the context requires, the individual applicant, each member of an applicant partnership or limited liability company, or each of the principal officers, directors, and shareholders of an applicant corporation, or, if other than an individual, the applicant entity.

DC APA – means the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1207; D.C. Official Code § 2-501 *et seq*.).

Gun offense – means

(a) A conviction for the sale, purchase, transfer, receipt, acquisition, possession, use, manufacture, carrying, transportation, registration, or licensing of a firearm under Chapter 45 of Title 22, or an attempt or conspiracy to commit any of the foregoing offenses;

(b) A conviction for violating D.C. Official Code § 7-2502.01, § 7-2504.01, § 7-2505.01, § 7-2506.01, or § 7-2509.06, or an attempt or conspiracy to commit any of those offenses;

(c) A conviction for a firearms-related violation of the provisions in D.C. Official Code § 22-402 (assault with a dangerous weapon), § 22-2603.02 (unlawful possession of contraband), or § 22-2803(b) (carjacking); or

(d) Violations in other jurisdictions of any offense with an element that involves the violations listed in subparagraphs (a) – (c) of this paragraph.

Fraud – means a conviction for violation of sections 121 through 127h of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Official Code § 22-3221 – 22-3227.08) or any conviction in another jurisdiction with an element that involves these violations.

Locality - means the area within 600 feet of an establishment.

Management agreement - means an operational agreement between the licensee and a third-party allowing the third party to manage the establishment on behalf of the licensee for a fee.

Medical Cannabis Business – a licensed courier, cultivation center, internet retailer, manufacturer, retailer, testing laboratory, or any other business operating pursuant to a license authorized by the Act and this title. This term does not refer to personal licenses such as those for qualified patients, caregivers, authorized practitioners, managers, employees, and agents.

METRC – means the electronic track and trace platform provided by the Marijuana Enforcement Tracking Reporting Compliance (METRC) company.

Non-Resident Cardholder – a non-resident of the District of Columbia that is deemed a qualified patient once issued a medical cannabis patient card from ABCA so long as the card is valid and unexpired. This term does not include a nonresident qualifying patient who is registered in another jurisdiction's medical cannabis program.

Overconcentration - means the existence of multiple licensed establishments in a single locality, section, or portion of the District of Columbia that adversely impacts that locality, section, or portion of the District of Columbia, taking into account the appropriateness standards.

Portion - means the area within 1,800 feet of an establishment.

Real-time electronic records system – means the electronic database designated by ABCA for use by the medical cannabis industry to track in real-time the planting, harvesting, processing, distribution, and sale of cannabis. The electronic database designated by ABCA is METRC.

Section - means the area within 1,200 feet of an establishment unless the context indicates that the term "section" was not used to refer to a physical area.

In Subsection 9900.1 the following definitions are amended as follows:

ABCA – Alcoholic Beverage and Cannabis Administration

Board – Alcoholic Beverage and Cannabis Board

Director -- means the Director of the Alcoholic Beverage and Cannabis Administration or their designee or designees.

Drug-related offense – means any offense that involves the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell or transfer cannabis or any substance the possession of which is prohibited by the Controlled Substances Act, Title 21 of the United States Code (Controlled Substance Act), or any equivalent state or foreign government law creating criminal penalties for the sale, distribution, possession, or use of illegal drugs or narcotics.

Medical Cannabis - means cannabis cultivated, manufactured, possessed, distributed, dispensed, obtained, or administered in accordance with the Act and this title and all types of products containing medical cannabis such as infused beverages, concentrates, dried leaf, edibles, kief, oils, tinctures, and pre-rolls.

Tamper Evident – means a container or packaging having an indicator or barrier to entry which, if breached or missing, can reasonably be expected to provide visible evidence to consumers that tampering has occurred. If a breached or missing indicator or barrier would not, in and of itself, provide consumers with such evidence, the packaging may still qualify as tamper-evident if, in conjunction with such device, a printed statement is prominently displayed on the product label to alert the consumer of the original presence of the indicator or barrier.

Tamper Proof – means a container or packaging that, once sealed, clearly shows whether it has been opened.

In Subsection 9900.1, the definition for Panel, Dispensary, and Medical Marijuana are deleted.

In Subsection 9900.1 the definition for Qualifying patient is amended as follows:

Qualifying patient - a resident of the District who has a qualifying medical or dental condition or is undergoing a qualifying medical or dental treatment, a non-resident cardholder**,** or a patient enrolled in another jurisdiction's medical cannabis program; provided, that a patient from another jurisdiction shall not be a qualifying patient if the Board determines that there is a shortage of medical cannabis or the real-time electronic records system referenced in the Act is inactive.

Copies of the proposed rulemaking can be obtained by contacting Jonathan Berman, Assistant General Counsel, Alcoholic Beverage and Cannabis Administration, 899 North Capitol Street, N.E., Suite 4200 A, Washington, D.C. 20002. Persons with questions concerning the rulemaking should contact Jonathan Berman at 202-442-4448 or email jonathan.berman@dc.gov. All persons desiring to comment on the proposed rulemaking must submit their written comments, no later than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*, Jonathan Berman, Assistant General Counsel, Alcoholic Beverage and Cannabis Administration, at 899 North Capitol Street, N.E., Suite 4200 A, Washington, D.C. 20002 or jonathan.berman@dc.gov.

DEPARTMENT OF HEALTH

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health ("DOH"), pursuant to the authority set forth under §§ 302(14) and 503(a)(5) of the District of Columbia Health Occupations Revision Act of 1985 (Act), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1203.02(14) and 3-1205.03(a)(5)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of her adoption, on an emergency basis, of the following amendments to Chapters 54 (Registered Nursing) and 55 (Practical Nursing) of Title 17 (Business, Occupations and Professions) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking seeks to take advantage of the growing adoption of the Nurse Licensure Compact (NLC), which was initiated by the National Council of State Boards of Nursing in 1997 and currently has participation from 43 states. Based on the uniform licensure requirements established by the NLC, member states may issue a multistate license to their residents and enable them to practice nursing in any of the member states. The District is currently not a member of the NLC; however, this rulemaking will adopt a pathway to expedite the issuance of a District nursing license to applicants who hold a multistate license in good standing. Under the rulemaking, an applicant for a registered nursing license or a practical nursing license who holds a multistate license in good standing issued under the NLC shall be eligible for licensure by endorsement in the District.

The challenges of the COVID-19 pandemic led to a critical shortage of healthcare personnel. While several policy measures are being implemented and considered for adoption, DOH has determined that expediting the issuance of District license to nurses currently holding a multistate license will help to increase the pool of nurses available in the District. Implementing this licensure pathway immediately will allow more nurses to expeditiously enter the workforce to serve District residents. Emergency action is therefore necessary for the immediate preservation of the public peace, health, safety, and welfare.

This emergency rulemaking was adopted by the DOH Director on February 21, 2025, and became effective immediately. The emergency rules will remain in effect for one hundred twenty (120) days, until June 21, 2025, unless earlier superseded, amended, or repealed.

The Director also gives notice of her intent to take final rulemaking action in not less than thirty (30) days after publication of this notice in the *District of Columbia Register*.

CHAPTERS 54, REGISTERED NURSING, OF TITLE 17, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, are amended as follows:

SECTION 5405, LICENSURE BY ENDORSEMENT, is amended as follows:

Subsection 5405.5 is added to read as follows:

5405.5 Notwithstanding the provisions of §§ 5402 and 5403, an applicant who possesses a multistate license in good standing issued under the Nurse Licensure Compact

based on the passage of the NCLEX-RN shall be deemed to possess educational qualifications substantially equivalent to the District licensure standards and shall be eligible for a District license by endorsement.

CHAPTER 55, PRACTICAL NURSING, OF TITLE 17, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

SECTION 5505, LICENSURE BY ENDORSEMENT, is amended as follows:

Subsection 5505.6 is added to read as follows:

5505.6 Notwithstanding the provisions of this section, § 5502, or § 5503, an applicant who possesses a multistate license in good standing issued under the Nurse Licensure Compact based on passage of the NCLEX-PN shall be deemed to possess educational qualifications substantially equivalent to the District licensure standards and shall be eligible for a District license by endorsement.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *District of Columbia Register*. Comments should be sent to the Lesa Campbell, Paralegal Specialist, Department of Health, 2201 Shannon Place, SE, 4th Floor, Washington, D 20020, by email to Lesa.Campbell@dc.gov or by using the electronic comment feature found in the *District of Columbia Register* online at www.dcregs.dc.gov. Copies of the proposed rules may be obtained by contacting Lesa Campbell at (202) 442-5977 or Lesa.Campbell@dc.gov. A copy of this proposed rulemaking can be found in the *District of Columbia Register* online at www.dcregs.dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2025-048
April 10, 2025

SUBJECT: Amendment — America's Semiquincentennial - District of Columbia 250 Commission

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2), it is hereby **ORDERED** that:

1. Mayor's Order 2024-173, dated September 12, 2024, is amended as follows:

   a. Section IV(A) is amended to read as follows:

      i. "The 250 Commission shall be comprised of at least nineteen (19) members, including at least twelve (12) members appointed by the Mayor and seven (7) members appointed by the Chairman of the Council.

   b. Section IV(B) is amended to read as follows:

      i. "The members appointed by the Mayor shall include:

         1. The following public members:

            a. Two (2) members with expertise in District of Columbia history;

            b. Two (2) members with expertise in the arts and humanities;

            c. Two (2) members with a background in special events or event planning; and

            d. Additional civic and community leaders with expertise in areas determined by the Mayor to balance experience and perspectives on the 250 Commission.

         2. The following six (6) government members:

            a. The Secretary of State of the District of Columbia, or their designee;

b. The Senior Advisor to the Mayor, or their designee;

c. The Chief Executive Officer of Events DC, or their designee;

d. The Chief Executive Officer of Destination DC, or their designee;

e. A designee of the National Park Service; and

f. A designee of the Smithsonian Institution."

2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 15, 2025.

MURIEL BOWSER
MAYOR

ATTEST: Kimberly A. Bassett

KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2025-049
April 10, 2025

SUBJECT: Appointments — America's Semiquincentennial - District of Columbia 250 Commission

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2), and pursuant to Mayor's Order 2024-173, dated September 12, 2024, as amended by Mayor's Order 2025-048, dated April 10, 2025, it is hereby **ORDERED** that:

1. The following individuals are appointed as public members with expertise in District of Columbia history of the America's Semiquincentennial – District of Columbia 250 Commission ("250 Commission"), filling new seats, to serve at the pleasure of the Mayor:

   a. **HONORABLE SHARON PRATT KELLY**; and
   b. **HONORABLE CHARLENE DREW JARVIS**.

2. The following individuals are appointed as public members with expertise in the arts and humanities of the 250 Commission, filling new seats, to serve at the pleasure of the Mayor:

   a. **ELEANOR CLIFT**; and
   b. **DEBORAH RUTTER**.

3. The following individuals are appointed as public members with a background in special events or event planning of the 250 Commission, filling new seats, to serve at the pleasure of the Mayor:

   a. **DAVID RUBENSTEIN**; and
   b. **PATRICK MARA**.

4. **ELIZABETH H. SHULER** is appointed as an additional civic and community leader member of the 250 Commission, filling a new seat, to serve at the pleasure of the Mayor.

5. The following individuals are appointed as government members of the Commission, to serve at the pleasure of the Mayor:

   a. **KIMBERLY A. BASSETT**, as Secretary of State of the District of Columbia;
   b. **BEVERLY L. PERRY**, as Senior Advisor to the Mayor;

c. **ANGIE M. GATES**, as the Chief Executive Officer of Events DC;
d. **ELLIOTT L. FERGUSON**, as the Chief Executive Officer of Destination DC;
e. **BRIAN JOYNER**, as the designee of the National Park Service; and
f. **DR. MELANIE ADAMS**, as the designee of the Smithsonian Institution.

6. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 15, 2025.

MURIEL BOWSER
MAYOR

ATTEST: Kimberly A. Bassett
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2025-054
April 22, 2025

SUBJECT: Delegation — Authority to the Director of the Department of Buildings to Promulgate, as part of the Construction Codes, Regulations to Implement the Provisions of the Migratory Local Wildlife Protection Act of 2022

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11), it is hereby **ORDERED** that:

1. The Director of the Department of Buildings is delegated the authority vested in the Mayor by section 10 of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987, D.C. Law 6-216, D.C. Official Code § 6-1409, to issue rules to amend the Construction Codes and adopt new supplements and editions of the Model Codes for the purpose of implementing the provisions of the Migratory Local Wildlife Protection Act of 2022, effective March 22, 2023, D.C. Law 24-337, D.C. Official Code § 8-2241.01 *et seq.* ("Act").

2. Pursuant to the Act, any regulations promulgated by the Department of Buildings to implement the Act shall be developed by the Department of Buildings in consultation with the Department of Energy and Environment.

3. This Order supersedes all prior Mayor's Orders to the extent of any inconsistency.

4. **EFFECTIVE DATE:** This Order shall become effective immediately.

MURIEL BOWSER
MAYOR

ATTEST: Kimberly A. Bassett

KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2025-057
April 22, 2025

SUBJECT: Delegation – Authority to the Chief of the Fire and Emergency Medical Services Department to Announce and Support the 54th Annual HEROES (Honor Every Responsible Officer's Eternal Sacrifice), Inc. Golf Tournament

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code 1-204.22(6), and under 6B DCMR § 1805.10, it is hereby **ORDERED** that:

1. The Chief of the Fire and Emergency Medical Services Department is delegated the authority of the Mayor to announce and support the 54th Annual HEROES (Honor Every Responsible Officer's Eternal Sacrifice), Inc. Golf Tournament, including the authority to announce the tournament in a special order sent to Fire and Emergency Medical Services Department employees.

2. **EFFECTIVE DATE:** This Order shall become effective immediately.

MURIEL BOWSER
MAYOR

ATTEST: Kimberly A. Bassett
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, APRIL 30, 2025
899 NORTH CAPITOL STREET, NE, SUITE 4200 A-B
WASHINGTON, D.C. 20002

Donovan W. Anderson, Chairperson
Members: Silas Grant, Jr., Teri Janine Quinn, Ryan Jones and David Meadows

BEGA/OGE April Quarterly Board and Commission Ethics Training **11:00 AM**

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA AT 1:00 PM

Show Cause Hearing **1:30 PM**

Case # 25-CMP-00003
LA, LLC, t/a Blue Moon
1827 M Street NW
License #118303
Retailer CT
ANC 2B
Operating After Hours

Board's Calendar
April 30, 2025

Protest Hearing **1:30 PM**

Case # 24-PRO-00105
Alazar, Inc., t/a Edgewood International Wine and Spirits
2303 4th Street NE
License #95032
Retailer A
ANC 5F
Application to Renew the License

All of the ABC Board's public hearings are conducted virtually and are livestreamed on ABCA's YouTube channel which can be found here: *https://www.youtube.com/@alcoholicbeverageregulatio5683*.

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*.

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF FUNDING AVAILABILTY (NOFA)

Comprehensive Care Management for Individuals with Opioid Use Disorder (OUD) and/or Stimulant Use Disorder (STUD)

The District of Columbia, Department of Behavioral Health (DBH) is soliciting applications from qualified applicants for services in the program and service areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of DBH's intent to make funds available for the purpose described herein. The applicable Request for Application (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria, and DBH terms and conditions for applying for and receiving funding.

General Information:

Funding Opportunity Title:	Comprehensive Care Management for Individuals with Opioid Use Disorder (OUD) and/or Stimulant Use Disorder (STUD)
Funding Opportunity Number:	RFA RM0 CCM042525
Opportunity Category:	Competitive
DBH Branch/Division Unit:	Adult Services Administration
DBH Administrative Unit:	State Opioid Response Program
Program Contact:	Maura Gaswirth maura.gaswirth1@dc.gov
Program Description:	This RFA identifies opportunities for organizations in the District to facilitate prevention, harm reduction, treatment, and recovery services and support for individuals with OUD and STUD through a comprehensive care management program. The focus of this RFA is specific to the subpopulation in and around the Federal City/CCNV Shelter (2nd and D Street, NW) shelter.
Eligible Applicants:	Eligible applicants must have at least two (2) years of experience in providing comprehensive care management services to District residents with OUD and/or STUD.
Anticipated Number of Awards:	One (1) award
Anticipated Amount Available:	$150,000
Floor Award Amount:	N/A
Ceiling Award Amount:	Up to $150,000

Funding Authorization:

Legislative Authorization:	Title II Division H of the Consolidated Appropriations Act 2020
Assistance Listing#	93.788
Associated Federal Award ID#:	No. TI-22-005
Cost Sharing/Match Required?	No
RFA Release Date:	Friday, April 25, 2025
Pre-Application Conference (Microsoft Teams):	**Please find web link access information in Request for Application.**
Application Deadline Date:	Friday, May 9, 2025
Application Deadline Time:	12:00 p.m. ET
Links to Additional Information about this Funding Opportunity:	Serve DC: https://communityaffairs.dc.gov/content/community-grant-program#4 DBH RFA Opportunities: https://dbh.dc.gov/page/request-applications-001

Funding Authorization:

Notes:

A. **DBH reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.**
B. **Awards are contingent upon the availability of funds.**
C. **Individuals are not eligible for DBH grant funding.**
D. **Applicants must have a UEI#, Tax ID#, and be registered in the federal Systems for Award Management (SAM).**
E. **Contact the program manager assigned to this funding opportunity for additional information.**

BRIYA PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

General Contractor Services

Briya Public Charter School solicits proposals for the following:

General contractor services related to the remodel of approximately 5,000 square feet within a 9-story mixed-use building. The scope of work includes:

- Flooring replacement
- Lighting upgrades
- Galley kitchen renovation
- Office cabinetry replacement

All work is to be completed during our upcoming summer break (late June to early August).

Full RFP available by request. Proposals should be submitted as PDF documents no later than 5:00 PM EST on Monday, May 12. 2025.

Contact: bids@briya.org

CAPITAL CITY PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Multiple Services and Supplies

Capital City Public Charter School is soliciting proposals to provide the following goods and services for the 2025-2026 school year:

1. School, Office and Janitorial Supplies
2. Transportation Services
3. Translation Services
4. Recruitment of Teacher Residents
5. Occupational Therapy Services
6. Special Education Testing Services
7. Special Education Assessment and Textbooks
8. Professional Development and School Design
9. Planning guides, Curriculum Resources, Quiz Tools, etc. Services
10. Payroll Services and Software
11. Financial and Retirement Audit
12. Budgeting, accounting, financial and grant reporting, audit report, various analyses, and other business or operations consulting services
13. Landscaping Services
14. General Contracting Services
15. Janitorial Services
16. Electrical Maintenance
17. Plumbing (valves replacements)
18. Courtyard drainage
19. Access Management System (FOB)
20. Security Intrusion Alarm (Bosch)
21. Annual Painting (classrooms and hallways)
22. Window Cleaning Services
23. Information Technology Equipment and Services
24. Information Technology Systems & Project Consulting
25. Computer Repair Services
26. Computers and IT Supplies
27. Printer and Copier Services
28. Substitute Teaching Services

Proposals are due no later than 5pm, May 27, 2025.
To obtain an RFP with bidding requirements and supporting documentation contact:
Sofia Noronha - accountspayable@ccpcs.org

THE CLEMENCY BOARD OF THE DISTRICT OF COLUMBIA

NOTICE OF CLOSED MEETING

On Friday, May 9, 2025, at 10:30 a.m., the Clemency Board of the District of Columbia will hold a closed meeting to discuss confidential applications (Open Meetings Act, D.C. Official Code Section 2-575(b)(1)), pursuant to the Open Meetings Act, D.C. Code Section 2-575(b).

The meeting will be virtual via Webex. 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.

For additional information, please contact Kimberly Ulan, Staff Director and Associate General Counsel at (202) 727-2292 or kimberly.ulan@dc.gov.

THE CLEMENCY BOARD OF THE DISTRICT OF COLUMBIA

NOTICE OF PUBLIC MEETING

The Clemency Board of the District of Columbia will hold a meeting on Friday, May 9, 2025, at 10:30 a.m. The meeting will be held via Webex. Below is the agenda, meeting link, and log-in numbers for this meeting. The final agenda will be posted on the Clemency Board's website at https://clemency.dc.gov/.

AGENDA

1. Welcome and Call to Order
2. Old Business
3. New Business
4. Public Comments
5. Closed Session
6. Adjournment

Meeting Link:

https://dcnet.webex.com/dcnet/j.php?MTID=m706d6c48171dc22db7f46cb87d244e3f

Registration: Please press Ctrl and click the link above to pre-register for the meeting.

Registration password: This meeting does not require a password for registration.

Webinar number (access code)**:** 2314 229 2722

Webinar password: 59cpUHbJTu6 (59278425 when dialing from a phone or video system)

Join by phone: +1-202-860-2110 United States Toll (Washington D.C.) or +1-650-479-3208 Call-in number (US/Canada)

Join by mobile device (attendees only): +1-202-860-2110,,23142292722#59278425# US Toll (Washington D.C.); or +1-650-479-3208,,23142292722#59278425# Call-in toll number US/Canada

Some mobile devices may ask attendees to enter a numeric password.

Join from a video system or application: Dial 23142292722@dcnet.webex.com

You can also dial: 173.243.2.68 and enter your webinar number.

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.

For additional information, please contact Kimberly Ulan, Staff Director at (202) 727-2292 or Kimberly.Ulan@dc.gov.

EARLY CHILDHOOD ACADEMY PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS (RFP)

General Contractor

Early Childhood Academy Public Charter School (ECAPCS) located at 885 Barnaby Street SE, Washington, DC 20032 is requesting proposals from qualified general contractors to improve the functionality of its 38,000 sq. ft. facility by reconfiguring select interior spaces and addressing specific program needs. The project includes the following primary objectives: creation of additional office spaces, addition of in-classroom sinks and toilet, as well as one new SPED classroom, installation of new flooring in targeted areas, addition of acoustic treatments in Multipurpose Room, and resolution of tripping hazard at front entry.

Additional specifications outlined in the RFP such as the Detailed Scope of Work and architectural drawings can be obtained beginning on Friday, April 25, 2025, from bids@ecapcs.org. Proposals will be accepted via email to bids@ecapcs.org no later than Friday, May 9, 2025, by 5:00 p.m.

EARLY CHILDHOOD ACADEMY PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS (RFP)

Legal Services: Borrower's Counsel

Early Childhood Academy Public Charter School (ECAPCS) is requesting proposals from qualified law firms interested in providing legal services in connection with the unwinding of a New Markets Tax Credit (NMTC) transaction and the issuance of tax-exempt industrial revenue bonds through the District of Columbia's Industrial Revenue Bond Program.

The selected firm will serve as ECAPCS's borrower's counsel through completion of bond closing and unwind execution. Interested firms must have established expertise with public charter schools sufficient to unwind existing New Markets Tax Credit (NMTC) transaction and refinance project using tax-exempt bond proceeds.

Additional specifications outlined in the RFP such as the Detailed Scope of Work can be obtained beginning on Friday, April 25, 2025, from bids@ecapcs.org. Proposals will be accepted via email to bids@ecapcs.org no later than Friday, May 9, 2025, by 5:00 p.m.

BOARD OF ELECTIONS

CERTIFICATION OF ANC-SMD VACANCY

The District of Columbia Board of Elections hereby gives notice that there are vacancies in (13) thirteen Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2).

VACANT: 2A05, 2A06, 2A07, 2F08, 4A06, 4A07, 4B04, 5A05, 6E04, 7D02, 7E05, 7E07, 8D02

Petition Circulation Period: **Monday, April 28, 2025 through Monday, May 19, 2025**
Petition Challenge Period: **Thursday, May 22, 2025 through Thursday, May 29, 2025**

Note: The deadline to file petitions or challenges is **4:45 p.m.** on the date listed above.

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions by email at candidate@dcboe.org or in-person during office hours at the following location:

D.C. Board of Elections
1015 Half Street, SE, Suite 750
Washington, DC 20003

For more information, the public may call **202-727-2525**.

DEPARTMENT OF ENERGY AND ENVIRONMENT

CLIMATE COMMITMENT ACT INTERAGENCY TASKFORCE

NOTICE OF PUBLIC MEETING

The Climate Commitment Act interagency taskforce meeting will be held on Wednesday, April 23, 2025 from 3pm - 4pm. 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 DOEE's webpage 48 hours in advance of the meeting at: https://doee.dc.gov/service/climate-change

For additional information, please contact: Jenn Hatch, Branch Chief, Green Building & Climate, at (202) 527-1779 or jenn.hatch@dc.gov.

Draft Meeting Agenda

1. Welcome and Introductions
2. Action Plan Development: Updated Inventory and Plan Baseline
3. Next Steps
4. Adjourn

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PUBLIC COMMENT PERIOD ON AIR QUALITY ISSUES

Reproposal of Alternative NOX RACT for Capitol Power Plant

Notice is hereby given that, pursuant to 42 U.S. Code § 7410(a)(1), the Air Quality Division (AQD) of the Department of Energy and Environment (Department), located at 1200 First Street NE, 5th Floor, Washington DC, is beginning a public comment period for the approval of Capitol Power Plant's "Updated Alternative NO_x RACT Analyses," submitted to the agency under the "Alternative Reasonably Available Control Technology (RACT)" provision found in 20 DCMR § 805.2.

On October 26, 2015, the U.S. Environmental Protection Agency ("EPA") promulgated a revised 8-hour primary and secondary ozone National Ambient Air Quality Standard ("NAAQS"). 80 Fed. Reg. 65292 (October 26, 2015). To demonstrate compliance with the NAAQS, the District of Columbia (District) is required to submit State Implementation Plan ("SIP") revisions to EPA for approval and to ensure that any revisions comply with all of EPA's applicable statutory and regulatory requirements. 42 U.S.C. § 7502(b). This SIP revision amends a submission under the District's Alternative RACT program. 20 DCMR § 805.2. An Alternative RACT plan describes alternatives to the presumptive nitrogen oxides (NO_x) RACT emissions limits promulgated under 20 DCMR § 805 that a submitter believes represents RACT for their specific circumstances.

In November 2021, the Department revised 20 DCMR § 805 to comply with the RACT requirements and updated its presumptive NO_x emissions standards for the RACT. 68 DCR 12420 (Nov. 26, 2021). The Department submitted the presumptive RACT rulemaking to EPA as a SIP amendment on October 14, 2022. EPA has not yet acted on the District's amendment.

In the SIP amendment submitted to the EPA in November 2021, DOEE included 20 DCMR § 805.2, which allows facilities to demonstrate that presumptive NO_x RACT emissions limits are unreasonable for the specific facility and propose a feasible alternative. The Department received a proposal from the Architect of the Capitol (AOC) for the Capitol Power Plant facility prior to the due date, March 1, 2022.

The Department denied the AOC's original proposal from 2022. In 2023, AOC updated their proposal to include more stringent emission limits from .2 lb/MMBtu to .14 lb/MMBtu on boilers 3 through 7. It also implemented fuel consumption limits of 1,069,730 gallons of #2 fuel oil and 748.80 MMSCF of natural gas per year on a 12-month rolling basis for boiler 3. In 2024, AOC further updated their proposal to restrict the fuel consumption for boilers 4 through 7 to 215,000 MMBtu per boiler per year on a 12-month rolling basis. The District is now proposing to approve AOC's 2024 proposal.

Once the District reviews the public comments received in response to this notice, DOEE will propose an individual operating permit for the facility, to include any necessary permit conditions. Drafts of the operating permit will be made available for public comment. Upon completion of the permitting process, the Department will submit its analysis and the operating permit details to EPA for SIP approval.

Parties wishing to provide comments on this approval of the Architect of the Capitol's proposal must submit their comments in writing within thirty (30) days after publication of this notice in the District of Columbia Register to Mr. Joseph Jakuta by email at airqualityregulations@dc.gov or by mail or hand delivery to the following address:

DOEE Air Quality Division
ATTN: Joseph Jakuta
SUBJECT: Alternative NOX RACT Capitol Power Plant Second Proposal
1200 First Street NE, Fifth Floor Washington, DC 20002

Interested parties may also request a public hearing regarding DOEE's approval of the Architect of the Capitol's proposal to the above address or email within 30 days after the publication of this notice. If a request for a public hearing is received too late to hold a hearing during the public comment period, the comment period will be extended through publication of a subsequent notice.

DOEE's proposed analysis can be found at: https://doee.dc.gov/release/alternativenoxract2

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF SOLICITATION OF PUBLIC COMMENT

Intent to Issue Water Quality Certification #WQC-DC-2024-143

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-2024-143 to Straughan Environmental, Inc. on behalf of Virginia Passenger Rail Authority (VPRA, Permittee), to expand the existing two-track rail Long Bridge to a four-track rail bridge over the Washington Channel in Washington, DC. The contact person for the project is Kate Traut, kate.traut@longbridgeproject.com, (443) 827-2547. DOEE is soliciting public comments on its intent to issue this Water Quality Certification. **Directions for issuing comments are provided at the end of the notice.**

Proposed Aquatic Resource Impacts:

Resource Type (stream/wetland)	**Classification**	**Impact Size (square feet)**	**Activity Type**	**Impact Type (permanent/temporary)**
Washington Channel	Perennial	18,686	Fill	Permanent
Washington Channel	Perennial	3,676	Fill	Temporary
Potomac River	Perennial	500	Cofferdam	Temporary

The following conditions will be included in the WQC:

In-water work and work that has the potential to impact water quality standards cannot commence until conditions #1 and #2 are met. DOEE may require VRPA to submit a WQC modification request upon review of submissions required by conditions #1 and #2.

1. The final construction plans, construction sequences, demolition plans, cofferdam plans, dewatering plans, and monitoring plans per activity must be submitted to DOEE at least **60 days** before work will commence for DOEE to review, provide responses for comment, and approve, deny, or determine if a WQC modification application is required. In-water work and work that has the potential to impact water quality standards will not be authorized to proceed without DOEE review and approval.

2. The final mitigation and monitoring plans must be submitted to DOEE at least **60 days** before work will commence for DOEE to review, provide responses for comment, and approve, deny, or determine if a WQC modification application is required. In-water work and work that has the potential to impact water quality standards will not be authorized to proceed without DOEE review and approval.

3. 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.

4. 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.

5. 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 Industrial Stormwater and Wastewater 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.

6. 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.

7. All debris and wastewater 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.

8. 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.

9. 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 cofferdams, and dewatering return areas. 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. Turbidity curtains must not be dragged along the bottom while moving the barge/equipment.

d. The turbidity curtains must be properly anchored. Depth and placement of the turbidity curtain must be based on manufacturer's specifications for the site conditions, and encompass the entire area of activity, including cofferdams, barges, boats, and limits-of-disturbance, plus any equipment in the water. Turbidity curtains must be able to withstand normal tidal or stream flow fluctuations.

e. In the case that the turbidity curtains and/or anchors are causing turbidity during high currents, wakes or waves, they shall be removed until conditions return that allow their beneficial use.

10. To monitor turbidity in the water body to ensure compliance with District of Columbia Water Quality Standards in 21 DCMR § 1104.8, 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 daily before starting sediment disturbing activities, before equipment is anchored, and before any turbidity curtains or cofferdams are in place. Background turbidity measurements shall be taken at the following locations and depths:
        i. Within 25 feet upstream and 25 feet downstream, outside of the curtains.
        ii. At multiple measurement depths depending on the water body depth, consistent with the table below.

Water Depth (ft)	**# Measurements Depths**	**Water Column Measurement Depths**
<1	1	Middle
1 to 4	2	¼ from bottom and ¾ from bottom
> 4	4	¼ from bottom, middle, ¾ from bottom, surface

    b. Once the operations begin, turbidity measurements must be taken at least every hour from the same locations and depths established for the background measurement throughout the duration of the sediment disturbing activities.

    c. If any turbidity measurements exceed a maximum of 20 Nephelometric Turbidity Units (NTU) above background turbidity, a visual sediment plume is observed coming out of the sediment-disturbing activity location, or the turbidity exceeds the District of Columbia Water Quality Standards in 21 DCMR § 1104.8

the Permittee shall take the following actions:

i. Immediately stop all activities and implement best management practices until there is no more sediment escaping the sediment-disturbing activity location; and

ii. When measured turbidity is less than or equal to the background turbidity, the Permittee may resume the work; and

iii. Per DOEE regulations, sediment plumes must be reported to DOEE Industrial Stormwater and Wastewater Branch at (202) 897-5341 or mary.polacek@dc.gov immediately.

d. The contractor may elect to use cofferdams and local dewatering to perform work "in the dry" within the cofferdams. In this case, the hydrostatic pressure of the water would prevent the escape of materials from the internal cofferdam working area. Should cofferdams be installed to allow for dewatering of the worksite, turbidity monitoring shall occur during cofferdam installation, initial draw down, and any maintenance dewatering.

e. Prior to opening turbidity curtains, turbidity measurements must be taken inside the turbidity curtains. The turbidity curtains must not be opened until the levels inside the turbidity curtains are below the 20 NTU maximum differential.

f. The turbidity readings must be recorded in a logbook and kept on site. In addition to the turbidity readings, records must also be kept of the date and time of the readings, and name(s) of the person(s) taking the sample and making the readings.

g. If there is no water present on any certain day during operations, that information shall be recorded in the log book.

11. The Permittee shall obtain all necessary permits and other authorizations from appropriate federal and local offices, including permits for Stormwater Management and Erosion and Sediment Control from DOEE in accordance with 21 DCMR §§ 516-534 and 540-547. All staging and temporary activity areas not covered by any permit shall have adequate soil erosion and sedimentation measures.

12. In the District, the anadromous fish migration and spawning season is generally considered to occur between March 1 and June 30. 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 from the District Department of Transportation (DDOT) for proposed removal of Special (14”-31.7” Diameter) or Heritage (>31.7” Diameter) trees. Heritage trees to remain on-site shall be protected in place.

14. 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 laura_brockington@nps.gov for more information.

15. 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.

16. In accordance with 21 DCMR §§ 2607, 2608, and 2611, the permittee shall mitigate permanent impacts to the Washington Channel via permittee responsible mitigation. The conceptual mitigation plan submitted for the Long Bridge Project WQC-DC-2024-143 proposes invasive removal and enhancement of Kenilworth Aquatic Gardens wetlands. **A complete mitigation plan is required to be submitted before work can commence.**

17. In accordance with 21 DCMR § 2610.19, if long-term management and maintenance, such as invasive plant control, are necessary to ensure long-term sustainability of the mitigation project sites, the permittee must provide for such management and maintenance.

18. In accordance with 21 DCMR § 2610.2, the permittee shall maintain and monitor the mitigation project sites for at least five (5) years.

19. In accordance with 21 DCMR § 2610.8, the permittee shall submit annual maintenance and monitoring reports for a minimum of five (5) years from the completion of the mitigation project to DOEE. Maintenance and monitoring reports shall include the information required in 21 DCMR § 2610.9.

20. In accordance with 21 DCMR § 2610.6, the permittee shall ensure that after five (5) years, greater than eighty-five percent (85%) of the mitigation project sites continue to be vegetated by native species.

21. In accordance with 21 DCMR § 2610.12, if the mitigation project fails to comply with vegetation survival criteria, DOEE may, through written notification to the permittee, extend the required monitoring period for up to an additional three (3) years.

22. In accordance with 21 DCMR § 2610.13, if the mitigation project does not meet the performance standards by the final monitoring year period, including any extensions, the permittee shall submit a new mitigation plan to DOEE in accordance with §§ 2607 through 2610 and, upon DOEE approval, implement the new mitigation plan.

23. Temporary impacts to the Washington Channel and Potomac River must be mitigated in-place by restoring those resources to pre-construction condition or better.

24. The DOEE inspector may require changes or additions to the WQC based on site conditions.

25. 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. The Permittee shall email Mary.polacek@dc.gov or call (202) 897-5341 to schedule an on-site or virtual DOEE preconstruction meeting inspection at least (3) three business days before starting any sediment disturbing work.

    c. If the Permittee observes any water quality standard exceedances at the site, the Permittee must notify DOEE Industrial Stormwater and Wastewater 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.

    d. Through the duration of permitted activities, the permittee shall submit weekly turbidity monitoring reports to DOEE RRD through the Surface and Groundwater System (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 Industrial Stormwater and Wastewater 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).

    e. The Permittee shall submit final reports of the monitoring results to SGS. Reports must be submitted to DOEE RRD no later than forty-five (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 SGS.

The application for a WQC, 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.

Interested persons may submit comments on the WQC application in writing within 30 calendar days of publication of this notice.

Comments should be addressed to wetlandprogram@dc.gov. Alternatively, comments can be submitted via mail to:

Regulatory Review Division
#WQC-DC-2024-143
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002

For more information, please contact wetlandprogram@dc.gov or (202) 536-8556.

DEPARTMENT OF HEALTH

BOARD OF SOCIAL WORK

Public Notice of Change to Start Time for April 2025 Meeting

April 28, 2025 – 12:00 pm

The District of Columbia Board of Social Work ("Board") hereby gives notice of its upcoming meetings, pursuant to § 405 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)).

The Board will hold its next meeting on Monday, April 28, 2025, starting at 12:00 pm.

The Board meets monthly on the fourth Monday of each month. Note, however, that **the start time for the open session of the April 2025 meeting has been changed to 12:00 pm,** from the previous start time of 10:00 am. The meeting will be open to the public from 12:00 pm until 1:00 pm to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Act of 2010, D.C. Official Code § 2-574(b), the meeting will be closed from 1:00 pm to 3:00 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and, or violations of law or regulations.

Going forward, the Board will have a **hybrid schedule of in-person and virtual** meetings. **In-person meetings will be held at 2201 Shannon Place, SE, 2nd Floor, Washington, DC 20020**. Information on **how to access the *public portion of the meeting virtually*** will be listed on the posted Open Session Meeting Agenda.

The agenda is available at https://dchealth.dc.gov/publication/board-social-work-agendas. For additional information, contact the Board staff at dcbosw@dc.gov

INGENUITY PREP PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Ingenuity Prep Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for SY25-26

- General Contractor – Construction
- Architect Build Design Services
- Computer Purchase
- Furniture Purchase Services
- Data Analysis Services
- Branding and Marketing/Communication Services
- Contract Consulting Services
- Special Education Services
- HVAC Services
- Security Services
- Professional Development Services
- General and Operations Consulting Services
- Janitorial and Building Maintenance Services
- Student Information System Services
- Student Uniform Services
- Nursing Services
- Audit Services
- Student Recruitment Services
- Staff Recruitment Services
- Staff Transportation Services
- Sport Uniform Services
- Student Curriculum Services
- Professional Development Services
- IT Technology Services
- Parking Services
- ID Management Services
- Student Instruction and Tutoring Services
- Sports Equipment and Training Services
- Sports Field and Court Facility Services
- Extra-Curricular Student Program Services
- Student Transportation/Bus Services

Proposals should be submitted in PDF format and for any further information regarding this notice at bids@ingenuityprep.org.org no later than **3:00 pm Friday, May 16, 2025.**

DEPARTMENT OF LICENSING AND CONSUMER PROTECTION

NOTICE OF PUBLIC MEETING

District of Columbia Board of Accountancy

The District of Columbia Board of Accountancy ("Board") hereby gives notice of its upcoming meeting, pursuant to section 406 of the Open Meetings Act of 2010, effective January 19, 2011 (D.C. Law 18-350; D.C. Official Code § 2-576). The proposed agenda for each meeting will be posted on the Department of Licensing and Consumer Protection's website at www.dlcp.dc.gov and the Office of Open Government's website at https://www.open-dc.gov/public-bodies/meetings, not less than forty-eight (48) hours before the meeting.

The Board will hold its upcoming meeting on Friday, May 2, 2025, at 9:00 a.m.

The Board holds its meetings on the first Friday of each month. The meetings are open to members of the public virtually via Zoom. For additional information, please contact Ms. Angela Meggett-Strudwick, Board Administrator, at (202) 899-3473 or angela.meggett-strudwick@dc.gov.

DRAFT AGENDA

1. Call to Order – 9:00 a.m. (*Public Session*)
2. Attendance
3. Comments from the Public
4. Review Meeting Minutes
5. Legislative/Rulemaking
6. Review of Correspondence
7. Applications for Licensure
8. Old Business
9. New Business
10. Executive Session (*Closed to the Public*) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications, and legal counsel report.
11. Adjournment

Meeting Link:
https://dc-gov.zoom.us/j/87581882772

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 open.govoffice@dc.gov.

DEPARTMENT OF LICENSING AND CONSUMER PROTECTION

NOTICE OF PUBLIC MEETING

District of Columbia Board of Barber and Cosmetology

The District of Columbia Board of Barber and Cosmetology ("Board") hereby gives notice of its upcoming meeting, pursuant to section 406 of the Open Meetings Act of 2010, effective January 19, 2011 (D.C. Law 18-350; D.C. Official Code § 2-576). The proposed agenda for each meeting will be posted on the Department of Licensing and Consumer Protection's website at www.dlcp.dc.gov and the Office of Open Government's website at https://www.open-dc.gov/public-bodies/meetings, not less than forty-eight (48) hours before the meeting.

The Board will hold its upcoming meeting on Monday, May 5, 2025, at 10:00 a.m.

The Board holds its meetings on the first Monday of each month at 10:00 a.m. The meetings are open to members of the public virtually via Zoom. Please direct all inquiries and questions for public comment to Ms. Kimberly Troxler, Board Administrator, at (202) 805-8239 or kimberly.troxler@dc.gov.

DRAFT AGENDA

1. Call to Order – 10:00 a.m. (*Public Session*)
2. Attendance
3. Comments from the Public
4. Executive Session (*Closed to the Public*) to consult with our attorneys to seek legal advice; to discuss disciplinary matters; and to deliberate upon decisions in adjudication actions and proceedings, as provided by D.C. Code § 2-575(b)(4)(A), § 2-575(b)(9), and § 2-575(b)(13).
5. Approval of Minutes
6. Correspondence
7. Board Committees
8. Old Business
9. New Business
10. Recommendations/Actions
11. Adjournment

Meeting Link:
https://dc-gov.zoom.us/j/87926559215?pwd=w7RaiqELnbgfuSW4STME1FHy2we6VM.1
Webinar ID: 873 8155 4492
Password: 05052025
Join by Phone: (301) 715-8592

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 open.govoffice@dc.gov.

DEPARTMENT OF LICENSING AND CONSUMER PROTECTION

NOTICE OF PUBLIC MEETING

District of Columbia Board of Funeral Directors

The District of Columbia Board of Funeral Directors ("Board") hereby gives notice of its regular meeting, pursuant to section 406 of the Open Meetings Act of 2010, effective January 19, 2011 (D.C. Law 18-350; D.C. Official Code § 2-576). The proposed agenda for each meeting will be posted on the Department of Licensing and Consumer Protection's website at www.dlcp.dc.gov and the Office of Open Government's website at https://www.open-dc.gov/public-bodies/meetings, not less than forty-eight (48) hours before the meeting.

The Board will hold its upcoming meeting on Thursday, May 1, 2025, at 1:00 p.m.

The Board holds its meetings on the first Thursday of every month at 1:00 p.m. The meetings are open to members of the public virtually through Zoom. For additional information, please contact Ms. Allison Wade, Board Administrator, at (202) 369-0135 or allison.wade@dc.gov.

DRAFT AGENDA

1. Call to Order – 1:00 p.m. (*Public Session*)
2. Attendance
3. Comments from the Public
4. Approval of Meeting Minutes
5. Old Business
6. New Business
7. Executive Session (*Closed to the Public*) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications, and legal counsel report.
8. Recommendations
9. Adjournment

Meeting Link:
https://dc-gov.zoom.us/j/88220238648
Join by Phone: (301) 715-8592

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 open.govoffice@dc.gov.

OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT

NOTICE OF PUBLIC MEETING

Walter Reed Army Medical Center Community Advisory Committee

The Office of the Deputy Mayor for Planning and Economic Development will conduct a public meeting of the Walter Reed Army Medical Center Community Advisory Committee, pursuant to Walter Reed Army Medical Center Community Advisory Committee Amendment Act of 2013 and the Open Meetings Act, (DC Official Code §2-574(1)).

The date, time and location of the Public Meeting shall be as follows:

Date: **Monday, May 5, 2025**

Time: **6:30 PM – 8:00 PM**

Location: **- WebEx Call -**
Join by phone
1-202-860-2110 or
1-650-479-3208
Webinar Number (access code):
2311 170 3349
Webinar password: CtJ3J52uhie (28535528 when dialing from a phone or video system)

Contact: **Randall Clarke, DMPED**

Walter Reed Community Advisory Committee Meeting Agenda

1. LRA Opening Remarks
   - Welcome & Intro
   - Meeting Facilitation & Order
2. The Parks at Walter Reed Development Team
   - Development Updates
   - Event Updates
3. Adjourn - 8pm

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

NOTIFICATION OF SPECIAL BOARD MEETING

Tuesday, April 29, 2025
6:00 PM

We welcome the public's participation in DC PCSB Board meetings. To join, please access the Board meeting Zoom at the below registration link. Due to enhanced security features, participants will need a Zoom account to receive access to either a Zoom link or a dial-in number.

Webinar Registration:

https://dcpcsb.zoom.us/webinar/register/WN_haJ67oxFSwaQn-GTZvYx0w

Board Meeting Agenda

Public Hearing
Item
Opening Remarks
Public Comment

Public Meeting	
Item	Action
Approve Agenda	Vote
Truancy Notices of Concern • DC Prep PCS – Anacostia Middle School • Digital Pioneers Academy PCS – Capitol Hill • Friendship PCS – Southeast Elementary • Perry Street Preparatory PCS • Rocketship PCS – Legacy Prep • Statesmen College Preparatory Academy for Boys PCS • Two Rivers PCS – Young Elementary School • Washington Leadership Academy PCS	Vote
Charter Reviews • Sojourner Truth Public Charter (PCS) – Five-Year Charter Review • Social Justice PCS – Five-Year Charter Review	Vote
New Business	No Action
Vote to Adjourn	Vote

Interpretation Services
To request interpretation services for a board meeting, contact public.comment@dcpcsb.org or 202-330-4050. We ask all inquiries are made by 4:00 pm the Wednesday before the board meeting service is requested.

Submitting Public Testimony
Community members may sign up to testify or submit written or audio comments on an item on the agenda by visiting the following link: https://dcpcsb.org/public-comment.

Questions
Direct questions to public.comment@dcpcsb.org.

Open Meetings Act
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 PUBLIC CHARTER SCHOOL BOARD

NOTIFICATION OF CHARTER REVIEW

SUMMARY: The District of Columbia Public Charter School Board (DC PCSB) announces an opportunity for the public to submit comments on the DC public charter schools listed below which are up for a charter review on April 29, 2025. Pending DC PCSB staff's analysis, the Board may elect to do one of the following for schools up for review: 1) continue the school's charter without conditions, 2) conditionally continue the school's charter by imposing annual or interim targets or requirements it must meet, or 3) initiate charter revocation proceedings.

Social Justice Public Charter School (Social Justice PCS)
Social Justice PCS is up for its five-year charter review. The school operates one campus in Ward 5. It serves students in grades 5 – 8. Its mission is: "Social Justice Public Charter School will catalyze an integrated community of middle school students, 5th-8th grade, to be scholar-activists who are designers of a more just world."

The Sojourner Truth School Public Charter School (Sojourner Truth PCS)
Sojourner Truth PCS is up for its five-year charter review. The school operates one campus in Ward 5, where it serves students in grades 6 – 11. The school's mission is: "The mission of Sojourner Truth is to empower students to transform the world. Students at Truth will graduate ready for success in college, career, and life. They will serve as active agents in the construction of peace. They will know who they are, what they want, and where they are going. They can walk into any space, find their place, and make a powerful contribution. Truth achieves this vision through a Montessori education built upon student-led classrooms with a learning environment deliberately designed to enable student engagement in meaningful, authentic work and to foster a close-knit community where students pursue justice and practice stewardship."

Pursuant to the School Reform Act, D.C. Code 38-1802 et seq., DC PCSB is required to review each DC public charter school's performance at least once every five years.

[UPDATED] PUBLIC MEETING: DC PCSB will discuss and vote on Social Justice PCS and Sojourner Truth PCS on April 29, 2025, at 6:00 pm. Please check www.dcpcsb.org to register to attend the meeting.

PUBLIC COMMENT INSTRUCTIONS: Comments must be submitted on or before April 29, 2025.[1] You may submit comments by any one of the methods listed below.

Sign up to testify during the public hearing by going to https://dcpcsb.org/public-comment. Click on the "Sign up to Testify at the Meeting" tab to fill out the form. The deadline to sign up to testify is noon on April 29, 2025.

Submit a written comment identified via
Online form at https://dcpcsb.org/public-comment
Postal Mail, Hand Delivery, or Courier: Attn: Public Comment, DC Public Charter School Board, 100 M Street SE, Suite 400, Washington, DC 20003.

Submit audio testimony by phone: Call (202) 328-2660 and select option 2. You will have up to five minutes to record your testimony. Please note that all comments will be transcribed and made available to the public upon receipt.

FOR FURTHER INFORMATION, CONTACT: Gina Lucchesi, a Manager in the School Performance Department, at glucchesi@dcpcsb.org.

[1] DC PCSB reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all your submission that it may deem to be inappropriate for publication, such as obscene language.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL TARIFF

ELECTRIC TARIFF 00-2, IN THE MATTER OF POTOMAC ELECTRIC POWER COMPANY'S PUBLIC SPACE OCCUPANCY SURCHARGE ELECTRICITY TARIFF, P.S.C.-D.C. No. 1,

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code and in accordance with Section 2-505 of the District of Columbia Official Code,[1] of its final action approving the Potomac Electric Power Company's (Pepco or Company) - Public Space Occupancy Surcharge Rider (Rider PSOS or Surcharge Update).

2. On February 21, 2025, pursuant to D.C. Code Section 10-1141.06,[2] Pepco filed with the Commission an updated Rider PSOS.[3] In the filing, Pepco shows the process to be used to recover from its customers the fees paid by Pepco to the District of Columbia (District) for the rental of public structures in public space. Pepco proposes to amend the following tariff pages to reflect the update in the Rider PSOS:

ELECTRICITY TARIFF, P.S.C.-D.C. No. 1

(Former) One Hundred-Sixty-Fifth Revised Page No. 2
One Hundred-Fifty-Eighth Revised Page No. 2.1
One Hundred-Fifty-Sixth Revised Page No. 2.2
Twenty-Eighth Revised Page No. R-33

(New) One Hundred-Sixty-Sixth Revised Page No. 2
One Hundred-Fifty-Ninth Revised Page No. 2.1
One Hundred-Fifty-Seventh Revised Page No. 2.2
Twenty-Ninth Revised Page No. R-33

3. According to Pepco, the Surcharge Update consists of two parts reflecting: 1) the payments to be made by Pepco to the District for the current calendar year; and 2) the over or under recovery from the prior year.[4] The Rider PSOS sets forth how each

[1] D.C. Official Code § 34-802 and D.C. Official Code § 2-505.

[2] D.C. Official Code § 10-1141.06, states that "[e]ach public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement."

[3] *Electric Tariff 00-2, In the Matter of Potomac Electric Power Company's Public Space Occupancy Surcharge Electricity Tariff, P.S.C.-D.C. No. 1* (*ET00-2*), Potomac Electric Power Company's Rider "PSOS," filed February 21, 2025 (Surcharge Update).

[4] *ET00-2*, Surcharge Update at 1.

component of the annual update is to be calculated.[5] In its filing, Pepco trued-up the cumulative prior year over and under recoveries from 2001 up to the date of the current filing.[6] Pepco asserts that the cumulative amount from these years is an under-collection of $169,171.[7] The Company includes the supporting calculations for the revised Rider PSOS surcharge rate in Attachment B. Pepco proposes a PSOS rate of $0.00228 per kilowatt-hour delivered to the customer, which is a decrease from the current PSOS rate of $0.00233 per kilowatt-hour approved in 2024.[8] Pepco proposes its Surcharge Update to become effective on or after March l, 2025.[9]

4. On March 7, 2025, the Commission published a Notice of Proposed Tariff (NOPT) in the *D.C. Register*, inviting public comments for a thirty (30) day period on Pepco's Surcharge Update.[10] No comments were filed in response to the NOPT. Pepco has a statutory right to implement the Rider PSOS, but if the Commission discovers any inaccuracies in the calculation of the proposed Rider PSOS, Pepco could be subject to reconciliation of the surcharges. The Commission is satisfied that Pepco's proposed surcharge complies with D.C. Code Section 10-1141.06.

5. The Commission's approval of Pepco's Rider PSOS Surcharge Update tariff filing for meter readings on and after March 1, 2025, is effective upon publication of this Notice of Final Tariff in the *D.C. Register*.

A TRUE COPY: **BY DIRECTION OF THE COMMISSION:**

CHIEF CLERK: **BRINDA WESTBROOK-SEDGWICK**
COMMISSION SECRETARY

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5 *ET00-2*, Surcharge Update at 1; Attachment B. *See also ET00-2*, Order No. 11737, ¶ 9, rel. July 14, 2000 (Wherein the Commission noted that Pepco's filing included a method for calculating a true-up).

6 *ET00-2*, Surcharge Update at 1; Attachment B at 1.

7 *ET00-2*, Surcharge Update at 1; Attachment B at 2.

8 *ET00-2*, Surcharge Update at 2; Attachment B.

9 *ET00-2*, Surcharge Update at 1.

10 72 *D.C. Reg.* 002570-002571 (March 7, 2025).

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL TARIFF

FORMAL CASE NO. 1155, IN THE MATTER OF THE APPLICATION OF THE POTOMAC ELECTRIC POWER COMPANY FOR APPROVAL OF ITS TRANSPORTATION ELECTRIFICATION PROGRAM,

and

ELECTRIC TARIFF 2022-06, IN THE MATTER OF THE POTOMAC ELECTRIC POWER COMPANY'S PLUG-IN-VEHICLE – GREEN RIDER TARIFF RATE, P.S.C.- D.C. No. 1,

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Sections 34-802 and 2-505 of the District of Columbia Code,[1] of its final action approving the Potomac Electric Power Company's (Pepco) Rider Plug-In Vehicle Green (Rider PIV-Green) tariff rate.

2. On December 31, 2024, Pepco filed a tariff amendment modifying the Rider PIV-Green rate from $0.03594 per kilowatt-hour to $0.03204 per kilowatt-hour.[2] The Rider PIV-Green is currently available to customers under Schedule R-PIV and provides 100% renewable energy if the customer opts into Schedule R-PIV. This Rider will be updated around February 1 and August 1 of each year based on up-to-date market prices and District of Columbia Renewable Portfolio Standards. Pepco proposes to amend the following tariff pages to reflect the update to its Rider PIV-Green rate.

ELECTRICITY TARIFF, P.S.C.-D.C. No. 1
(Former) One Hundred-Sixty-Fourth Revised Page No. R-1
(New) One Hundred-Sixty-Fifth Revised Page No. R-1

(Former) One Hundred-Sixty-Fourth Revised Page No. 2
(New) One Hundred-Sixty-Fifth Revised Page No. 2

(Former) One Hundred-Fifty-Seventh Revised Page No. 2.1
(New) One Hundred-Fifty-Eighth Revised Page No. 2.1

(Former) One Hundred-Fifty-Fifth Revised Page No. 2.2
(New) One Hundred-Fifty-Sixth Revised Page No. 2.2

[1] D.C. Code § 2-505 and D.C. Code § 34-802.

[2] *Formal Case No. 1155, In the Matter of the Application of the Potomac Electric Power Company for Approval of its Transportation Electrification Program* ("*Formal Case No. 1155*"), and *Electric Tariff 2022-06, In The Matter of Potomac Electric Power Company's Plug-In-Vehicle-Green Rider Tariff Rate, P.S.C.-DC. No. 1* ("*ET2022-06*"), Potomac Electric Power Company's Proposed Green Rider Tariff Update, filed December 31, 2024.

(Former) Tenth Page No. R-57
(New) Eleventh Page No. R-57

3. On February 14, 2025, the Commission published a Notice of Proposed Tariff ("NOPT") in the *D.C. Register* inviting public comment on Pepco's tariff amendment.[3] No parties filed comments in response to the NOPT. The Commission, at its regularly scheduled Open Meeting, held on April 9, 2025, took final action approving Pepco's updated rate associated with Rider PIV-Green. The updated rate shall become effective upon publication of this Notice of Final Tariff in the *D.C. Register*.

A TRUE COPY: **BY DIRECTION OF THE COMMISSION**

CHIEF CLERK: **BRINDA WESTBROOK-SEDGWICK**
COMMISSION SECRETARY

[3] *72 D.C. Reg.* 001584-001585 (February 14, 2025).

THE SEED PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Facilities Condition Assessment

The SEED Public Charter School of Washington, D.C. cordially invites qualified firms to submit their proposals for a **Facilities Condition Assessment**. Detailed specifications are available in the Request for Proposal (RFP), which can be obtained during regular business hours, from 8:00 AM to 4:00 PM, at the following location:

THE SEED PUBLIC CHARTER SCHOOL OF WASHINGTON, D.C.
4300 C Street, SE Washington, DC 20019

Campus Operations Manager
Carl Dyson
240-463-3685
Cdyson@dc.seedschool.org

The deadline for submitting bids is April 17th, 2025, at 12:00pm All bids not addressing all areas as outlined in the RFP will not be considered

OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS

NOTICE OF FUNDING AVAILABILITY

Fiscal Year 2026 Consolidated Victim Services Request for Applications

The Office of Victim Services and Justice Grants (OVSJG) announces the availability of crime victim services grant funding for FY 2026.

Purpose/Description:
The Office of Victim Services and Justice Grants announces the availability of grant funds under the Fiscal Year 2026 consolidated funds RFA to enhance and maintain a comprehensive network of trauma informed services available for victims of crime; to address the issues of domestic violence, dating violence, stalking, and sexual assault in a manner that promotes victim safety and offender accountability; to improve the treatment of victims of crime by providing them with the assistance and services necessary to aid their restoration after a violent criminal act; and to support and aid them as they move through the criminal and civil justice processes.

Funding in this RFA includes:
Local, Crime Victim Assistance Fund, Victims of Crime Act (VOCA) Grant, STOP Violence Against Women Act (VAWA) Grant, and Sexual Assault Services Program (SASP) Grant.

Eligible Organizations/Entities: Any public or private, community-based non-profit agency, organization, or institution located in the District of Columbia is eligible to apply. For-profit organizations are eligible for local funds but may not include profit in their grant application. For-profit organizations may also participate as subcontractors to eligible agencies.

Length of Award: The grant award is for Fiscal Year 2026. The funding period is October 1, 2025 – September 30, 2026.

RFA Release: The Request for Applications (RFA) will be available electronically beginning Monday, May 12, 2025 on the OVSJG website at http://ovsjg.dc.gov and the District's Grant Clearinghouse website at https://communityaffairs.dc.gov/content/community-grant-program All applications must be submitted to OVSJG's online grants management portal, GovGrants.

Application Submission Deadline: 11:59 PM ET Monday, June 16, 2025.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Executive Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Executive Committee will hold a meeting via Microsoft Teams on Monday, May 5, 2025 at 2:00 p.m. This meeting will **not** be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. The Chief Executive Officer and General Manager invites the public to attend the meeting via Microsoft Teams. Below is the draft agenda for this meeting. Please see the final agenda posted to DC Water's website at www.dcwater.com, which will include remote access information for this meeting.

For additional information, please contact Michelle Rhodd, Board Secretary at (202) 787-2331 or Michelle.Rhodd@dcwater.com.

DRAFT AGENDA

1. Call to Order	Committee Chairperson
2. Executive Session	Committee Chairperson
3. Adjournment	Committee Chairperson

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 21255
Paul Wallace
4275 Yuma Street, NW (Square 1534, Lot 33)

HEARING DATE: April 9, 2025
DECISION DATE: April 9, 2025

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to construct a two-story plus cellar rear addition to an existing, detached, two-story plus cellar, principal dwelling unit in the R-1B zone:

- Special Exception from the rear yard requirements of Subtitle D § 207.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2
- Special Exception from the accessory building rear yard requirements of Subtitle D § 5004.1(a), pursuant to Subtitle D § 5201 and Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 15.)[1]

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 3E, 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 13, 2025, at which a quorum was present, the ANC voted to support the application. (Exhibit 25.) The ANC report raised no issues or concerns.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the application. (Exhibit 21.) OP noted that they did not believe rear yard relief from Subtitle D § 207.1 was necessary, but analyzed the special exception criteria nonetheless.

[1] The rear yard measurements are provided by the Applicant in the self-certification form and appear to be based on the distance only between the addition and the accessory structure.

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 20.)

PERSONS IN SUPPORT. The Board received two letters from neighbors in support of the application. (Exhibits 6.)

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:

- Special Exception from the rear yard requirements of Subtitle D § 207.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2
- Special Exception from the accessory building rear yard requirements of Subtitle D § 5004.1(a), pursuant to Subtitle D § 5201 and Subtitle X § 901.2

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 4 of the record, as required under Subtitle Y §§ 604.9 and 604.10.

VOTE: **4-0-1** (Frederick L. Hill, Carl H. Blake, Chrishaun S. Smith, and Anthony J. Hood to APPROVE; one Board seat vacant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: April 15, 2025

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, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 21266
Julia Howell and Marco Davis
1111 Buchanan Street NW, (Square 2920, Lot 16)

HEARING DATE: April 9, 2025
DECISION DATE: April 9, 2025

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to renovate a detached one-story plus mezzanine accessory building (garage) into a two-story accessory building (garage with accessory apartment) in the rear yard of a detached, two-story plus basement, principal dwelling unit in the R-1B zone:

- Special exception from the accessory building maximum area requirements of Subtitle D § 5003.1, pursuant to Subtitle D § 5201.2 and Subtitle X § 901.2 (*30% or 450 square feet maximum permitted, 781.6 square feet existing, 781.6 square feet proposed*)

The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 5.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 4E, 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 February 25, 2025, at which a quorum was present, the ANC voted to support the application. (Exhibit 22.)

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the application. (Exhibit 23.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT did not submit a report to the record.

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:

- Special exception from the accessory building maximum area requirements of Subtitle D § 5003.1, pursuant to Subtitle D § 5201.2 and Subtitle X § 901.2 (*30% or 450 square feet maximum permitted, 781.6 square feet existing, 781.6 square feet proposed*)

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 4 of the record, as required under Subtitle Y §§ 604.9 and 604.10,

VOTE: **4-0-1** (Frederick L. Hill, Carl H. Blake, Chrishaun S. Smith, and Anthony J. Hood to APPROVE; one Board seat vacant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: April 15, 2025

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, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN

APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA Application No. 21271
Biemmnet S. Eshete
5113 2nd Street NW, (Square 3399, Lot 25)

HEARING DATE: April 9, 2025
DECISION DATE: April 9, 2025

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to construct two additional dwelling units, to an existing, semi-detached, two-story with cellar, four-unit apartment house in the RA-1 zone:

- Special exception under the new residential development requirements of Subtitle U § 421, pursuant to Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 4.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("**ANC**") 4D, 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 19, 2025, at which a quorum was present, the ANC voted to support the application. (Exhibit 20.) The ANC report raised no issues or concerns.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the application. (Exhibit 21.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT did not submit a report to the record.

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:

- Special exception under the new residential development requirements of Subtitle U § 421, pursuant to Subtitle X § 901.2

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 19A of the record, as required under Subtitle Y §§ 604.9 and 604.10,

VOTE: **4-0-1** (Frederick L. Hill, Carl H. Blake, Chrishaun S. Smith, and Anthony J. Hood to APPROVE; one Board seat vacant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: April 15, 2025

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, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION

APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED 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.

BOARD OF ZONING ADJUSTMENT
NOTICE OF VIRTUAL PUBLIC MEETING

TIME AND PLACE: Wednesday, May 21, 2025, @ 9:30 a.m.
Via WebEx: https://dcoz.dc.gov/BZA05-21-2025
Via Telephone: 202-860-2110 Access code: 2318 288 5605
Via YouTube: https://www.youtube.com/c/DCOfficeofZoning

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule but reserves the right to call items on the agenda out of turn.

WARD FIVE

Application of:	**TowerCo 2013, LLC**
Case No.:	**20566A**
Address:	1800 Perry Street N.E. (Parce1 157/26 and Parcel 157/27)
ANC:	**5B**
Relief:	Modification without Hearing to: • the Board of Zoning Adjustment Order No. 20566 (pursuant to Subtitle Y § 703)
Project:	To extend an existing monopole from 84 feet to 99 feet in height in the R-1B Zone.

EXPEDITED REVIEW

WARD THREE

Application of:	**Joseph P. Catlett, Trustee, and John K. Jenkins, Trustee**
Case No.:	**21300**
Address:	4250 Fordham Road N.W. (Square 1467, Lot 898)
ANC:	**3D**
Relief:	Special Exception from: • the rear yard requirements of Subtitle D § 207.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)
Project:	To construct a front porch addition and a one-story rear addition to an existing, detached, two-story with basement, principal dwelling unit in the R-1A Zone.

PLEASE NOTE:
This public meeting will be held virtually through WebEx for the Board to deliberate on or decide the items listed on the agenda. Public testimony is not taken at a public meeting session. Information for the public to view or listen to the public meeting is listed above and will be provided on the Office of Zoning website by the Friday before the meeting date. Visit https://dcoz.dc.gov/watchlive.

The public meeting in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11.

Expedited Review Applications:
Expedited Review applications will remain on the public meeting agenda unless a request for party status is filed in opposition, or if a request to remove the application from the agenda is made by: (1) a Board member; (2) Office of Planning; (3) an affected ANC or affected Single Member District; (4) the Councilmember representing the area in which the property is located, or representing an area located within two-hundred feet of the property; or (5) an owner or occupant of any property located within 200 feet of the property.

The removal of the application from the Expedited Review Calendar will be announced as a preliminary matter on the scheduled decision date and then rescheduled for a public hearing on a later date. Notice of the rescheduled hearing will be posted on the Office of Zoning website calendar at https://app.dcoz.dc.gov/Home/Calendar and on a revised public hearing notice in the OZ office. If an applicant fails to appear at the public hearing, this application may be dismissed.

Individuals and organizations may also submit written comments to the Board by uploading submissions via the Interactive Zoning Information System ("IZIS") at https://app.dcoz.dc.gov/Login.aspx or sent by email to bzasubmissions@dc.gov. Written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing. If you are unable to use either of these means of submission, please contact Robert Reid at (202) 727-5471 for further assistance

Modification Without Hearing Applications:
Per Subtitle Y § 703, requests for party status as well as responses and comments from non-parties are not permitted for modification without hearing cases.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

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 በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ 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
Quí vị có cần trợ giúp gì để tham gia không?
Nếu quí 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.

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FREDERICK L. HILL, CHAIRPERSON
CARL BLAKE, VICE-CHAIRPERSON
CHRISHAUN SMITH, MEMBER,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
KEARA M. MEHLERT, SECRETARY TO THE BOARD OF ZONING ADJUSTMENT
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

This meeting is governed by the Open Meetings Act. Please address any questions or complaints regarding this meeting to the Office of Open Government at opengovoffice@dc.gov .

BOARD OF ZONING ADJUSTMENT
NOTICE OF VIRTUAL PUBLIC MEETING

TIME AND PLACE: Wednesday, June 4, 2025, @ 9:30 a.m.
Via WebEx: https://dcoz.dc.gov/BZA06-04-2025
Via Telephone: 202-860-2110 Access code: 2317 570 5946
Via YouTube: https://www.youtube.com/c/DCOfficeofZoning

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule but reserves the right to call items on the agenda out of turn.

WARD FOUR

Application of:	**Takoma Lot 5, LLC**
Case No.:	**20915A**
Address:	6905 Willow Street N.W. (Square 140, Lot 907)
ANC:	**4B**
Relief:	Time Extension to: • Board of Zoning Adjustment Order No. 20915(1) (pursuant to Subtitle Y § 705)
Project:	To extend for an additional two years, BZA Order No. 20915(1); to construct a new, detached, three-story, 9-unit apartment house in the RA-1 zone.

EXPEDITED REVIEW

WARD SEVEN

Application of:	**Helen Jackson and Zakiya Jackson**
Case No.:	**21306**
Address:	1142 44th Place S.E. (Square 5361, Lot 841)
ANC:	**7E**
Relief:	Special Exception from: • the accessory building rear yard requirements of Subtitle D § 5004.1(a) (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)
Project:	To construct a two-story, with basement rear addition to an existing, detached, two-story with basement, principal dwelling unit in the R-1B Zone.

PLEASE NOTE:
This public meeting will be held virtually through WebEx for the Board to deliberate on or decide the items listed on the agenda. Public testimony is not taken at a public meeting session. Information for the public to view or listen to the public meeting is listed above and will be provided on the Office of Zoning website by the Friday before the meeting date. Visit https://dcoz.dc.gov/watchlive.

The public meeting in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11.

Expedited Review Applications:
Expedited Review applications will remain on the public meeting agenda unless a request for party status is filed in opposition, or if a request to remove the application from the agenda is made by: (1) a Board member; (2) Office of Planning; (3) an affected ANC or affected Single Member District; (4) the Councilmember representing the area in which the property is located, or representing an area located within two-hundred feet of the property; or (5) an owner or occupant of any property located within 200 feet of the property.

The removal of the application from the Expedited Review Calendar will be announced as a preliminary matter on the scheduled decision date and then rescheduled for a public hearing on a later date. Notice of the rescheduled hearing will be posted on the Office of Zoning website calendar at https://app.dcoz.dc.gov/Home/Calendar and on a revised public hearing notice in the OZ office. If an applicant fails to appear at the public hearing, this application may be dismissed.

Individuals and organizations may also submit written comments to the Board by uploading submissions via the Interactive Zoning Information System ("IZIS") at https://app.dcoz.dc.gov/Login.aspx or sent by email to bzasubmissions@dc.gov. Written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing. If you are unable to use either of these means of submission, please contact Robert Reid at (202) 727-5471 for further assistance

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Chinese
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FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

FREDERICK L. HILL, CHAIRPERSON
CARL BLAKE, VICE-CHAIRPERSON
CHRISHAUN SMITH, MEMBER,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
KEARA M. MEHLERT, SECRETARY TO THE BOARD OF ZONING ADJUSTMENT
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

This meeting is governed by the Open Meetings Act. Please address any questions or complaints regarding this meeting to the Office of Open Government at opengovoffice@dc.gov .

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 16-18G
Z.C. Case No. 16-18G
Georgetown University
(Amendment to and Further Processing of an Approved Campus Plan)
November 21, 2024

Pursuant to notice, at its November 21, 2024, public hearing, the Zoning Commission for the District of Columbia ("Commission") considered the application ("Application") of Georgetown University ("Applicant" or "University") for the following approvals under the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all subsequent citations refer unless otherwise specified):

- Amendment to the University's 2017-2036 Hilltop[1] Campus Plan ("Campus Plan") approved by Z.C. Order No. 16-18, as amended by Z.C. Order Nos. 16-18A through 16-18F (collectively, the "Order"), pursuant to Subtitle X §§ 101.1 and 101.8, to address the treatment of undergraduate students at the University's Capitol Campus;
- Amendment to the Campus Plan, pursuant to Subtitle X §§ 101.1 and 101.8, to establish a remedy when an enrollment maximum is exceeded;
- Amendment to the Campus Plan, pursuant to Subtitle X §§ 101.1 and 101.8, to change all references to the campus from the "Main Campus" to the "Hilltop Campus;" and
- Amendment to and further processing of the Campus Plan pursuant to Subtitle X §§ 101.1, 101.8, 101.9, and 101.16, to incorporate property at Lot 47 in Square 1203 located at 3600 M Street, N.W. ("Car Barn") and authorize its use for academic and administrative use (together, "Application").

The property that is the subject of the Application is the University's Hilltop Campus located on multiple lots in Squares 1222, 1223, 1226, 1248, and 1321 ("Campus") as well as Lot 47 in Square 1203 (together with the Campus, "Property"). The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedures, which are codified in Subtitle Z. For the reasons stated below, the Commission **APPROVES** the Application.

** **SUMMARY ORDER** **

BACKGROUND AND PRIOR APPROVAL

1. Pursuant to Z.C. Order No. 16-18 ("Campus Plan Order"), the Commission approved the Campus Plan.

2. Conditions 9 and 10 of the Campus Plan Order limit the overall student headcount and "Traditional Undergraduate Program" student headcount at the Hilltop Campus, and Condition 12 of the Campus Plan Order requires the University to prepare reports each semester documenting compliance with the headcount limits as well as other enrollment and housing requirements of the Campus Plan. Other conditions establish commitments and requirements intended to mitigate trash, noise, student conduct, transportation, and parking impacts from the University's operations.

[1] Consistent with the amendment approved in this Application, all references to the Campus (as defined below) or the Main Campus shall mean the "Hilltop Campus."

PARTIES

3. In addition to the Applicant, the parties to the Campus Plan included both Advisory Neighborhood Commissions ("ANC") 2E and 3D as well as the Citizens Association of Georgetown ("CAG"), the Burleith Citizens Association ("BCA"), the Foxhall Community Citizens Association ("FCCA"), and the Georgetown University Student Association ("GUSA") (together, the "Campus Plan Parties").

4. The Commission received no additional requests for party status.

NOTICE

5. On June 14, 2024, the Applicant mailed a Notice of Intent to file the Application to the Campus Plan Parties as well as the owners of all property within 200 feet of the Campus (Ex. 3D).

6. On September 3, 2024, the Applicant served the Application on the Office of Planning ("OP"), the District Department of Transportation ("DDOT"), and the Campus Plan Parties, as attested to by the certificate of service included in the Application (Ex. 2).

7. On September 25, 2024, the Office of Zoning ("OZ") sent the notice of the November 21, 2024, virtual public hearing to:
   - Applicant;
   - ANC 2E;
   - ANC 3D;
   - ANC Single Member District ("SMD") Commissioners 2E01, 2E02, 2E04, 2E05, 2E08, and 3D07, whose districts include or are within 200 feet of the Property;
   - Councilmember Brooke Pinto, the Ward 2 Councilmember, and Councilmember Matt Frumin the Ward 3 Councilmember, in whose Wards the Property is located;
   - Office of ANCs;
   - OP;
   - DDOT;
   - Department of Buildings ("DOB");
   - Office of Zoning Legal Division ("OZLD");
   - Department of Energy and the Environment ("DOEE");
   - Chairman and At-Large Members of the D.C. Council; and
   - Owners of all lots within 200 feet of the Property and the lessees located on the Property.

   (Ex. 7, 8).

8. OZ also published notice of November 21, 2024, virtual public hearing in the October 4, 2024, issue of the *District of Columbia Register* (71 DCR 011885 *et seq.*) as well as on the calendar on OZ's website (Ex. 6).

9. The Applicant provided evidence that it had posted and maintained notice of the public hearing on the Property in compliance with Subtitle Z § 402 (Ex. 11, 20).

THE APPLICATION

10. On September 3, 2024, the Applicant filed the Application requesting the following amendments to the Campus Plan:
    - Addition of Condition 10A to the Campus Plan Order to address the treatment of undergraduate students at the Capitol Campus who take classes at the Hilltop Campus;
    - Addition of Condition 12A to the Campus Plan Order to establish a remedy when an enrollment maximum is exceeded;
    - Revision to all conditions in the Campus Plan Order to replace references to "Main Campus" with "Hilltop Campus;" and
    - Amendment of the Campus Plan boundary to include the Car Barn, including an update to Condition 36 of the Campus Plan Order to reference the Campus Plan boundary submitted as part of the Application and updates to Campus Plan exhibits to reflect the addition of the Car Barn.

    The Applicant also requested further processing approval to use the Car Barn for academic and administrative use (Ex. 3, 3G-3K.)

11. On October 21, 2024, the Applicant updated the Application in a pre-hearing submission, to revise Condition 23 of the Campus Plan Order to include a provision that limits outdoor events at the Car Barn (Ex. 13).

APPLICANT'S JUSTIFICATION

12. The Applicant asserted that the Application met the requirements for amendment to and further processing of a campus plan pursuant to Subtitle X, Chapter 1 for the following reasons:
    - The University is chartered as an educational institution of higher learning (*X § 101.1*);
    - The use is not likely to become objectionable to surrounding residential property due to noise, traffic and parking, number of students, or other objectionable conditions because of mitigation measures outlined in the Application and incorporated into the proposed new conditions (*X § 101.2*);
    - The Campus Plan remains in compliance with the maximum bulk requirement (*X § 101.5*);
    - The Application was preceded by approval of the Campus Plan as a plan for developing the Campus as a whole, and the Application includes updated exhibits to the Campus Plan that reflect the incorporation of the Car Barn (*X § 101.8*);
    - The Application does not propose an interim use of land for university use and does not propose the relocation of a major development site to an off-campus location (*X § 101.10*);
    - The Application is not inconsistent with the relevant policies of the Citywide Elements of the Comprehensive Plan, including when viewed through a racial equity

lens[2]. The Application furthers policies of Citywide Elements of the Plan and has a neutral impact on racial equity policies given its limited overall scope (*X § 101.11*);

- The Campus remains within the FAR limit for the campus as a whole (*X § 101.12*);
- The Application was referred to OP, DDOT, and DOEE for review and comment (*X § 101.13*);
- The Application is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map because the amendments maintain compatibility of the university use with the surrounding residential neighborhoods. The Application will not tend to adversely affect the use of neighboring properties because of the mitigation measures proposed in the Application (*X § 101.14*); and
- The Regulations permit the concurrent filing of the further processing application for use of the Car Barn with the amendment to the Campus Plan (*X § 101.16*).

APPLICANT'S SUBMISSIONS

13. In addition to the testimony at the public hearing, the Applicant made the following submissions to the record in support of the Application:
    - The initial September 3, 2024, application and related materials in support of the Application (Ex. 1-3L);
    - An October 21, 2024 pre-hearing submission, which included a memorandum by the Applicant's transportation consultant evaluating the impacts of the Application (Ex. 13, 13A-13C); and
    - Presentation materials for the November 21, 2024, virtual public hearing (Ex. 21).

14. On December 4, 2024, the Applicant filed a draft order (Ex. 23). No other post-hearing submissions were submitted into the record of this case.

RESPONSES TO THE APPLICATION

OP

15. OP filed a November 11, 2024, report that recommended approval of the Application. OP did not object to the proposed modifications to the enrollment conditions and concluded that the incorporation of the Car Barn into the Campus Plan would not be objectionable because it would not change the intensity of current use of the building. OP also concluded that the Application would not be inconsistent with the maps and elements of the Comprehensive Plan, and it would neither advance nor impede policies related to racial equity[3] (Ex. 16).

[2] The Applicant provided a Racial Equity Analysis, consistent with the requirements of the Commission's Racial Equity Tool and inclusive of a discussion of its Community Outreach and Engagement efforts regarding the Application (*See* Ex. 3L).

[3] The OP Report provided a Racial Equity Analysis, as required by the Commission's Racial Equity Tool; however, OP's analysis did not include Disaggregated Race and Ethnicity data for Near Northwest Planning Area, in which the Property is located, given the Application's limited scope and corresponding limited racial equity impact. The Commission agreed with OP and concluded that Disaggregated Race and Ethnicity Data was not necessary in its evaluation of this Application.

DDOT

16. DDOT filed a November 8, 2024 report, concluding it had no objection to the Application. DDOT recommended the Applicant work with public space officials to determine final locations for proposed new bicycle racks near the Car Barn (Ex. 15).

ANCs

17. ANC 2E submitted an October 1, 2024 report, stating that a regularly scheduled and duly noticed September 30, 2024 public meeting, with a quorum present, ANC 2E voted unanimously to support the Application, noting appreciation for the community outreach done by the Applicant (Ex. 9).

18. ANC 3D submitted an October 9, 2024, report stating that at a regularly scheduled and duly noticed October 9, 2024, public meeting, with a quorum present, ANC 3D voted 6-0-1 to support the Application (Ex. 17, 19). The ANC report noted that, during its review of the Application, it raised concerns about the University's compliance with the Campus Plan regarding rat control, pedestrian safety, and the Trolley Trestle Bridge; however, the University's written response, on October 1, 2024, to the ANC's concerns demonstrated continued compliance with the Campus Plan, in the ANC's judgment (*Id.*).

CONCLUSIONS

1. Pursuant to the authority granted by the Zoning Act, approved June 20, 1938 (D.C. Official Code § 6-641.01), the Commission may approve an application for education use by a college or university as a special exception, including amendment to an existing campus plan and further processing of an approved campus plan, consistent with the requirements set forth in Subtitle X § 101, Subtitle X Chapter 9, and Subtitle Z § 302. The Commission concludes that the Applicant has met the burden of proof, and the Application satisfies the special exception standards for the requested amendments to the Campus Plan and the further processing thereof for the reasons stated herein.

"GREAT WEIGHT" TO THE RECOMMENDATIONS OF OP

2. The Commission must give "great weight" to the recommendations of OP stated in the OP Report 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 § 405.9 (*Metropole Condo. Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

3. The Commission finds persuasive OP's recommendation that the Commission approve the Application and therefore concurs in that judgment.

"GREAT WEIGHT" TO THE WRITTEN REPORT OF THE ANC

4. The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to §13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must

articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Spring Valley-Wesley Heights Citizens Ass'n v. District of Columbia Zoning Comm'n,* 856 A.2d 1174, 1180 (D.C. 2004)). 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 Bd. of Zoning Adjustment,* 395 A.2d 85, 91 n.10 (D.C. 1978) (citation omitted)).

5. The Commission finds ANC 2E and ANC 3D's recommendations to approve the Application each persuasive and concurs in those judgments.

SUMMARY ORDER

6. Since no persons, parties, or Campus Plan Parties appeared in opposition to the Application and the affected ANCs, 2E and 3D, supported the Application, a decision by the Commission to grant this Application would not be adverse to any party. Therefore, pursuant to Subtitle Z § 604.7, the Commission authorized a summary order in this case and determined it may waive the requirement that findings of fact and conclusions of law accompany the Order because such waiver will not prejudice the rights of any party.

DECISION

In consideration of the record and the reasons stated herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application subject to the following conditions:

A. Campus Plan Amendment – Exhibits

The following Campus Plan exhibits of the record of Z.C. Case No. 16-18 are replaced with the corresponding exhibits in Exhibit 3I and Exhibit 3J of the record of Z.C. Case No. 16-18G:

a. Ex. 9B of the Campus Plan (Aerial Photograph of Campus) of Z.C. Case No. 16-18;
b. Ex. 9K of the Campus Plan (Development Program Summary) of Z.C. Case No. 16-18; and
c. Ex. 9M of the Campus Plan (Proposed Twenty-Year Development Plan Land Uses) of Z.C. Case No. 16-18.

B. Campus Plan Amendment – Conditions of Approval

The conditions to the Campus Plan approved in Z.C. Order No. 16-18 are revised and replaced as follows (additions in **bold underline**; deletions in ~~**bold strikethrough**~~):

Term

1. The Campus Plan is approved for the period January 1, 2017, through December 31, 2036.

Georgetown Community Partnership

2. During the term of the Campus Plan, the University shall work collegially with the parties through the Georgetown Community Partnership to successfully implement this Campus Plan. Any development on the ~~**Main**~~ **Hilltop Campus** shall be consistent with the University's goal of developing an integrated living and learning campus and the community's goal of as rapid a transition as possible toward a more residential undergraduate on-campus environment.

3. The Georgetown Community Partnership ("GCP") shall continue to serve as a mechanism for collegial and productive discussion of the Plan's implementation, and for engaging in long-term planning work. The GCP shall be co-chaired by a member of the University's senior leadership and a designee of ANC 2E and have a steering committee composed of University senior leadership and persons selected by ANC 2E (including at least one student who serves on ANC 2E), ANC 3D, CAG, BCA, FCCA, and GUSA. For such time or times when the GCP anticipates it is about to engage in a longer-term discussion about a specific issue (e.g., a further processing application or an amendment to the Campus Plan), the GCP shall strongly consider adding a second student who is an ANC Commissioner to the Steering Committee. Persons selected by ANC 2E and ANC 3D serve in their individual capacity and not as ANC Commissioners. In addition, MedStar Georgetown University Hospital ("MGUH") has an ex officio seat. The GCP shall also provide an opportunity for broad community and University participation on an issue-by-issue basis. The GCP shall engage a facilitator (funded fully by the University but selected jointly by the University, ANC 2E, ANC 3D, CAG, BCA, and FCCA leadership). The facilitator shall be responsible for balancing collaboratively the interests of the University, MGUH, ANC 2E, ANC 3D, CAG, BCA, FCCA, and GUSA leadership to achieve the purposes and ongoing operation of the GCP and its working group structure. The GCP framework shall continue to include a working group structure that shall address the key issues (e.g. public safety, trash, transportation, parking, off campus conduct, housing, enrollment, beautification) to facilitate in-depth discussions on core issues.

4. The University shall continue to work with the community parties, through the GCP, together with such outside advisors as are jointly agreed upon to develop and implement tools for measuring and mitigating the impacts of residential and non-residential graduate students on the Georgetown, Burleith, and Foxhall communities:[4]

   a. Through reasonable techniques such as, for example, incentives or the provision of University-sponsored graduate student housing elsewhere, the University shall manage the impact of its graduate student enrollment so the impact is not objectionable during the term of the Campus Plan.

[4] For purposes of these conditions, the Georgetown, Burleith, and Foxhall communities are defined as the neighborhoods bounded on the east by Rock Creek and Potomac Parkway, on the south by the Potomac River, on the west by Canal Road and the Georgetown Reservoir, and on the north by Whitehaven Parkway to Foxhall Road to Hoban Road to Reservoir Road to 39th Street to Whitehaven Parkway (including the 1900 blocks of 39th and 38th Streets) to Whitehaven Street to Dumbarton Oaks Park on the north.

b. The University shall continue to explore the feasibility of developing competitive and marketable University-sponsored graduate student housing outside of the Georgetown, Burleith, and Foxhall communities.

Undergraduate Housing

5. During the term of the Campus Plan, the University shall continue to provide competitive and marketable on-campus undergraduate housing. The University shall provide special emphasis on renovating current on-campus housing, with a focus on senior and junior living communities such as Henle Village, Village A, and Alumni Square considered as priorities. The University shall also adopt appropriate sustainable measures, in consultation with the GCP, so that as of fall 2030 and maintained for each semester thereafter during the term of the Campus Plan, an additional 244 Traditional Undergraduate Program students (who would otherwise be expected to live in the surrounding community and whose alternate living arrangements demonstrably reduce the number of undergraduate student group houses[5] in the surrounding community) shall be housed on campus or outside of Zip Code 20007 ("Housing Commitment"). (Ex. 9O.) Such measures may include raising the occupancy rate of the number of on-campus beds required by the 2010 Campus Plan as of Fall 2015 (i.e., 5,438 beds) above 95%. Such measures might also include, for example, some credit for an increase (above an agreed upon number based on historic experience) of students studying abroad or elsewhere, to the extent the GCP upon analysis concludes there is a demonstrable and sustainable causal link to the reduction as described above. Alternatively, the University may meet the Housing Commitment by providing additional on-campus beds through the renovation of existing on-campus buildings or the construction of new housing facilities as follows:
   a. During the term of the Campus Plan, the University shall maintain on-campus housing for at least 5,438 students, subject to the provision in Section 5, above, regarding the possibility of providing additional on-campus beds;
   b. No new residence hall (if any) constructed during the term of the Campus Plan shall be located on the ~~**Main**~~ **Hilltop Campus** east of 37th Street or elsewhere within Zip Code 20007, unless the University receives permission from the relevant civic organization (e.g., CAG, BCA, or FCCA), the relevant ANC (ANC 2E or ANC 3D), and the Commission;
   c. To implement the Housing Commitment above, the University shall be permitted to continue to use existing portions of the Leavey Center for residential use without additional further processing review;
   d. To implement the Housing Commitment above, the University shall be permitted to repair, renovate, remodel, or structurally alter such facilities, as well as construct modest increases in gross floor area that are required to

[5] For purposes of this condition, an undergraduate student group house is a single-family house where traditional undergraduate program students reside, other than a house where the majority of residents are not traditional undergraduate program students. The GCP will examine the application of this definition from time to time and, if need be, the GCP can adopt by consensus adjustments to the definition.

meet code requirements, improve accessibility, and create a more competitive and marketable living experience, without further processing approval, provided that such plans are approved by the Commission as a modification of consequence pursuant to 11-Z DCMR § 703. Such increases in gross floor area shall not exceed 15% of the existing gross floor area of the residence hall. Any exterior alteration resulting in an increase in gross floor area pursuant to this section shall be permitted only if reviewed with and concurred to by the GCP as well as, as required, reviewed by the Old Georgetown Board and the U.S. Commission of Fine Arts; and

e. In the event that St. Mary's Hall is converted to residential use, appropriate screening and mitigation measures shall be addressed in conjunction with any further processing application for the same.

6. The University shall limit the use of townhouses located on the west side of the 1400 block of 36th Street, N.W. to faculty and staff housing. Notwithstanding the foregoing, the properties located at 1412, 1420, and 1426 36th Street, N.W. may continue to be used for daytime administrative uses previously approved by the GCP, provided that there shall be no on-street parking connected with such use. In the event that the existing daytime administrative uses are discontinued, the properties shall be used for faculty and staff housing.

7. During the term of the Campus Plan, the University shall be permitted to change the use of properties located east of 37th Street and within the boundaries of the Campus Plan in accordance with the Proposed Twenty-Year Development Plan Land Uses map (Exhibit 9M in Z.C. Case No. 16-18; Exhibit 1D in Z.C. Case No. 16-18B; and Exhibit 2D in Z.C. Case No. 16-18C) for either academic/administrative or residential/campus life without further processing approval, provided that the change in use is approved by the Commission as a modification of consequence pursuant to 11-Z DCMR § 703. Any change in use to an academic/administrative use shall also be subject to review and approval by the GCP. To the extent that the University may, in the future, change current uses of townhouses located on 36th Street between N and O Streets, the University shall, in connection with townhouses repurposed for student housing, make best efforts to use such townhouses for special interest housing (e.g., La Casa Latina, Black House, etc.) in an effort to provide a balanced mix of community, social, and student life activities.

8. The University shall require all Traditional Undergraduate Program students (as defined in Condition 10) to live in University housing during their first year (freshman as well as transfer sophomore and transfer junior students under 21), sophomore year, and either junior year or senior year, except for study abroad students, commuters, veterans, married students, and students with medical

conditions or disabilities, religious beliefs, or other restrictions that are inconsistent with residence hall life.

Maximum Total Enrollment

9. During the term of the Campus Plan, the ~~**Main**~~ **Hilltop Campus** student headcount shall not exceed 14,106 students. For purposes of this condition, the ~~**Main**~~ **Hilltop Campus** student headcount shall be defined as the Georgetown University total student body[6], minus the number of students (by headcount) who are not registered for any courses located at the ~~**Main**~~ **Hilltop Campus** (e.g. students who are registered for courses located only at off-campus locations (such as the Law Center, SFS-Qatar, and other locations not at the ~~**Main**~~ **Hilltop Campus** ("off-campus")), students studying abroad, and continuous registration students) and senior citizens auditing courses located at the ~~**Main**~~ **Hilltop Campus**:
   a. Growth towards the above maximum shall be gradual and measured; it shall not be linear, but reflected in tranches as new programs come online, culminating in a number that approaches but does not exceed the ~~**Main**~~ **Hilltop Campus** student headcount;
   b. In the event that the University locates programs currently located on the ~~**Main**~~ **Hilltop Campus** to satellite locations outside of Zip Code 20007, such actions shall result in a corresponding reduction in the ~~**Main**~~ **Hilltop Campus** student headcount. The University shall be permitted to replace such students on the ~~**Main**~~ **Hilltop Campus**, and shall work to do so in a way that minimizes impacts; and
   c. The University shall maintain the senior citizen auditor program.

10. During the term of the Campus Plan, the Traditional Undergraduate Program student headcount shall not exceed 6,675 students. For purposes of this condition, the Traditional Undergraduate Program student headcount shall be defined as the ~~**Main**~~ **Hilltop Campus** student headcount as defined in Condition 9 plus students studying abroad minus the number of graduate students, professional students, students enrolled in the School of Continuing Studies, non-degree students and students returning for their second degree in nursing, all by headcount (for purposes of Conditions 8 and 28 of this Order, each such student counted under the

[6] The Georgetown University total student body shall be defined as the total number of students reported under the Integrated Postsecondary Education Database System (IPEDS), which was established by the National Center for Education Statistics, a division of the U.S. Department of Education, and is a standardized definition for student enrollment at institutions of higher education in the United States. The official count of the Georgetown University total student body shall be taken in the Fall semester on the census date identified by the University for purposes of its IPEDS reporting. The University shall also conduct a second count in the Spring semester using the same methodology. For the Spring semester, enrollment headcounts shall be calculated on a date reasonably determined by the University to reflect the maximum undergraduate enrollment for that semester.

Traditional Undergraduate Program student headcount being a "Traditional Undergraduate Program student").

10A. Commencing **in Academic Year 2025-2026, the University shall be permitted to exclude certain undergraduate students enrolled in programs based at the Capitol Campus (each student, a "Capitol Campus Undergraduate Program student") from the Traditional Undergraduate Program student headcount, even if such students are enrolled in up to two courses each semester that are located on the Hilltop Campus.**

For Academic Years 2025-26 and 2026-27, the number of Capitol Campus Undergraduate Program students excluded from the Traditional Undergraduate Program student headcount each semester shall not exceed the maximums set forth on the table below:

Academic Year	Anticipated Capitol Campus Undergraduate Program Student Headcount	Taking One Course Located at the Hilltop Campus	Taking Two Courses Located at the Hilltop Campus	Total Capitol Campus Undergraduate Program Students Taking Courses on the Hilltop
2025-26 (Juniors only)	**140**	**70 (*50%*)**	**28 (*20%*)**	**98 (*70%*)**
2026-27 (Juniors & Senior)	**320**	**100 (*31%*)**	**32 (*10%*)**	**132 (*41%*)**

For Academic Years following 2026-27, the GCP shall establish the number of Capitol Campus Undergraduate Program students permitted to be excluded from the Traditional Undergraduate Program student headcount for subsequent academic years informed by the enrollment patterns for Academic Years 2025-26 and 2026-27:

a. **Capitol Campus Undergraduate Program students who are enrolled in at least one course located at the Hilltop Campus shall continue to be counted as a part of the Hilltop Campus student headcount pursuant to Condition 9, and the University shall remain in compliance with the Hilltop Campus student headcount set forth in Condition 9;**

b. **Capitol Campus Undergraduate Program students shall reside either in housing provided by the University near the Capitol Campus, or, in their senior year, off campus, except that they shall not be permitted to live in the Georgetown, Burleith, or Foxhall communities. Violations of these restrictions shall be subject to the Code of Student Conduct, and any such Capitol Campus Undergraduate Program student who resides in the Georgetown, Burleith, or Foxhall communities shall also**

be counted in the Traditional Undergraduate Program headcount set forth in Condition 10;

c. **The University shall maintain on-campus housing for Traditional Undergraduate Program students consistent with Condition 5, including efforts focused on providing competitive and marketable on-campus housing options for juniors and seniors. As Capitol Campus programs develop and fewer seniors are enrolled in programs located at the Hilltop, on-campus housing available for seniors may be reduced at a gradual and measured manner from current levels reflecting actual shifts in enrollment (or, if need be in any year, increased from the prior year to reflect fewer anticipated seniors at the Capitol Campus); however, at all times for the remainder of the term of the Campus Plan, the University shall maintain on-campus housing for at least 550 Traditional Undergraduate Program students who are seniors. The University shall develop and implement appropriate measures incentivizing rising seniors to choose to live on campus, aimed at achieving an occupancy rate of at least 95% for such beds. If the enrollment and housing report described in Condition 11 reveals that the 95% occupancy target is not met in any semester, the University shall, in consultation with the GCP, work to develop additional strategies and incentives aimed at meeting or exceeding the 95% target for the following and subsequent semesters;**

d. **The University shall provide information on the number of Capitol Campus Undergraduate Program students, including the number of such students who take one or more courses on the Hilltop Campus, as a part of the enrollment and housing report prepared each semester pursuant to Condition 12;**

e. **The University's student codes of conduct and professionalism and related disciplinary procedures (including the provisions of such policies that the University is required to maintain pursuant to this Campus Plan) shall apply to conduct by all Capitol Campus students occurring in the Georgetown, Burleith, or Foxhall communities as well as on the portions of the Hilltop Campus east of 37th Street. The University shall, in a manner consistent with its policies and procedures, investigate and respond effectively to reports involving Capitol Campus students that occur in the Georgetown, Burleith, or Foxhall communities as well as on the portions of the Hilltop Campus east of 37th Street, in accordance with the provisions set forth in Conditions 14 and 15;**

f. **Subject to reasonable, very limited exceptions, all Capitol Campus Undergraduate Program students (as defined in Condition 10A) shall be prohibited from bringing cars to the Hilltop Campus or parking their cars on the street in Georgetown, Burleith, and Foxhall.**

Violations of the parking policy shall be part of the Code of Student Conduct. Notices of this parking policy shall be provided to Capitol Campus Undergraduate Students and their parents;

g. The University shall provide convenient, free bus transportation between the Hilltop Campus and the Capitol Campus. Such bus service shall utilize the Canal Road entrance/exit of the Hilltop Campus consistent with the requirements of Condition 20. The University shall also make available to Capitol Campus students reduced-rate access to Capital Bikeshare (or other similar bicycle or micromobility service) equivalent to what is currently available to Hilltop Campus students; and

h. The University shall commit sufficient resources (financial, personnel, intellectual capital, etc.) to successfully implement the commitments described in this Condition 10A.

11. During the term of Campus Plan, the Medical Student Program headcount shall not exceed 830 students. For purposes of this condition, the Medical Student Program headcount shall be defined as all students enrolled in the Doctor of Medicine (MD) degree program who are registered in at least one course on the ~~**Main**~~ **Hilltop Campus**.

12. The University shall provide the GCP, prior to the end of each Spring and Fall semester, a complete report on the student enrollment maximums set forth in Conditions 9 through 11 above. The report shall also contain information on other categories of undergraduate students (as defined under this Campus Plan), and graduate student enrollment. The report shall also contain the number and location of all University-provided student housing as well as progress toward the Housing Commitment set forth in Condition 5 above. The Report shall contain a certificate as to its accuracy signed by the Provost of the University.

The University shall work with the GCP to develop metrics for analysis and establish benchmarks for evaluating changes in the number of Traditional Undergraduate Program and graduate program students living in the Georgetown, Burleith, and Foxhall neighborhoods as well as the number of Traditional Undergraduate Program, graduate program, and mixed program student group houses in those neighborhoods. The University shall work with the GCP to begin to develop such metrics and to establish such benchmarks prior to the Fall 2017 semester, in order to work toward a baseline for measuring:

a. Progress toward the Housing Commitment set forth in Condition 5; and
b. Changes associated with enrollment pursuant to the limitations set forth in Condition 9.

Beginning in Fall 2017, and for each semester thereafter, the University shall include such information as the GCP may request on the number and type of group houses in the surrounding neighborhoods and the number and type (e.g., Traditional Undergraduate Program) of undergraduate students and the number and type of graduate students living in the surrounding neighborhoods pursuant to these agreed upon metrics and benchmarks in each semester's Enrollment and Housing Report. The Report shall contain a certificate confirming that such information was collected in accordance with the request and pursuant to any agreed-upon metrics and is accurate to the extent of the University's knowledge.

12A. Should the University exceed any of the enrollment maximums set forth in Conditions 9 through 11 in a given semester, the University shall reduce such enrollment maximum by an equal number of students in a corresponding semester (i.e. if the enrollment maximum is exceeded in the Fall semester, then the corresponding reduction shall be in a subsequent Fall semester) within two years from the end of the semester in which the excess occurred. In the event the enrollment maximum has been exceeded by greater than 25 students, the University shall either implement the enrollment reduction described herein or such other measures as agreed to by the GCP. The University shall document the enrollment reduction in the Report for the semester in which the reduction is implemented.

13. Each January during the term of the Campus Plan, the University shall provide the GCP a letter from an independent firm jointly selected by the University and the community parties and responsible equally to all members of the GCP (but wholly funded by the University) certifying that the enrollment numbers and University-provided housing numbers for the preceding Fall and Spring semesters are accurate and have been calculated in conformity with this Order. Unless agreed to by all members of the GCP, the independent firm shall not be required to certify the accuracy of information reported pursuant to Condition 12.

Quality of Life Initiatives

14. The University shall commit sufficient resources (financial, personnel, intellectual capital, etc.) to the University's Quality of Life Initiative to support a safe community, educate students to be good neighbors, and successfully mitigate the impacts of trash, noise and student behavior as follows:

    a. Initiatives shall include programs such as the Student Neighborhood Assistance Program ("SNAP"), the late-night Metropolitan Police Department ("MPD") reimbursable detail, regular trash and litter pick up patrols as needed, education of students about the responsibilities of living in a residential community, the Helpline, and late-night transportation services during nighttime weekend hours:
        i. The University shall continue to ensure that SNAP, the MPD reimbursable detail, and the Georgetown University Police Department ("GUPD") are proactive in addressing issues as well as responsive to calls;
        ii. The University shall continue to run the late-night shuttle (or equivalent services as reviewed and approved by the GCP), to supplement nighttime neighborhood transportation options;
        iii. The University shall continue to require all undergraduate students who live off campus during the academic year and during the summer to attend an orientation program that shall address "good neighbor" issues, reminding and educating students about appropriate conduct in the off-campus community. This program shall especially emphasize objectionable noise both inside and outside of buildings, underage drinking, applicable rules and standards regarding proper disposal of trash and recyclables, restricted parking in the West Georgetown, Burleith, and Foxhall neighborhoods, and

University expectations that all students conduct themselves in a respectful and responsible manner as members of the local residential community; and

iv. The University shall continue to maintain and publicize a helpline available 24 hours per day, seven days per week to receive calls about noise and other quality of life issues; and

b. The University shall be permitted to modify these programs only as necessary or appropriate to increase efficacy (that is, to focus on results). Through the GCP, the University shall continue to evaluate and collegially develop meaningful ways to enhance the efficacy of these programs based on suggestions and feedback received through the GCP from neighbors, students, and other stakeholders.

15. During the term of the Campus Plan, the University shall continue to maintain policies that: equalize party policies for on and off campus parties; and reduce the impacts of off campus student parties. Specifically, the University shall:

a. Maintain a policy that states that living off-campus is a privilege, not a right, taking into account conduct and seniority; students who have engaged in serious or repeated misconduct shall not be permitted to live off-campus;

b. Maintain a noise policy that specifically provides that "excessive noise inside or outside a building" is unacceptable. This will mean that if noise can be heard beyond the property line, it is probably too noisy, taking into account the time and the nature of the activity generating the sound. Violations of the noise policy shall be part of the Code of Conduct;

c. Maintain student conduct policies to assure that the environment for students to host social gatherings (including parties where alcohol is served) is at least as welcoming on campus as off campus in order to encourage students to initiate socializing on campus and/or to return to campus for late night socializing. Specific policy and practices shall continue to include:

i. Permit students of legal age living in apartments, townhouses, and other living spaces on campus to host parties in impromptu ways, eliminating the need to register parties well in advance;

ii. Train Residence Life staff and GUPD staff to manage student parties on campus in ways that allow those parties to continue whenever it is reasonable to do so (acknowledging that safety is still a primary concern), making it significantly more likely that on campus parties shall be allowed to continue;

iii. Educate students in ways that encourage them to socialize on campus in safe and appropriate ways; and

iv. Maintain transparency in operations and results to the maximum extent possible via the GCP; and

d. In addition to the foregoing, the University shall investigate reports of improper off-campus student conduct and respond to behavior found to violate the Student Code of Conduct promptly with appropriate sanctions. Egregious or repeat violations of the Code of Conduct shall be subject to serious sanctions up to and including separation from the University.

16. Through the GCP and with the community, the University shall engage city agencies (DCRA, DPW, MPD) to give vigorous attention to housing code, basic business license, trash, and public safety issues.

17. The University shall maintain a program to provide its students who are eligible to live off-campus with information about housing opportunities outside the West Georgetown and Burleith neighborhoods.

18. During the term of the Campus Plan, the University shall publish and maintain a list of rental properties in the West Georgetown and Burleith neighborhoods that maintain a basic business license according to DCRA's website, including:
    a. The University shall maintain the University's posted list of "properties of concern" (properties that are the recipient of three or more credible complaints received by Georgetown over a two-year period);
    b. The University shall coordinate with DCRA to address problem properties in West Georgetown, Burleith, and Foxhall;
    c. The University shall continue and enhance a landlord marketing campaign to encourage and promote "good neighbor" behavior from local landlords; and
    d. The University shall maintain a policy that requires students maintain properties that they rent in the same manner that they would be expected to if they owned the properties (e.g., snow removal and yard maintenance as required by District of Columbia law). Violations of the off-campus property maintenance policy shall be part of the Code of Conduct.

On-Campus Social Life Improvements

19. During the term of the Campus Plan, the University shall continue the productive work toward improvements to on-campus facilities to promote student life on campus (i.e., green space for outdoor campus socializing, academic spaces such as libraries and study rooms, recreational and athletic facilities, student activity spaces, and other social gathering spaces).

Comprehensive Transportation Plan

20. The University shall continue to monitor and evaluate the campus roadway network and the Georgetown University Transportation Shuttle ("GUTS") system with regular consultation and input through the GCP and with DDOT, with the goals of enhancing the GUTS system and maximizing the use of the Canal Road entrance for all GUTS routes except the Wisconsin Avenue route as follows:
    a. By June 1, 2017, the University shall install (and thereafter maintain) enhanced GPS (or another form of effective Automatic Vehicle Locator technology) as well as Automated Passenger Counters in all GUTS vehicles;
    b. The University shall maintain traffic control gates (or similar devices) at the Canal Road entrance that shall restrict use of the Canal Road entrance for left turns during the AM peak period (6:00 a.m.-10:15 a.m.) to GUTS vehicles, which shall be the only vehicles equipped to activate such gates or devices during such period and to use the left turn lane to exit the campus during such period. The University shall evaluate the effectiveness of such measures and, from time to time as appropriate,

may modify the control mechanism or other operational measures limiting left turns to GUTS vehicles during the AM peak period;

c. The University shall monitor the Canal Road and Reservoir Road corridors to assess University-related impacts on traffic conditions. The design, construction, and modification of any curb cuts or traffic signals along either corridor shall be reviewed with the GCP, and final design shall be subject to review and approval by District of Columbia public space officials; and

d. Until the commencement of construction of the planned medical/surgical pavilion at MGUH, the Wisconsin Avenue GUTS route shall be permitted to use Entrance 1 on Reservoir Road. During construction, the Wisconsin Avenue GUTS route shall utilize a temporary location acceptable to the GCP, MGUH, DDOT, and the University. After completion of construction, the Wisconsin Avenue GUTS shuttle route shall not use Entrance 4, unless the University secures GCP and MGUH review and approval for such use, based on a demonstration that measures shall be implemented to mitigate successfully any adverse impacts (e.g., noise, light, and air quality).

21. Pedestrian and Bicycle Network:

a. During the term of the Campus Plan, the University shall implement the pedestrian and bicycle infrastructure improvements shown on Figure 22 of the Georgetown University 2017 Campus Plan CTR, dated October 2016 and prepared by Wells + Associates. (Ex. 33A.) The design and construction of any improvements within public space shall be subject to review and approval by District of Columbia public space officials. The University shall consult with the GCP and DDOT on the design of such improvements located on private property;

b. The University shall continue to explore and evaluate improvements to Healy Circle and the ~~**Main**~~ **Hilltop Campus** entrance at the intersection of 37th Street and O Street in support of its ongoing commitment to create a more pedestrian and bicycle-friendly campus and in the context of its broader campus sustainability objectives. Future improvements to Healy Circle shall still allow vehicular access for special events and emergency access needs, but design shall be for non-auto users;

c. The University shall integrate bicycle routing and wayfinding information into campus wayfinding systems; and

d. At such time as a potential Palisades Trolley Trail extending to the University's ~~**Main**~~ **Hilltop Campus** comes to fruition, the University shall work with DDOT to explore the feasibility of providing a connection on the University's property to the Trail.

22. Transportation Demand Management:

a. The University shall continue to adhere to its Transportation Demand Management ("TDM") Plan, as discussed on pages 68-69 of the CTR), to promote greater use of the GUTS bus system, transit, bicycling, carpooling, satellite parking, and other transportation alternatives (Ex. 33). The University shall implement sufficient TDM measures to ensure that peak hour vehicle trips shall not exceed 632 trips during the AM peak hour and 591 trips during the PM peak hour (Performance

Target Commitment). In addition, as an aspirational goal, the University shall strive to achieve a peak hour trip threshold that is below 593 AM peak hour trips and 532 PM peak hour trips. The University shall be permitted to update the TDM Plan, in consultation with the GCP and with DDOT, to enhance its efficacy during the term of the Campus Plan consistent with the performance standards set forth above. MGUH performance targets and aspirational goals are set forth in Condition 32;

b. To assess the University's efforts towards achieving the Performance Target Commitment and aspirational goal described above, the University shall conduct an Annual Performance Monitoring Study. The Study shall include: (1) measurement of University vehicle trip generation; (2) a University-wide transportation survey (including determination of mode split); (3) GUTS ridership counts utilizing AVL and APC data; (4) a summary report on TDM activities and expenditures; and (5) parking occupancy counts. The Annual Transportation Performance Monitoring Study shall be conducted in accordance with the methodology outlined on pages 69-72 of the CTR, as modified with the five items listed on page 17 of the DDOT Report. (Ex. 33, 43.) The Annual Transportation Performance Monitoring Study shall be submitted to the GCP and DDOT by December 31st each year during the term of the Campus Plan; and

c. If the results of the Annual Transportation Performance Monitoring Study reveal that the Performance Target Commitment outlined in Condition 22(a) is not met, the University shall work with the GCP and DDOT to review the then-current TDM strategies and associated expenditures and to develop an increasingly robust plan to augment existing and/or implement more stringent TDM strategies to enhance performance. Furthermore, the University shall conduct and submit a Supplemental Performance Monitoring Study by June 30th of the same academic year to track progress toward the Performance Target Commitment. If the Performance Target Commitment is not met in the following fall, the additional TDM strategies and associated expenditures shall become increasingly more stringent, and the University shall work with the GCP and DDOT to develop additional TDM strategies not currently included in the TDM Plan, until such time as the Performance Target Commitment is met.

23. Events:

a. All weekday evening performances at the Davis Performing Arts Center expected to draw more than 100 visitors shall begin no earlier than 7:00 p.m., unless agreed to by the GCP; and

b. Weekday athletic events at Cooper Field expected to draw over 100 visitors shall begin before 4:00 p.m. or after 7:00 p.m., unless agreed to by the GCP.

c. **Outdoor events held at the Car Barn fourth floor patio and covered pavilion shall end by 8:00 p.m. and shall not be permitted on weekends and holidays, unless agreed to by the GCP.**

24. Deliveries: The University shall require its vendors to use the Canal Road entrance to make regular deliveries between the hours of 8:00 p.m. and 6:00 a.m. Special deliveries in unusual circumstances may be allowed from time-to-time other than through the Canal Road entrance after 8:00 p.m., provided such deliveries are quiet and not disruptive to the

neighborhood. The University shall inform its vendors that deliver other than through the Canal Road entrance between 6:00 a.m. and 8:00 a.m. are discouraged and shall take appropriate corrective action in response to meritorious complaints that such a delivery is not quiet or is disruptive to the neighborhood.

Parking

25. The University shall continue to maintain a parking inventory of no more than 4,080 parking spaces within the Campus Plan boundary as defined in Condition 36. In addition:
    a. Spaces set aside for car sharing vehicles such as Zipcar or as charging stations for electric vehicles shall not count towards this limit; and
    b. By December 31, 2022, the University shall install four 240-volt electric car charging stations in Leavey Garage and/or Southwest Garage.

26. The University shall create incentives to encourage students living off campus not to bring cars to campus. In particular, the University shall provide space for Zipcar or other carsharing service vehicles on campus and shall work with DDOT to continue to expand the availability and use of the Capital Bikeshare program on and near the ~~**Main**~~ **Hilltop Campus**.

27. The University shall develop and implement a parking management system that promotes use of satellite parking by students arriving for daytime classes by car and on-campus parking by students arriving for evening classes by car. Students shall be firmly directed to use such University or satellite parking facilities or use public transportation alternatives. The University shall continue to work with the community, DDOT, and DPW to: (a) develop and implement changes to the management of the on-street parking supply on the streets within and proximate to the campus; and (b) ensure regular enforcement of District of Columbia laws and regulations regarding on-street parking and shall engage the GCP on this issue as helpful and appropriate.

28. Subject to reasonable, very limited exceptions, all Traditional Undergraduate Program students (as defined in Condition 10) shall be prohibited from bringing cars to campus or parking their cars on the street in Georgetown, Burleith, and Foxhall. Violations of the parking policy shall be part of the Code of Conduct. Notices of this parking policy shall be provided to students and to the parents of Traditional Undergraduate Program students.

Limitations on University's Property Acquisitions

29. During the term of the Campus Plan and except for apartment properties along MacArthur Boulevard between Foxhall Road and Reservoir Road (which shall not be used for undergraduate student housing), the University shall not purchase or enter into a lease or other arrangement for additional property in Georgetown, Burleith, Foxhall, and the Palisades[7] outside of the Campus Plan boundaries for use as student housing, unless the

[7] For the purposes of this condition, the Palisades is defined as the neighborhoods bounded by the Potomac River; the Maryland-District of Columbia Line; a line through the Dalecarlia Reservoir grounds at right angles to the District Line; to the intersection of Loughboro Road and Dalecarlia Parkway; the middle of Loughboro Road to Foxhall Road, east boundary of Battery Kemble Park to the middle of 49th Street; the middle of 49th Street to the southern

University receives permission from the relevant civic organization (e.g., CAG, BCA, or FCCA) and the relevant ANC (e.g., ANC 2E or ANC 3D). For apartment properties along MacArthur Boulevard for graduate student housing, the University shall discuss the proposed use with leaders of FCCA, the Palisades Citizens Association ("PCA"), and ANC 3D, to the extent such discussions do not adversely impact the confidentiality of negotiations.

Penthouses

30. During the term of the Campus Plan, the University shall be permitted to adaptively reuse and expand penthouses on existing buildings for habitable uses without further processing approval, provided that the Commission approves the plans as a modification of consequence pursuant to 11-Z DCMR § 703, and provided further that any changes proposed pursuant to this section are reviewed with and concurred to by the GCP.

MedStar Georgetown University Hospital

31. Deliveries: MGUH shall maintain its current delivery schedules and the current western delivery route during the term of the Campus Plan, including during and after construction of the medical/surgical pavilion. Regular critical deliveries shall continue to occur outside the regular delivery hours of 8:30 a.m.-4:30 p.m. and consist of a delivery for medical and surgical supplies, a delivery for pharmaceuticals, a delivery for linens, occasional deliveries for patient care equipment and oxygen, and deliveries for food (which number no more than four to six per day). In addition, urgent or unplanned critical deliveries may also occur, as patient needs demand, between 6:30 a.m. and 8:30 a.m. Emergency deliveries for the immediate saving need of patients may occur as needed. During emergency operations (such as snowstorms or citywide disasters) deliveries temporarily may occur as needed. Proposed future recurring deliveries outside of the regular delivery hours may be added only if reviewed by and concurred to by the GCP.

32. Transportation Demand Management:

    a. MGUH shall implement TDM measures sufficient to ensure that peak hour vehicle trips shall not exceed 1,379 trips during the AM peak hour and 1,062 trips during the PM peak hour (Performance Target Commitment). In addition, as an aspirational goal, MGUH shall strive to achieve a peak hour trip threshold that is below 1,328 AM peak hour trips and 1,007 PM peak hour trips. MGUH shall be permitted to update the TDM Plan, in consultation with the GCP and with DDOT, to enhance its efficacy during the term of the Campus Plan consistent with the performance standards set forth above. After the first 10 years that the Campus Plan is in effect, MGUH shall do a joint "look back" with the GCP and DDOT on the results at the midpoint of the Plan and make adjustments to the TDM Plan as necessary. If agreement is not reached between MGUH and the GCP at the 10-year "look back" as to the scope and nature of those adjustments, community organizations represented on the GCP (collectively the "community parties") or MGUH may suggest a proposed MGUH TDM commitment for the remaining years

boundary of Wesley Heights Park; the southern boundary of Wesley Heights Park to the middle of Foxhall Road; and the middle of Foxhall Road extended to the Potomac River.

of the Campus Plan and the University shall, upon the request of the community parties or MGUH, submit the matter to the Commission for review and determination;

b. To assess MGUH's efforts towards achieving the Performance Target Commitment and aspirational goal described above, MGUH shall conduct an Annual Transportation Performance Monitoring Study. The Study shall include: (i) measurement of MGUH vehicle trip generation; (ii) a MGUH-wide transportation survey (including determination of mode split); (iii) GUTS ridership counts utilizing AVL and APC data; (iv) a summary report on TDM activities and expenditures; and (v) parking occupancy counts. The Annual Transportation Performance Monitoring Study shall be conducted in accordance with the methodology outlined on pages 9-12 of the CTR Addendum, as modified with the five items listed on page 17 of the DDOT Report. (Ex. 33B, 43.) The Annual Transportation Performance Monitoring Study shall be submitted to the GCP and DDOT by December 31st of each year; and

c. If the results of the Annual Transportation Performance Monitoring Study reveal that the Performance Target Commitment outlined in Condition 32(a) is not met, MGUH shall work with the GCP and DDOT to review the then-current TDM strategies and associated expenditures and to develop an increasingly robust plan to augment existing and/or implement more stringent TDM strategies to enhance performance. Furthermore, MGUH shall conduct and submit a Supplemental Performance Monitoring Study by June 30th of the same academic year to track progress toward the Performance Target Commitment. If the Performance Target Commitment is not met in the following fall, the additional TDM strategies and associated expenditures shall become increasingly more stringent, and MGUH shall work with the GCP and DDOT to develop additional TDM strategies not currently included in the TDM Plan, until such time as the Performance Target Commitment is met.

33. Lombardi Bus Turnaround: MGUH shall work with the University to develop a mutually acceptable plan for the construction of a new bus turnaround at Lombardi Circle. MGUH shall endeavor to relocate its oncology patient care services away from the bus turnaround within 18 months following the date on which the medical/surgical pavilion first opens for the delivery of care to patients. MGUH intends to open the Lombardi Circle turnaround within six months after the oncology patient care services are relocated and, barring any unforeseen construction delays of the medical/surgical pavilion, no later than August 15, 2022. In the event that the medical/surgical pavilion is not constructed, MGUH and the University shall work with the GCP to ensure that a turnaround on the northern portion of the campus is operational no later than August 15, 2022.

Reporting and Compliance Review

34. By November 30th of each year of the Campus Plan term, MGUH shall file an annual compliance report with the GCP that addresses MGUH's compliance with conditions 31-33 above.

35. By November 30th of each year of the Campus Plan term, the University shall file an annual compliance report with the GCP that addresses the University's compliance with the above conditions, except for Conditions 5-11, which shall be reported pursuant to Condition 12, and except for Conditions 31-33, which shall be reported by MGUH pursuant to Condition 34.

Campus Plan Boundary

36. The Campus Plan boundary shall be that boundary depicted on **Ex. 3I of the record in Z.C. Case No. 16-18G** ~~**Exhibit 9B of the record (which is the same as the Campus Plan boundary established by the D.C. Board of Zoning Adjustment in 2000 Plan).**~~

Further Processing Applications

37. The University shall include ANC 2E, ANC 3D, CAG, BCA, and FCCA on all lists of property owners within 200 feet related to any campus plan amendment or further processing application under the Campus Plan.

Human Rights Act

38. The University is required to comply fully with the provisions of the Human Rights Act of 1977, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code section 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 also prohibited by the Act. In addition, harassment based on any of the above-protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

VOTE (November 21, 2024): 4-0-1 (Anthony J. Hood, Robert E. Miller, Gwen Wright, Joseph S. Imamura, to approve**;** Tammy Stidham absent.)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 16-18G shall become final and effective upon publication in the *District of Columbia Register*; that is, on April 25, 2024.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL

AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 16-18H
Z.C. Case No. 16-18H
Georgetown University
(Amendment to and Further Processing of an Approved Campus Plan: Shaw Field Lights)
January 16, 2025

Pursuant to notice, at its January 16, 2025 public hearing, the Zoning Commission for the District of Columbia ("Commission") considered the application ("Application") of Georgetown University ("Applicant" or "University") for an amendment to and further processing of the University 2017-2036 Hilltop Campus Plan ("Campus Plan") approved by Z.C. Order No. 16-18, as amended by Z.C. Order Nos. 16-18A through 16-18G (collectively, "Order"), pursuant to Subtitle X §§ 101.1 and 101.8, to add field lights to Shaw Field ("Application"), under the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all subsequent citations refer unless otherwise specified). The property that is the subject of the Application is a portion of the University's Hilltop Campus ("Campus") located on a portion of Lot 833 in Square 1321 ("Property"). The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedures, which are codified in Subtitle Z. For the reasons stated below, the Commission **APPROVES** the Application.

** **SUMMARY ORDER** **

BACKGROUND AND PRIOR APPROVAL

1. Pursuant to the Order, the Commission approved the Campus Plan.

2. The Campus Plan identified an athletic field located in the northwest quadrant of the Campus known as "Shaw Field."

PARTIES

3. In addition to the Applicant, the parties to the Campus Plan included both Advisory Neighborhood Commissions ("ANC") 2E and 3D as well as the Citizens Association of Georgetown ("CAG"), the Burleith Citizens Association ("BCA"), the Foxhall Community Citizens Association ("FCCA"), and the Georgetown University Student Association ("GUSA") (together, the "Campus Plan Parties").

4. The Commission received no additional requests for party status.

NOTICE

5. On September 20, 2024, the Applicant mailed a Notice of Intent to file the Application to the Campus Plan Parties as well as the owners of all property within 200 feet of the Campus (Exhibit ["Ex."] 3D).

6. On November 4, 2024, the Applicant served the Application on the Office of Planning ("OP"), the District Department of Transportation ("DDOT"), and the Campus Plan Parties, as attested to by the certificate of service included in the Application (Ex. 2).

7. On November 26, 2024, the Office of Zoning ("OZ") sent the notice of the January 16, 2025, virtual public hearing to:
   - Applicant;
   - ANC 2E;
   - ANC 3D;
   - ANC Single Member District ("SMD") Commissioners 2E01, 2E02, 2E03, 2E04, 2E05, 2E08, and 3D07, whose districts include or are within 200 feet of the Property;
   - Office of ANCs;
   - Councilmember Brooke Pinto, the Ward 2 Councilmember, and Councilmember Matt Frumin the Ward 3 Councilmember, in whose Wards the Property is located;
   - Chairman and At-Large Members of the D.C. Council;
   - OP;
   - Department of Buildings ("DOB");
   - Department of Energy and the Environment ("DOEE");
   - DDOT;
   - Office of Zoning Legal Division ("OZLD"); and
   - Owners of all lots within 200 feet of the Property and the lessees located on the Property.

   (Ex. 5, 5A).

8. OZ also published notice of the January 16, 2025, virtual public hearing in the December 6, 2024, issue of the *District of Columbia Register* (71 DCR 014966 *et seq.*) as well as on the calendar on OZ's website (Ex. 4).

9. The Applicant provided evidence that it had posted and maintained notice of the public hearing on the Property in compliance with Subtitle Z § 402 (Ex. 7, 13).

THE APPLICATION

10. On November 4, 2024, the Applicant filed the Application requesting an amendment to the Campus Plan to allow field lighting on Shaw Field and further processing of the Campus Plan to install the field lights (Ex. 3, 3G-3I).

APPLICANT'S JUSTIFICATION

11. The Applicant asserted that the Application met the requirements for amendment to and further processing of a campus plan pursuant to Subtitle X, Chapter 1 for the following reasons:
    - The University is chartered as an educational institution of higher learning (*X § 101.1*);
    - The use is not likely to become objectionable to surrounding residential property due to noise, traffic and parking, number of students, or other objectionable conditions because the light and noise studies conducted by the Applicant demonstrate that the addition of field lighting to Shaw Field would have minimal impacts and the proposed game start times for the field are consistent with those currently in place at Cooper Field (*X § 101.2*);

- The Campus Plan remains in compliance with the maximum bulk requirement (*X § 101.5*);
- The Application was preceded by approval of the Campus Plan as a plan for developing the Campus as a whole, and the Application includes updated exhibits to the Campus Plan that reflect the addition of field lighting to Shaw Field (*X § 101.8*);
- The Application does not propose an interim use of land for university use and does not propose the relocation of a major development site to an off-campus location (*X § 101.10*);
- The Application is not inconsistent with the relevant policies of the Citywide Elements of the Comprehensive Plan, including when viewed through a racial equity lens[1]. The use of the Property as an athletic field for university athletic programs is consistent with the Property's Institutional Use designation on the Comprehensive Plan maps, and the Application has a neutral impact on racial equity (*X § 101.11*);
- The Campus remains within the FAR limit for the campus as a whole (*X § 101.12*);
- The Application was referred to OP, DDOT, and DOEE for review and comment (*X § 101.13*);
- The Application is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to adversely affect the use of neighboring properties because the Applicant has demonstrated its minimal impacts (*X § 101.14*); and
- The Regulations permit the concurrent filing of the further processing application for field lighting at Shaw Field with the amendment to the Campus Plan (*X § 101.16*).

APPLICANT'S SUBMISSIONS

12. In addition to the testimony at the public hearing, the Applicant made the following submissions to the record in support of the Application:
    - The initial November 4, 2024, application and related materials in support of the Application (Ex. 1-3L);
    - A December 16, 2024, submission, which included outlines of witness testimony (Ex. 9, 9A-9B); and
    - Presentation materials for January 16, 2025, virtual public hearing (Ex. 15).

13. On January 22, 2025, the Applicant filed a draft order (Ex. 17). No other post-hearing submissions were submitted into the record of this case.

RESPONSES TO THE APPLICATION

OP

14. OP filed a January 8, 2025 report that recommended approval of the Application. OP found that the proposed lighting would not change the use or capacity of the field and is not likely to become objectionable because of noise, traffic, parking number of students, or other objectionable conditions. OP also observed that the field does not directly abut any of the

[1] The Applicant provided a Racial Equity Analysis, consistent with the requirements of the Commission's Racial Equity Tool and inclusive of a discussion of its Community Outreach and Engagement efforts regarding the Application (*See* Ex. 3K).

surrounding residential neighborhoods nor are there any adjacent dormitories, as such, the new lighting should not result in an impact on housing. OP noted that the downward, inward-facing to the field lighting would avoid light intrusion that extends beyond the intended area of use and would not have material impacts on the adjacent Glover-Archbold Park. Moreover, the Applicant proposes game start times for the field consistent with the current policy in place for Cooper Field, thus there should be no significant impacts on traffic or parking. OP also concluded that the Application would not be inconsistent with the maps and elements of the Comprehensive Plan or have a negative impact on policies related to racial equity[2] (Ex. 11).

DDOT

15. DDOT filed a January 3, 2025, report citing no objection to the Application and concluding that installing field lighting would not have an impact on the transportation network (Ex. 10).

ANCs

16. ANC 2E submitted a December 5, 2024, report stating that at a regularly scheduled and duly-noticed December 2, 2024 public meeting, with a quorum present, ANC 2E voted unanimously to support the Application, noting the stringent light and noise studies conducted by the University, resulting in minimal impact (Ex. 6).

17. ANC 3D submitted a January 10, 2025 report stating that at a regularly scheduled and duly noticed January 8, 2025, public meeting, with a quorum present, ANC 3D voted 5-0-1 to support the Application (Ex. 12). ANC 3D also noted that the University had demonstrated the lights would not have a negative impact on neighboring properties and expressed appreciation for the University's communication and responsiveness to community needs and concerns regarding rat population, Foundry Branch Trestle Bridge preservation, and pedestrian safety (*Id*.).

CONCLUSIONS

1. Pursuant to the authority granted by the Zoning Act, approved June 20, 1938 (D.C. Official Code § 6-641.01), the Commission may approve an application for education use by a college or university as a special exception, including amendment to an existing campus plan and further processing of an approved campus plan, consistent with the requirements set forth in Subtitle X § 101, Subtitle X Chapter 9, and Subtitle Z § 302. The Commission concludes that the Applicant has met the burden of proof, and the Application satisfies the special exception standards for the requested amendments to the Campus Plan and the further processing thereof for the reasons stated herein.

[2] The OP Report provided a Racial Equity Analysis, as required by the Commission's Racial Equity Tool; however, OP's analysis did not include Disaggregated Race and Ethnicity data for Near Northwest Planning Area, in which the Property is located, given the Application's limited scope and corresponding limited racial equity impact. The Commission agreed with OP and concluded that Disaggregated Race and Ethnicity Data was not necessary in its evaluation of this Application.

"GREAT WEIGHT" TO THE RECOMMENDATIONS OF OP

2. The Commission must give "great weight" to the recommendations of OP stated in the OP Report 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 § 405.9 (See *Metropole Condo. Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

3. The Commission finds persuasive OP's recommendation that the Commission approve the Application and therefore concurs in that judgment.

"GREAT WEIGHT" TO THE WRITTEN REPORT OF THE ANC

4. The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to §13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Spring Valley-Wesley Heights Citizens Ass'n v. District of Columbia Zoning Comm'n,* 856 A.2d 1174, 1180 (D.C. 2004)). 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 Bd. of Zoning Adjustment,* 395 A.2d 85, 91 n.10 (D.C. 1978) (citation omitted)).

5. The Commission finds ANC 2E and ANC 3D's recommendations to approve the Application each persuasive and concurs in those judgments.

SUMMARY ORDER

6. Since no persons, parties, or Campus Plan Parties appeared in opposition to the Application and the affected ANCs, 2E and 3D, supported the Application, a decision by the Commission to grant this Application would not be adverse to any party. Therefore, pursuant to Subtitle Z § 604.7, the Commission authorized a summary order in this case and determined it may waive the requirement that findings of fact and conclusions of law accompany the Order because such waiver will not prejudice the rights of any party.

DECISION

In consideration of the record and the reasons stated herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore APPROVES the Application to add field lights to Shaw Field as depicted in the Architectural Plans dated November 2024 at Exhibit 3G in the record of Z.C. Case No. 16-18H, subject to the following conditions:

A. Campus Plan Amendment – Exhibits

The Campus Plan exhibit in the record of Z.C. Case No. 16-18 at Exhibit 9P (Athletic and Other Recreational Facilities) is replaced with the exhibit in the record of Z.C. Case No. 16-18H at Exhibit 3I (Amended Athletic and Recreational Facilities Plan).

B. Campus Plan Amendment – Conditions of Approval

Condition 23(b) of the Order is revised as follows (additions in **bold underline**; deletions in ~~**bold strikethrough**~~):

23. Events:

a. All weekday evening performances at the Davis Performing Arts Center expected to draw more than 100 visitors shall begin no earlier than 7:00 p.m., unless agreed to by the GCP; and

b. Weekday athletic events at Cooper Field **or Shaw Field** expected to draw over 100 visitors shall begin before 4:00 p.m. or after 7:00 p.m., unless agreed to by the GCP.

c. Outdoor events held at the Car Barn fourth floor patio and covered pavilion shall end by 8:00 p.m. and shall not be permitted on weekends and holidays, unless agreed to by the GCP.

VOTE (January 16, 2025): 5-0-0 (Gwen Wright, Robert E. Miller, Anthony J. Hood, Joseph S. Imamura and Tammy Stidham to approve.)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 16-18H shall become final and effective upon publication in the *District of Columbia Register*; that is, on April 25, 2025.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 18-03B
Z.C. Case No. 18-03B
Dancing Crab Properties, LLC and 10009 Fields Road, Inc.
Two-Year Time Extension for Approved PUD @ Square 1769, Lot 32
(4615 Wisconsin Avenue, N.W.)
March 27, 2025

Pursuant to notice, at its public meeting on March 27, 2025, the Zoning Commission for the District of Columbia ("Commission" or "Z.C.") considered the application of Dancing Crab Properties, LLC and 10009 Fields Road, Inc. (together, the "Applicant") for a two-year time extension of the deadline to begin construction of the consolidated planned unit development approved pursuant to Z.C. Order No. 18-03, as extended by Z.C. Order No. 18-03(1) and Z.C. Order No. 18-03A (the "Application"). The Application requested a waiver pursuant to Subtitle Z § 101.9 from Subtitle Z § 705.5's maximum approval period of one-year for the second time extension of a Commission order. The property subject to the Application is 4615 Wisconsin Avenue, N.W. (Square 1769, Lot 32) (the "Property").[1]

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, Zoning Regulations of 2016, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

I. BACKGROUND

PRIOR APPROVALS

1. Development of the Property was originally approved pursuant to Z.C. Order No. 18-03, which granted a consolidated PUD and a related Zoning Map Amendment from the MU-4 zone to the MU-5B zone to redevelop the Property with a new mixed-use residential building consisting of (i) approximately 41 residential units, and (ii) a restaurant/bar use to be located on the ground floor and within the penthouse habitable space. Z.C. Order No. 18-03 was approved on December 17, 2018, with an effective date of March 1, 2019.

2. Pursuant to Z.C. Order No. 18-03, Decision No. F.2, the order was valid for a period of two years, such that a building permit application was required to be filed no later than March 1, 2021, and construction of the approved PUD was required to commence no later than March 1, 2022.

3. Pursuant to Z.C. Order No. 18-03(1), effective February 5, 2021, the Office of Zoning issued an administrative Covid-19 one-year extension of Z.C. Order No. 18-03, such that

[1] At the time that Z.C. Order No. 18-03 was issued, the Property was known as Lots 1 and 2 in Square 1769. A subdivision plat was recorded in the Office of the Surveyor on September 30, 2019, at book 216, page 78, which consolidated Lots 1 and 2 into a single record lot that is now known as Lot 32 in Square 1769. Since then, the Property's address has been changed from 4611–4615 41st Street, N.W. to 4615 Wisconsin Avenue, N.W.

the Applicant was required to file a building permit application no later than March 1, 2022, and construction of the approved PUD was required to commence no later than March 1, 2023.

4. The Applicant complied with the first deadline by filing a building permit application, B2203165, for the Property on January 20, 2022 (*See* Z.C. Order No. 18-03A, Findings of Fact No. 4).

5. Pursuant to Z.C. Order No. 18-03A, effective August 25, 2023, the Commission approved the Applicant's request for a two-year time extension of the March 1, 2023, deadline to start construction such that construction of the approved PUD was required to commence no later than March 1, 2025.

PARTIES

6. The parties to Z.C. Case No. 18-03 were the Applicant and Advisory Neighborhood Commission ("ANC") 3E.

II. THE APPLICATION

7. On February 14, 2025, prior to the March 1, 2025, deadline to commence construction of the approved PUD, the Applicant filed the Application requesting a two-year extension of the aforementioned deadline (Exhibit ["Ex."] 1-2F2).

8. The Application asserted that, on February 14, 2025, it satisfied the requirement of Subtitle Z § 705.2(a) to serve all parties and attested by Certificate of Service, included with the Application, that the Applicant served the Application on ANC 3E, ANC Single Member District Commissioner 3E03, ANC Single Member District Commissioner 3E05, the Office of Planning ("OP"), and the District Department of Transportation ("DDOT") (Ex. 2 at 7).

9. The Application asserted that it satisfied the requirements of Subtitle Z § 705.2(b) because no substantial change had occurred in any of the material facts on which the Commission had relied upon in approving Z.C. Order No. 18-03 (Ex. 2).

10. The Application asserted that it satisfied the requirements of Subtitle Z § 705.2(c)(2) for a time extension due to an inability to secure all required governmental agency approvals because of delays in the governmental agency approval process that were beyond the Applicant's control (Ex. 2).

11. The Application asserted that it met the requirements of Subtitle Z § 101.9 for the requested waiver from Subtitle Z § 705.5's maximum approval period of one-year for the second time extension of a Commission order because good cause existed for the wavier due to the significant delays the Applicant experienced which were beyond the Applicant's reasonable control and because granting the waiver would not prejudice the rights of the parties because the Applicant remains fully committed to moving forward with the construction of the approved PUD (Ex. 2).

III. RESPONSES TO THE APPLICATION

OP REPORT

12. OP submitted a report dated March 13, 2025 (the "OP Report"), which recommended approval of the Application based on OP's conclusion that the Applicant had satisfied the relevant standards of Subtitle Z § 705.2 (Ex. 3).

ANC REPORT

13. ANC 3E submitted a resolution on March 24, 2025, titled "Resolution of Support in ZC Case 18-03" (the "ANC Resolution"), which stated that the Applicant had met the standards for a PUD time extension to begin construction of the approved PUD and that "[i]n reliance on the attached MOU [(the "MOU")], which we join the [A]pplicant in asking the ZC to incorporate fully into its order regarding the . . . [A]pplication, ANC 3E supports the [A]pplication." (Ex. 4).

14. The MOU states, in relevant part, provided that ANC 3E supports the Application, the Application agrees to, "[w]ithin ninety (90) days of the Zoning Commission's issuance of an order approving the [Application], the [Applicant] will clean the [Property] by repairing the existing metal fence and by removing the [Property] of gravel, loose concrete, trash, and other similar items." (Ex. 4A).

15. The ANC Resolution stated that it passed by a vote of 6-0-0 at a properly noticed meeting held on March 13, 2025, at which a quorum was present (Ex. 4).

CONCLUSIONS OF LAW

1. Subtitle Z § 705.2 authorizes the Commission to extend the time period of an order approving a PUD upon determining that the time extension request demonstrated satisfaction of the requirements of Subtitle Z § 705.2 and upon a determination that the limitations of Subtitle Z §§ 705.3, 705.5, and 705.6 have been adhered to.

2. The Commission concludes that the Applicant timely filed the Application on February 14, 2025, prior to the March 1, 2025, deadline to commence construction of the approved PUD.

3. Subtitle Z § 705.2(a) requires that an Applicant serve the extension request on all parties and that all parties are allowed 30 days to respond.

4. The Commission concludes that the Applicant has satisfied the requirement of Subtitle Z § 705.2(a) to serve all parties by the Applicant's demonstration that the Applicant served the Application on ANC 3E, ANC Single Member District Commissioner 3E03, ANC Single Member District Commissioner 3E05, OP, and DDOT, and that all parties were given more than 30 days to respond from the February 14, 2025 date of service.

5. Subtitle Z § 705.2(b) requires that the Commission finds that no substantial change has occurred to any of the material facts upon which the Commission based its original approval of the application that would undermine the Commission's justification for approving the original application.

6. The Commission concludes, based on the Application and the OP Report, that the Application satisfied the requirement of Subtitle Z § 705.2(b) that no substantial change in any of the material facts upon which the Commission based its original approval of Z.C. Case No. 18-03 occurred that would undermine the Commission's justification for that approval.

7. Subtitle Z § 705.2(c) requires that an application demonstrate with substantial evidence one or more of the following criteria:
   a. *An inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control;*
   b. *An inability to secure all required governmental agency approvals for a development by the expiration date of the order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or*
   c. *The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order*.

8. The Commission concludes that the Application met the standard of Subtitle Z § 705.2(c)(2) because the Application demonstrated that the Applicant had taken many steps to move construction of the approved PUD forward, including applying and receiving raze permits to demolish the existing structures on the Property, timely filing for a building permit application, submitting a variety of other permits, such as a permit for bay window projections and a public space permit, preparing and recording the required PUD Covenant, submitting a draft Inclusionary Zoning Covenant and Certificate of Inclusionary Zoning Compliance, submitting an Environmental Impact Screening Form Application, posting notice signs on the Property regarding the building permit, submitting an application for an Excavation Sheeting and Shoring permit, and responding to comments from District reviewing disciplines as part of the permitting process, but that despite these efforts, the Applicant has been unable to secure all required governmental agency approvals to begin construction. Further, the Commission concludes that these delays were beyond the Applicant's reasonable control and have prevented the Applicant from complying with the deadline to commence construction of the approved PUD.

9. Subtitle Z § 705.5 requires that a second PUD extension request may be approved for no more than one (1) year.

10. Subtitle Z § 101.9 authorizes the Commission to waive any of the provisions of Subtitle Z if, in the judgment of the Commission, the Applicant demonstrates good cause for the waiver and the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

11. The Commission concludes that the Application met the requirements of Subtitle Z § 101.9 for the requested waiver from Subtitle Z § 705.5's maximum approval period of one-year for the second time extension of a Commission order because good cause existed for the

waiver due to the significant delays the Applicant experienced which were beyond the Applicant's reasonable control and because granting the waiver would not prejudice the rights of the parties because the Applicant remains fully committed to moving forward with the construction of the approved PUD.

"GREAT WEIGHT" TO THE RECOMMENDATIONS OF OP

12. The Commission must give "great weight" to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)), and Subtitle Z § 405.9. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016))

13. The Commission found OP's recommendation that the Commission approve the Application persuasive and concurs in that judgment.

"GREAT WEIGHT" TO THE RECOMMENDATIONS OF THE ANC

14. 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. D.C. Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted)).

15. The Commission found ANC 3E's resolution in support of the Application persuasive and concurs in that judgment.

DECISION

In consideration of the case record, the Findings of Fact, and the Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application's request for a two year time extension of the March 1, 2025, deadline to commence construction of the PUD approved pursuant to Z.C. Order No. 18-03, as extended by Z.C. Order No. 18-03(1) and by Z.C. Order No. 18-03A, such that construction of the approved PUD must commence no later than March 1, 2027. This approval is subject to the following condition:

1. Within ninety (90) days of the Zoning Commission's issuance of this Order, the Applicant shall clean the Property by repairing the existing metal fence and by removing the Property of gravel, loose concrete, trash, and other similar items.

Final Action
VOTE (March 27, 2025): 5-0-0 (Joseph S. Imamura, Gwen Wright, Anthony J. Hood, Robert E. Miller, Tammy Stidham to approve.)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 18-03B shall become final and effective upon publication in the *District of Columbia Register*; that is, on April 25, 2025.

BY THE ORDER OF THE D.C. ZONING COMMISSION
A majority of the Commission members approved the issuance of 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.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 25-02 (NW One Phase 3 Owner, LLC – Map Amendment @ Square 621, Lot 860 (1010 North Capitol Street, N.W.))
April 10, 2025

THIS CASE IS OF INTEREST TO ANC 6E.

On April 7, 2025, the Office of Zoning received an application from NW One Phase 3 Owner, LLC (the "Applicant") for approval of a map amendment for the above-referenced property. The property that is the subject of this application consists of Square 621, Lot 860 in northwest Washington, D.C. (Ward 6). The Applicant proposes to rezone the Property from MU-4 to MU-9A.

The MU-4 zone is intended to permit moderate-density mixed-use development, provide for facilities for shopping and business, housing, and mixed uses, and be located in low and moderate-density residential areas with access to main roadways and rapid transit stops, among other things. The maximum permitted density in the MU-4 Zone District is 2.5 FAR, or 3.0 FAR for an Inclusionary Zoning ("IZ") development, of which a maximum 1.5 FAR may be devoted to non-residential use. The maximum permitted height in the MU-4 Zone District is 50 feet, not including penthouse. The lot occupancy is 60% or 75% with IZ.

The MU-9 zones (includes MU-9A and MU-9B) are mixed-use zones that are intended to be applied throughout the city consistent with the density designation of the Comprehensive Plan. The MU-9 zones are intended to (i) Permit high-density mixed-use development including office, retail, and housing, with a focus on employment; and (ii) Be located in or near the Central Employment Area, on arterial streets, in uptown and regional centers, and at rapid transit stops. The maximum permitted density in the MU-9A Zone District is 6.5 FAR, or 7.8 FAR for an IZ development, of which up to 1.0 FAR may be devoted to nonresidential use. The maximum permitted height in the MU-9A Zone District, not including the penthouse, is 90 feet, or 100 feet for an IZ development. The lot occupancy is 100%.

This case was filed electronically through the Interactive Zoning Information System ("IZIS"), which can be accessed through http://dcoz.dc.gov. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF CLOSED MEETING

TIME AND PLACE: **Tuesday, April 29, 2025, @ 9:30 a.m.**
Virtually via WebEx

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

The Zoning Commission, in accordance with § 405(c) of the Open Meetings Act, hereby provides notice it will hold a closed meeting on April 29, 2025, at 9:30 a.m., at the place noted above for the purpose of receiving training as permitted by D.C. Official Code § 2-575(b)(12). The subject of the training is: discussion re: rear yard changes to the Zoning Regulations; raze v. demolition; when is a deck no longer a deck (adding screening, landings, stairs, etc.); and when does an accessory building become a dwelling unit?

ANTHONY J. HOOD, ROBERT E. MILLER, GWEN MARCUS WRIGHT, TAMMY STIDHAM, AND JOSEPH S. IMAMURA -------- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

DISTRICT OF COLUMBIA REGISTER
2025 AGENCY SUBMISSION DEADLINE SCHEDULE

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 10, 2025 *District of Columbia Register* is Thursday, noon on January 2, 2025.

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 20, 2025 (Martin Luther King Jr. Day) is an official District of Columbia holiday therefore, the deadline for the Friday, January 24, 2025 *District of Columbia Register* is Wednesday, noon on January 15, 2025.

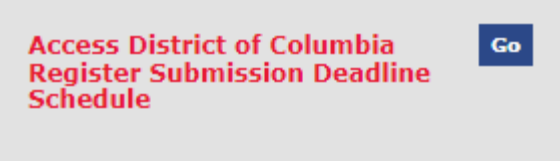
If an official government holiday falls on a Thursday, the deadline for submitting documents is WEDNESDAY. Because Thursday, November 27, 2025 is Thanksgiving Day, the deadline for the December 5, 2025 *District of Columbia Register* is Wednesday, noon on November 26, 2025.

Because Thursday, June 19, 2025 is Juneteenth, the deadline for the June 27, 2025 *District of Columbia Register* is Wednesday, noon on June 18, 2025.

Documents that are uploaded after the noon deadline will be published in the next edition of the Register.

The DC Register Submission Deadline Schedule is published at the end of each Register.

The Office of Documents also publishes the Submission Deadline Schedule on the DCRegs Home page:



Below is the 2025 District of Columbia Register Submission Deadline schedule.

OFFICE OF DOCUMENTS AND ADMINSTRATIVE ISSUANCES
DISTRICT OF COLUMBIA REGISTER
2025 AGENCY SUBMISSION DEADLINE SCHEDULE

D.C. Register Issue		Submission Deadline	
Vol. 72/1	January 3, 2025*	Tuesday	December 24, 2024
Vol. 72/2	January 10, 2025	Thursday	January 2, 2025
Vol. 72/3	January 17, 2025	Thursday	January 9, 2025
Vol. 72/4	January 24, 2025*	Wednesday	January 15, 2025
Vol. 72/5	January 31, 2025	Thursday	January 23, 2025
Vol. 72/6	February 7, 2025	Thursday	January 30, 2025
Vol. 72/7	February 14, 2025	Thursday	February 6, 2025
Vol. 72/8	February 21, 2025*	Wednesday	February 12, 2025
Vol. 72/9	February 28, 2025	Thursday	February 20, 2025
Vol. 72/10	March 7, 2025	Thursday	February 27, 2025
Vol. 72/11	March 14, 2025	Thursday	March 6, 2025
Vol. 72/12	March 21, 2025	Thursday	March 13, 2025
Vol. 72/13	March 28, 2025	Thursday	March 20, 2025
Vol. 72/14	April 4, 2025	Thursday	March 27, 2025
Vol. 72/15	April 11, 2025	Thursday	April 3, 2025
Vol. 72/16	April 18, 2025*	Wednesday	April 9, 2025
Vol. 72/17	April 25, 2025	Thursday	April 17, 2025
Vol. 72/18	May 2, 2025	Thursday	April 24, 2025
Vol. 72/19	May 9, 2025	Thursday	May 1, 2025
Vol. 72/20	May 16, 2025	Thursday	May 8, 2025
Vol. 72/21	May 23, 2025	Thursday	May 15, 2025
Vol. 72/22	May 30, 2025 *	Wednesday	May 21, 2025
Vol. 72/23	June 6, 2025	Thursday	May 29, 2025
Vol. 72/24	June 13, 2025	Thursday	June 5, 2025
Vol. 72/25	June 20, 2025*	Wednesday	June 11, 2025
Vol. 72/26	June 27, 2025	Wednesday	June 18, 2025
Vol. 72/27	July 4, 2025 *	Wednesday	June 25, 2025
Vol. 72/28	July 11, 2025	Thursday	July 3, 2025
Vol. 72/29	July 18, 2025	Thursday	July 10, 2025
Vol. 72/30	July 25, 2025	Thursday	July 17, 2025
Vol. 72/31	August 1, 2025	Thursday	July 24, 2025
Vol. 72/32	August 8, 2025	Thursday	July 31, 2025
Vol. 72/33	August 15, 2025	Thursday	August 7, 2025
Vol. 72/34	August 22, 2025	Thursday	August 14, 2025
Vol. 72/35	August 29, 2025	Thursday	August 21, 2025
Vol. 72/36	September 5, 2025*	Wednesday	August 27, 2025
Vol. 72/37	September 12, 2025	Thursday	September 4, 2025
Vol. 72/38	September 19, 2025	Thursday	September 11, 2025
Vol. 72/39	September 26, 2025	Thursday	September 18, 2025
Vol. 72/40	October 3, 2025	Thursday	September 25, 2025
Vol. 72/41	October 10, 2025	Thursday	October 2, 2025
Vol. 72/42	October 17, 2025*	Wednesday	October 8, 2025
Vol. 72/43	October 24, 2025	Thursday	October 16, 2025
Vol. 72/44	October 31, 2025	Thursday	October 23, 2025
Vol. 72/45	November 7, 2025	Thursday	October 30, 2025
Vol. 72/46	November 14, 2025*	Wednesday	November 5, 2025
Vol. 72/47	November 21, 2025	Thursday	November 13, 2025
Vol. 72/48	November 28, 2025*	Wednesday	November 19, 2025
Vol. 72/49	December 5, 2025	Wednesday	November 26, 2025
Vol. 72/50	December 12, 2025	Thursday	December 4, 2025
Vol. 72/51	December 19, 2025	Thursday	December 11, 2025
Vol. 72/52	December 26, 2025*	Wednesday	December 17, 2025
Vol. 73/1	January 2, 2026*	Wednesday	December 24, 2025

*Weeks with District of Columbia Government public holidays.

Last Updated December 10, 2024