VOL. 73 – NO. 18 MAY 1, 2026

District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council passes Law 26-108, to prevent the housing providers from evicting tenants on any day when the temperature is predicted to be above 95 degrees
- D.C. Council passes Law 26-111, to establish that the rental units participating in the Low-Income Housing Tax Credit Program are exempt from the rent stabilization program
- D.C. Council schedules a public hearing to discuss Fiscal Year 2027 Proposed Budget and Financial Plan and three Fiscal Year 2027 budget acts
- Commission on the Arts and Humanities announces funding availability for the FY 2027 Arts Exhibition Grant
- Department of Behavioral Health solicits applications from qualified applicants to provide substance use disorder HIV early intervention services
- Department of Health announces funding availability for the High-Need Healthcare Career Scholarship Program
- Executive Office of the Mayor announces funding availability for the FY2027 Community Development Grant
- Department of Motor Vehicles establishes the Intelligent Speed Assistance Program
- Office of the Deputy Mayor for Planning and Economic Development announces funding availability for the FY2026 Chinatown Lease Incentive Grant Program and Rhode Island Avenue Support Grant Program
- Department of Small and Local Business announces funding availability for the Ward 8 Community Investment Fund Grant Program
- District Department of Transportation extends the submission deadline through June 16, 2026 for the National Electric Vehicle Infrastructure (NEVI) Formula Program Grant

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 2-611 *et seq*. (2016 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative· Issuances (1 DCMR §§300, et seq.). The Rules of the Office of Documents and Administrative Issuances are available online at dcregs.dc.gov. Rulemaking documents are also subject to the requirements of the *District of Columbia Administrative Procedure Act*, D.C. Official Code §§2-50l *et seq*. (2016 Repl.).

All documents published in the *District of Columbia Register* must be submitted in accordance with the applicable provisions of the Rules of the Office of Documents and Administrative Issuances. Documents which are published in the *District of Columbia Register* include (1) Acts and resolutions of the Council of the District of Columbia; (2) Notices of proposed Council legislation, Council hearings, and other Council actions; (3) Notices of public hearings; (4) Notices of final, proposed, and emergency rulemaking; (5) Mayor's Orders and information on changes in the structure of the District government (6) Notices, Opinions, and Orders of District government Boards, Commissions and Agencies; (7) Documents having general applicability and notices and information of general public interest.

Deadlines for Submission of Documents for Publication

The Office of Documents and Administrative Issuances accepts electronic documents for publication using a Web-based portal. To submit documents for publication, agency heads, or their representatives, may obtain a username and password by email at dcdocuments@dc.gov. For guidelines on how to format and submit documents for publication, please email dcdocuments@dc.gov.

The deadline for filing documents for publication for District of Columbia Agencies, Boards, Commissions, and Public Charter schools is THURSDAY, NOON of the previous week before publication. The deadline for filing documents for publication for the Council of the District of Columbia is WEDNESDAY, NOON of the week of publication. If an official District of Columbia government holiday falls on Thursday, the deadline for filing documents is Wednesday. Email the Office of Documents and Administrative Issuances at dcdocuments@dc.gov to request the *District of Columbia Register* publication schedule.

Viewing the *District of Columbia Register*

The Office of Documents and Administrative Issuances publishes the *District of Columbia Register* ONLINE every Friday at www.dcregs.dc.gov. The Office of Documents does not offer paid subscriptions to the *District of Columbia Register*. Copies of the *District of Columbia Register* from October 2, 2009 to present are available at www.dcregs.dc.gov. Copies of the *District of Columbia Register* from April 2003 through July 2010 are available online in the *D.C. Register* Archive on the website for the Office of the Secretary at www.os.dc.gov. Hardcopies of the *Register* from 1954 to September 2009 are available at the Martin Luther King, Jr. Memorial Library's Washingtoniana Division, 901 G Street, NW, Washington, DC 20001. There are no restrictions on the republication of any portion of the *District of Columbia Register*. News services are encouraged to publish all or part of the *District of Columbia Register*.

Legal Effect of Publication - Certification

Except in the case of emergency rules, no rule or document of general applicability and legal effect shall become effective until it is published in the *District of Columbia Register*. Publication creates a rebuttable legal presumption that a document has been duly issued, prescribed, adopted, or enacted and that the document complies with the requirements of the *District of Columbia Documents Act* and the *District of Columbia Administrative Procedure Act*. The Administrator of the Office of Documents and Administrative Issuances hereby certifies that this issue of the *District of Columbia Register* contains all documents required to be published under the provisions of the *District of Columbia Documents Act*.

DISTRICT OF COLUMBIA
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. LAWS

L26-107 Home Purchase Assistance for Transit Workers Amendment Act of 2026 006779

L26-108 Extreme Heat Eviction Protection Amendment Act of 2026 006780

L26-109 Anacostia Business Improvement District Amendment Act of 2026 006781

L26-110 Soul of the City Business Improvement District Amendment Act of 2026 006782

L26-111 LIHTC Rent Stabilization Exemption Clarification Amendment Act of 2026 006783

L26-112 First Responder Retention Efforts Temporary Amendment Act of 2026 006784

D.C. ACTS

A26-298 Seasonal Pricing and Price Gouging Amendment Act of 2026 (B26-49) ..... 006785 - 006788

A26-299 Promoting Parental Engagement at DYRS Amendment Act of 2026 (B26-408) ..... 006789 - 006790

A26-300 Child Fatality Review Committee Amendment Act of 2026 (B26-411) ..... 006791 - 006792

A26-301 Holding Company System Amendment Act of 2026 (B26-426) ..... 006793 - 006800

A26-302 Rental Housing Registration Data Integrity Temporary Amendment Act of 2026 (B26-611) ..... 006801 - 006802

A26-303 Archdiocese of Washington Parish Real Property, Deed Recordation, and Transfer Tax Exemption Temporary Amendment Act of 2026 (B26-613) ..... 006803 - 006809

A26-304 Full Accountability in Arrest Reporting Temporary Act of 2026 (B26-615) ..... 006810 - 006811

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

D.C. ACTS CONT'D

A26-305 Body-Worn Camera Transparency for Use of Force Temporary Amendment Act of 2026 (B26-617) ..... 006812 - 006816

A26-306 Architect and Engineer Good Samaritan Amendment Act of 2026 (B26-173) ..... 006817 - 006820

A26-307 Mu Lambda Foundation, Inc. Real Property Tax Exemption Amendment Act of 2026 (B26-221) ..... 006821 - 006822

A26-308 Increasing Support for Grandparent and Close Relative Caregivers Amendment Act of 2026 (B26-398) ..... 006823 - 006824

A26-309 Statutory Neglect Amendment Act of 2026 (B26-400) ..... 006825 - 006827

A26-310 Safe Pregnancy, Delivery, and Postpartum Care for Youth at DYRS Amendment Act of 2026 (B26-404) ..... 006828 - 006830

A26-311 Strengthening Capacity and Transparency at DYRS Amendment Act of 2026 (B26-407) ..... 006831 - 006833

A26-312 Empowering Parents in CFSA Investigations Amendment Act of 2026 (B26-409) ..... 006834 - 006835

A26-313 Nationals Ballpark Amended and Restated Lease Emergency Act of 2026 (B26-620) ..... 006836 - 006837

A26-314 Schools First Amendment Act of 2026 (B26-327) ..... 006838 - 006839

A26-315 First Responder Retention Efforts Amendment Act of 2026 (B26-358) ..... 006840 - 006841

A26-316 Rate Plan Vacatur Interim Protections Emergency Amendment Act of 2026 (B26-630) ..... 006842 - 006843

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation -
Bills B26-0658, B26-0669, B26-0670, and B26-0671, and Proposed Resolutions PR26-0649 through PR26-0663, and PR26-0665 through PR26-0680 ..... 006844 - 006849

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

COUNCIL HEARINGS

Notices of Public Hearings -
Fiscal Year 2027 Proposed Budget and Financial Plan,
Fiscal Year 2027 Budget Support Act of 2026,
Fiscal Year 2027 Local Budget Act of 2026,
Fiscal Year 2027 Federal Portion Budget Request Act of 2026,
and Committee Mark-up Schedule, 4/28/26..... 006850 - 006859

PR26-636 Board of Zoning Adjustment Paul Goldstein
Confirmation Resolution of 2026 .....006860 - 006861
PR26-666 Board of Zoning Adjustment Marquisha Powell
Confirmation Resolution of 2026 .....006860 - 006861
PR26-667 Board of Zoning Adjustment Michelle Pourciau
Confirmation Resolution of 2026 .....006860 - 006861

OTHER COUNCIL ACTIONS

Notice of Excepted Service Appointments -
As of April 30, 2026.....006862

Notice of Reprogramming Requests -
26-0111 Request to reprogram Capital funds budget authority and allotment in the amount of $4,290,000 from the Department of General Services (DGS) to the Department of Employment Services (DOES), Special Education Transportation (SET), the Office of the State Superintendent of Education (OSSE), and DGS .....006863 - 006864

26-0112 Request to reprogram Fiscal Year 2026 Local funds budget authority in the amount of $160,000 within the Office of Neighborhood Safety and Engagement (ONSE).....006863 - 006864

26-0113 Request to reprogram Fiscal Year 2026 Local funds budget authority in the amount of $625,291 within the District of Columbia Public Schools (DCPS).....006863 - 006864

26-0114 Request to reprogram Fiscal Year 2026 Special Purpose Revenue funds budget authority in the amount of $786,000 within the Office of the Deputy Mayor for Planning and Economic Development (DMPED) .....006863 - 006864

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage and Cannabis Administration -
DC Tackle Shop - ANC 8F - New 006865
Garegnani Vineyards - ANC 5C - New 006866
Greco - ANC 5D - Renewal 006867
Levy @ National Geographic - ANC 2C - New 006868
Platinum DC Club - ANC 2B - Change of Hours 006869
Proper 21 - ANC 2A - Class Change 006870
Transmission - ANC 6A - Expansion - RESCIND 006871

Health, Department of (DC Health) -
State Health Planning and Development Agency -
Information Hearing on the Certificate of Need Application
of District Hospital Partners, L.P. d/b/a George Washington
University Hospital (CON No. 2026-7-02) for the change of
effective control of UHS East End Sub, LLC - May 7, 2026 006872

Zoning Adjustment, Board of - July 1, 2026 - Public Hearing
21450 Francisco Correa and Rosilene Ribeiro - ANC 4B ..... 006873 - 006875
21453 2222 Q Street Owner, LLC - ANC 2D ..... 006873 - 006875

FINAL RULEMAKING

Health Care Finance, Department of -
Amend 29 (Public Welfare),
Ch. 87 (District of Columbia Health Information Exchange),
Sections 8700 - 8705, 8707 - 8710, 8712, and 8799 (Definitions),
Sec. 8706 (Notice of HIPAA Breach and Non-HIPAA Violation by a
Registered HIE Entity), is renamed
Sec. 8706 (Notice of HIPAA Breach or Other Violation by a Registered HIE Entity),
to amend guidelines for the efficient and secure transmission of health
information and to make other changes ..... 006876 - 006894

Motor Vehicles, Department of -
Amend 18 DCMR (Vehicles and Traffic),
Chapter 3 (Cancellation, Suspension, or Revocation of Licenses),
Sec. 306 (Period of Suspension or Revocation),
Sec. 313 (Intelligent Speed Assistance Program - Implementation,
Application Process, and Participation Compliance) is added,
Sec. 314 (ISA Program—Effect of Unrelated Suspensions,
Cancellations, or Revocations) is added,
Sec. 315 (ISA Program—Intelligent Speed Assistance System Providers) is added,
Chapter 99 (Definitions),
Sec. 9901 (Definitions),
to establish the Intelligent Speed Assistance Program in the
District of Columbia ..... 006895 - 006910

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING CONT'D

State Athletic Association, District of Columbia -
Amend 5 DCMR (Education),
Subtitle F (District of Columbia State Athletic Association),
Ch. 1 (Interscholastic Athletics),
Sec. 109 (Waiver of Student Eligibility Requirements) and
Sec. 110 (Complaints or Challenges Procedures),
to make clarifying amendments to the District of Columbia's interscholastic
athletics regulations .....006911 - 006912

PROPOSED RULEMAKING

Zoning Commission - Z.C. Case No. 25-06 -
Amend 11 DCMR (Zoning Regulations of 2016),
Subtitle B (Definitions, Rules of Measurement, and Use Categories),
Ch. 3 (General Rules of Measurement),
Sec. 308 (Rules of Measurement for Building Height: Residential
Zones as Defined in Subtitle A § 101.9)..... 006913 - 006943

Subtitle C (General Rules),
Ch. 3 (Subdivision),
Sec. 306 (New Alley Record Lots)..... 006913 - 006943
Ch. 7 (Vehicle Parking),
Sec. 702 (Exemptions from Minimum Parking Requirements),
Sec. 710 (Location Restrictions) ..... 006913 - 006943
Ch. 15 (Penthouses and Rooftop Structures),
Sec. 1501 (Uses)..... 006913 - 006943

Subtitle D (Residential House (R) Zones),
Ch. 51 (Alley Lot Regulations for Residential House (R) Zones),
Sec. 5100 (General Provisions) ..... 006913 - 006943
Ch. 52 (Relief from Required Development Standards for R Zones),
Sec. 5201 (Special Exception Relief from Certain Required
Development Standards)..... 006913 - 006943

Subtitle E (Residential Flat (RF) Zones),
Ch. 51 (Alley lot Regulations for Residential Flat (RF) Zones),
Sec. 5100 (General Provisions) ..... 006913 - 006943
Ch. 52 (Relief from Required Development Standards for RF-Zones),
Sec. 5201 (Special Exception Relief from Certain Required
Development Standards)..... 006913 - 006943

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PROPOSED RULEMAKING CONT'D

Zoning Commission - Z.C. Case No. 25-06 - cont'd
Amend 11 DCMR (Zoning Regulations of 2016), cont'd
Subtitle F (Residential Apartment (RA) Zones),
Ch. 51 (Alley lot Regulations for Residential Apartment (RA) Zones),
Sec. 5100 (General Provisions) ..... 006913 - 006943
Ch. 52 (Relief from Required Development Standards for RA Zones),
Sec. 5201 (Special Exception Relief from Certain Required Development Standards)..... 006913 - 006943

Subtitle G (Mixed-Use (MU) Zones),
Ch. 51 (Alley lot Regulations for Mixed-Use (MU) Zones),
Sec. 5100 (General Provisions) ..... 006913 - 006943
Ch. 52 (Relief from Required Development Standards for Mixed-Use (MU) Zones),
Sec. 5200 (General Provisions) ..... 006913 - 006943

Subtitle I (Downtown (D) Zones),
Ch. 2 (General Development Standards for Downtown (D) Zones),
Sec. 210 (Alley Lots) ..... 006913 - 006943

Subtitle J (Production, Distribution, and Repair (PDR) Zones),
Ch. 5 (Alley Lot Regulations (PDR)),
Sec. 500 (General Provisions)..... 006913 - 006943

Subtitle U (Use Permissions),
Ch. 6 (Use Permissions for Alley Lots),
Sec. 600 (Matter-of-Right Uses on Alley Lots (R, RF, and RA)),
Sec. 601 (Special Exception Uses on Alley Lots (R, RF, and RA)) ..... 006913 - 006943

Subtitle X (General Procedures),
Ch. 10 (Variances),
Sec. 1001 (Variance Types) ..... 006913 - 006943

to update regulations to facilitate the reuse of vacant or underutilized alley lots and to standardize and clarify existing alley lot regulations citywide.....006913 - 006943

NOTICES, OPINIONS, AND ORDERS
MAYOR'S ORDERS

2026-053 Appointment — Commission on Judicial Disabilities and Tenure (Juanita Ferguson) 006944

2026-054 Amendment — Designation of Special Event Area — 2026 Federal Railroad Administration Tech Summit at the United States Department of Transportation 006945

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

NOTICES, OPINIONS, AND ORDERS CONT'D
MAYOR'S ORDERS CONT'D

2026-055 Appointment — Medical Director, Fire and Emergency Medical Services Department (Dr. Sean Morgan) 006946

2026-056 Reappointments — Washington Convention and Sports Authority Board of Directors (Leif Dormsjo and Julio Jay Haddock Ortiz) 006947

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

Academy of Hope Adult Public Charter School -
Request for Proposals - Master Plan and Design-Build Implementation 006948

Alcoholic Beverage and Cannabis Administration -
ABC Board's Calendar for May 6, 2026 ..... 006949 - 006953
ABC Board's Calendar for May 7, 2026 006954
Alcohol Licensing Caterer Cancellation Agenda for May 6, 2026 ..... 006955 - 006956
Alcohol Licensing Class A Cancellation Agenda for May 6, 2026 006957
Alcohol Licensing Class C & D Cancellation Agenda for May 6, 2026 ..... 006958 - 006963

Arts and Humanities, Commission on the -
Notice of Funding Availability - FY 2027 Arts Exhibition Grant 006964

Behavioral Health, Department of -
Notice of Funding Availability - Substance Use Disorder HIV Early Intervention Services ..... 006965 - 006966

DC Preparatory Academy Public Charter School -
Request for Proposals -
Commissioning Services 006967
Multiple Products and Services 006968
Third Party Inspection Services 006969

Disability Rights, Office of -
DC Commission on Persons with Disabilities Public Meeting -
May 11, 2026 006970

Education, State Board of -
College, Career, and Life Readiness Committee Meetings -
May 27, 2026 & June 24, 2026 006971

Elections, Board of -
Certification of ANC Vacancies in ANC-SMD - 1A07 and 2E08 006972
Certification of ANC Vacancy in ANC-SMD - 8E09 006973

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Employee Appeals, Office of -
OEA Matter No. 1601-0002-25, Employee v. DC Public Schools, Initial Decision (Dismissed) ..... 006974 - 006977

OEA Matter No. 1601-0008-25, Employee (Herbert Baylor) v. DC Department of Corrections, Initial Decision (Dismissed)..... 006978 - 006979

OEA Matter No. 1601-0015-25, Employee v. DC Metropolitan Police Department, Initial Decision (Upheld)..... 006980 - 006990

OEA Matter No. 1601-0020-25, Employee v. DC Office of Unified Communications, Initial Decision (Dismissed) ..... 006991 - 006997

OEA Matter No. 1601-0021-25, Employee v. DC Department of Transportation, Initial Decision (Reversed) ..... 006998 - 007015

OEA Matter No. 1601-0040-20AF24, Employee v. DC Department of For-Hire Vehicles, Addendum Decision on Attorney Fees (Granted)..... 007016 - 007023

OEA Matter No. 1601-0057-24, Employee v. DC Public Schools, Initial Decision (Upheld) ..... 007024 - 007055

OEA Matter No. 1601-0072-25, Employee v. DC University of the District of Columbia, Initial Decision (Dismissed)..... 007056 - 007057

OEA Matter No. 1601-0078-25, Employee v. DC Office of the State Superintendent of Education, Initial Decision (Dismissed) ..... 007058 - 007060

OEA Matter No. J-0019-26, Employee v. DC Department of Youth Rehabilitation Services, Initial Decision (Dismissed)..... 007061 - 007063

OEA Matter No. J-0023-26, Employee v. DC Department of Motor Vehicles, Initial Decision (Granted)..... 007064 - 007070

Employment Services, Department of -
DC Commission on Poverty Public Meeting - April 28, 2026 007071

Ethics and Government Accountability, Board of -
Notice of Public Meeting - May 7, 2026..... 007072 - 007073

Friendship Public Charter School -
Request for Proposals -
Interactive Learning & Student Engagement Platform 007074
E-rate Consulting Services 007074
Enterprise Resource Planning (ERP) Software 007074

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Health, Department of (DC Health) -
Board of Professional Counseling Meeting - May 15, 2026 007075
Notice of Funding Availability - High-Need Healthcare Career
Scholarship Program ..... 007076 - 007077

Howard University Public Charter Middle School of Mathematics and Science -
Request for Proposals - Janitorial Services 007078

KIPP DC Public Charter Schools -
Request for Proposals - School Leadership Professional
Development and Learning Facilitator 007079

Licensing and Consumer Protection, Department of -
Board of Accountancy Meeting - May 8, 2026 (Rescheduled) 007080
Board of Barber and Cosmetology Meeting - May 4, 2026 007081
Board of Funeral Directors Meeting - May 7, 2026 007082

Mayor, Executive Office of the -
Notice of Funding Availability - FY2027 Community
Development Grant ..... 007083 - 007086

Planning and Economic Development, Office of the Deputy Mayor for -
Notices of Funding Availability -
FY2026 Chinatown Lease Incentive Grant Program ..... 007087 - 007088
FY2026 Rhode Island Avenue Support Grant Program ..... 007089 - 007090

Shining Stars Montessori Academy Public Charter School -
Request for Proposals - Multiple Services SY26-27 ..... 007091 - 007093

Small and Local Business, Department of -
Notice of Funding Availability - Ward 8 Community
Investment Fund Grant Program ..... 007094 - 007095

Transportation, District Department of -
Notice of Funding Availability - National Electric Vehicle
Infrastructure (NEVI) Program Grant (Extension) ..... 007086 - 007098

Water and Sewer Authority, DC -
Human Resources and Labor Relations Committee with
Union Presidents Meeting - May 13, 2026 007099

Zoning Adjustment, Board of - July 1, 2026 - Public Meeting
21452 Sarah and Carl O'Briant - ANC 3/4G ..... 007100 - 007103
21464 S. Preston Brown and Adriana S. Brown - ANC 3D ..... 007100 - 007103

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Zoning Commission - Cases
25-02 NW One Phase 3 Owner, LLC - Order .....007104 - 007109
25-07 BD Parcel 5, LLC - Order .....007110 - 007147

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 26-107

"Home Purchase Assistance for Transit Workers Amendment Act of 2026"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 26-98 on First Reading and Final Reading, on January 6, 2026, and February 3, 2026, respectively. Pursuant to Section 404(e) of the Charter, the bill became Act 26-258 and was published in the February 27, 2026 edition of the D.C. Register (Vol. 73, page 002685). Act 26-258 was transmitted to Congress on March 3, 2026 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 26-258 is now D.C. Law 26-107, effective April 14, 2026.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
March	3,4,5,6,9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30,31
April	1,2,3,6,7,8,9,10,13

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 26-108

"Extreme Heat Eviction Protection Amendment Act of 2026"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 26-177 on First Reading and Final Reading, on January 6, 2026, and February 3, 2026, respectively. Following the signature of the Mayor on March 2, 2026, pursuant to Section 404(e) of the Charter, the bill became Act 26-262 and was published in the March 6, 2026 edition of the D.C. Register (Vol. 73, page 003122). Act 26-262 was transmitted to Congress on March 5, 2026 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 26-262 is now D.C. Law 26-108, effective April 16, 2026.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
March	5,6,9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30,31
April	1,2,3,6,7,8,9,10,13,14,15

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 26-109

"Anacostia Business Improvement District Amendment Act of 2026"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 26-247 on First Reading and Final Reading, on January 6, 2026, and February 3, 2026, respectively. Following the signature of the Mayor on March 2, 2026, pursuant to Section 404(e) of the Charter, the bill became Act 26-263 and was published in the March 6, 2026 edition of the D.C. Register (Vol. 73, page 003124). Act 26-263 was transmitted to Congress on March 5, 2026 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 26-263 is now D.C. Law 26-109, effective April 16, 2026.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
March	5,6,9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30,31
April	1,2,3,6,7,8,9,10,13,14,15

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 26-110

"Soul of the City Business Improvement District Amendment Act of 2026"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 26-421 on First Reading and Final Reading, on January 6, 2026, and February 3, 2026, respectively. Following the signature of the Mayor on March 2, 2026, pursuant to Section 404(e) of the Charter, the bill became Act 26-264 and was published in the March 6, 2026 edition of the D.C. Register (Vol. 73, page 003126). Act 26-264 was transmitted to Congress on March 5, 2026 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 26-264 is now D.C. Law 26-110, effective April 16, 2026.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
March	5,6,9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30,31
April	1,2,3,6,7,8,9,10,13,14,15

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 26-111

"LIHTC Rent Stabilization Exemption Clarification Amendment Act of 2026"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 26-429 on First Reading and Final Reading, on January 6, 2026, and February 3, 2026, respectively. Following the signature of the Mayor on March 2, 2026, pursuant to Section 404(e) of the Charter, the bill became Act 26-265 and was published in the March 6, 2026 edition of the D.C. Register (Vol. 73, page 003130). Act 26-265 was transmitted to Congress on March 5, 2026 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 26-265 is now D.C. Law 26-111, effective April 16, 2026.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
March	5,6,9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30,31
April	1,2,3,6,7,8,9,10,13,14,15

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 26-112

"First Responder Retention Efforts Temporary Amendment Act of 2026"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 26-354 on First Reading and Final Reading, on January 6, 2026, and February 3, 2026, respectively. Following the signature of the Mayor on March 2, 2026, pursuant to Section 404(e) of the Charter, the bill became Act 26-266 and was published in the March 6, 2026 edition of the D.C. Register (Vol. 73, page 003132). Act 26-266 was transmitted to Congress on March 5, 2026 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 26-266 is now D.C. Law 26-112, effective April 16, 2026.

Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Month	Dates Counted
March	5,6,9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30,31
April	1,2,3,6,7,8,9,10,13,14,15

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-298

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2026

To amend Chapter 41 of Title 28 of the District of Columbia Official Code to amend definitions of existing terms, to allow for alternative calculation of normal retail prices for rental vehicles and hotel rooms based on a seasonal pricing model, to prohibit stockpiling of certain goods following a natural disaster or declaration of a public emergency, to make the declaration of a public emergency a triggering event for the prohibition against price gouging, and to provide for remedies if the Superior Court of the District of Columbia finds a person has engaged in price gouging or stockpiling in a civil action brought by the Office of the Attorney General for the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Seasonal Pricing and Price Gouging Amendment Act of 2026".

Sec. 2. Chapter 41 of Title 28 of the District of Columbia Official Code is amended as follows:

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

"28-4102.01. Stockpiling.".

(b) Section 28-4101 is amended to read as follows:

"§ 28-4101. Definitions.

"For the purposes of this chapter, the term:

"(1) "Goods and services" shall include:

"(A) Consumer goods and services used, bought, or rendered primarily for personal, family, or household purposes;

"(B) Essential medical supplies and services used for the care, cure, mitigation, treatment, or prevention of any illnesses or diseases; and

"(C) Any other essential goods and services used to promote the health or welfare of the public.

"(2) "Natural disaster" means the actual or imminent consequence of any disaster, catastrophe, or emergency, including fire (other than a fire caused by human error or arson),

flood, earthquake, storm, or other serious act of nature, which threatens the health, safety, or welfare of persons or causes widespread damage to property in the District of Columbia.

"(3)(A) "Normal retail price" means not more than 10% more than the price at which the same or similar goods and services were sold in the District of Columbia during the 90-day period that immediately preceded a natural disaster, if an emergency is declared pursuant to § 28-4102(b), or the circumstances giving rise to a public emergency, if a public emergency is declared pursuant to § 7-2304.

"(B) Notwithstanding subparagraph (A) of this paragraph, for calendar year 2027 and thereafter, "normal retail price" means:

"(i) For a rental vehicle, not more than 10% more than the price at which a person charged for the same or a similar rental vehicle during the same week of the same months of the prior year. For purposes of this sub-subparagraph, the term "rental vehicle" shall have the same meaning as set forth in § 50-1505.01(8); and

"(ii) For a hotel room in a hotel that is at least 95% occupied, not more than 10% more than the price at which a person charged for the same or a similar room during the same week of the same month of the most recent year for which there was an average hotel room occupancy of 95%. For purposes of this sub-subparagraph, the term "hotel room" means any room or suite of rooms at a facility affording sleeping accommodations to transient guests.

"(C) Notwithstanding subparagraphs (A) and (B) of this paragraph, if a person did not sell goods and services in the District of Columbia during the 90-day period that preceded a natural disaster, if an emergency is declared pursuant to § 28-4102(b), or the circumstances giving rise to a public emergency, if a public emergency is declared pursuant to § 7-2304, that person may not charge a price that is more than 50 percent greater than the actual price the person paid to the manufacturer or distributor for the good or service.

"(4) "Person" means a corporation, firm, agency, company, association, organization, partnership, society, joint stock company, or an individual.

"(5) "Public emergency" shall have the same meaning as set forth in § 7-2301(3).".

(c) Section 28-4102 is amended to read as follows:

"§ 28-4102. Overcharging.

"(a) Except as provided in subsection (a-1) of this section, it shall be unlawful for any person to charge more than that person's normal retail price for any goods or services sold during an emergency resulting from a natural disaster declared pursuant to subsection (b) of this section, or during a public emergency declared pursuant to § 7-2304.

"(a-1) A person may charge more than the normal retail price for any goods or services sold during an emergency resulting from a natural disaster declared pursuant to subsection (b) of this section, or during a public emergency declared pursuant to § 7-2304, if:

"(1) The price increase is directly attributable to additional costs imposed on the person by the supplier of goods; or

"(2) The price increase is directly attributable to additional costs for labor or materials used to provide the service or produce the goods.

"(b)(1) Within 48 hours of a natural disaster, the Mayor may declare, for not more than 30 calendar days, a state of emergency for the purposes of this chapter. The Mayor shall prepare an emergency declaration that shall include a description of the existence, nature, extent, and duration of the emergency.

"(2) Upon the issuance of a declaration of an emergency or as soon as practicable given the nature of the emergency, the Mayor shall publish a copy of the emergency declaration in the District of Columbia Register and in 2 daily newspapers of general circulation.".

(d) A new section 28-4102.01 is added to read as follows:

"§ 28-4102.01. Stockpiling.

"It shall be unlawful for any person to purchase goods in quantities greater than those specified by the Mayor or the federal government during a public emergency declared pursuant to § 7-2304, or during an emergency resulting from a natural disaster declared pursuant to § 28-4102(b), if the Mayor or the federal government have declared said goods to be:

"(1) Necessary for first responders or others during a natural disaster or public emergency;

"(2) Necessary to maintain supply chains of commerce during a natural disaster or a public emergency; or

"(3) Subject to government-ordered rationing.".

(e) Section 28-4103 is amended to read as follows:

"§ 28-4103. Penalties.

"(a)(1) A violation of § 28-4102(a) or § 28-4102.01 shall be a civil infraction for purposes of Chapter 18 of Title 2.

"(2) For each violation of § 28-4102(a) or § 28-4102.01, civil fines, penalties, and fees in an amount not more than $1,000 may be imposed by the Mayor, pursuant to Chapter 18 of Title 2.

"(3) Adjudication of any infraction under this subsection shall be pursuant to Chapter 18 of Title 2.

"(b) In addition to any monetary penalty imposed under subsection (a) this section:

"(1) The Mayor may revoke, suspend, or limit the license, permit, or certificate of occupancy of a person who violates § 28-4102(a) or § 28-4102.01; and

"(2)(A) The Attorney General for the District of Columbia may bring an action in the Superior Court of the District of Columbia to enjoin violations of § 28-4102(a) or § 28-4102.01 and to require the violator to take affirmative action, including the restitution of money or property. In any action under this section, the Attorney General shall not be required to prove damages and the injunction shall be issued without bond.

"(B) In action brought pursuant to subparagraph (A) of this paragraph, the Attorney General for the District of Columbia may recover:

"(i) A civil penalty of $1,000 to $10,000 for each violation;

"(ii) Economic damages; and
"(iii) The costs of the action and reasonable attorneys' fees.".

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. Official Code §1-206.02(c)(1)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
APRIL 22, 2026

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-299

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2026

To amend section 16-2319 of the District of Columbia Official Code to require the Department of Youth Rehabilitative Services to, after a scheduled predisposition meeting, make a recurring effort to contact the child's parent, guardian, or custodian and inform them of the child's progress on their individualized rehabilitation plan; and to amend section 104 of the Department of Youth Rehabilitation Services Establishment Act of 2004 to require the Department of Youth Rehabilitative Services to maintain an electronic record of its attempts to contact the child's parent, guardian, or custodian, which shall be made available to the Chair of the Council committee with oversight of the Department of Youth Rehabilitative Services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Promoting Parental Engagement at DYRS Amendment Act of 2026".

Sec. 2. Section 16-2319 of the District of Columbia Official Code is amended by adding a new subsection (e-1) to read as follows:

"(e-1) Following the date of the scheduled predisposition meeting, the Department shall make a recurring effort at least every 6 months to contact the child's parent, guardian, or custodian and inform them of the child's progress on their individualized rehabilitation plan.".

Sec. 3. Section 104 of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.04), is amended as follows:

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

"(6A) If the child is transferred to a facility other than that indicated in the individualized rehabilitation plan, making an effort to contact the child's parent, guardian, or custodian no later than 24 hours after the change has occurred;".

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

ENROLLED ORIGINAL

(c) Paragraph (20) is amended by striking the period and inserting a semicolon in its place.

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

"(21) If a child in the custody of the Department is provided with emergency medical treatment resulting from incidents, injuries, or severe illness, making an effort to contact the child's parent, guardian, or custodian within 24 hours; and

"(22) Keeping an electronic log of all efforts made to contact the child's parent, guardian, or custodian as required by law and providing a copy of this electronic log to the child's parent, guardian, or custodian and the Chair of the Council committee with oversight of the Department upon request.".

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect after 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, 2026

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-300

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2026

To amend section 4604 of the Child Fatality Review Committee Establishment Act of 2001 to revise the composition of the committee to include the relevant Council committee that has oversight over the Child and Family Services Agency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as "Child Fatality Review Committee Amendment Act of 2026".

Sec. 2. Section 4604(a-1) of the Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28, D.C. Official Code § 4-1371.04(a-1)), is amended by striking the phrase "human services" and inserting the phrase "child and family services" in its place.

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 after 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

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)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
APRIL 22, 2026

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-301

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2026

To amend the Holding Company System Act of 1993 to update the group capital calculation for the purpose of insurance holding company system group solvency supervision and add a liquidity stress test for macroprudential surveillance.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Holding Company System Amendment Act of 2026".

Sec. 2. The Holding Company System Act of 1993, effective October 21, 1993 (D.C. Law 10-44; D.C. Official Code § 31-701 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 31-701) is amended as follows:

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

"(3A-i) "Group capital calculation instructions" means the group capital calculation instructions as adopted by the NAIC and as amended by the NAIC from time to time.".

(2) New paragraphs (5A-i) and (5A-ii) are added to read as follows:

"(5A-i) "Lead state" means the one state that takes the lead with respect to conducting group-wide supervision of the insurance holding company system within the U.S. solvency system.

"(5A-ii) "Lead state commissioner" means the commissioner of the lead state for an insurance group.".

(3) A new paragraph (5C-i) is added to read as follows:

"(5C-i) "NAIC liquidity stress test framework" means a separate NAIC publication that includes a history of the NAIC's development of regulatory liquidity stress testing, the Liquidity Stress Test instructions and reporting templates for a specific data year, and the scope criteria applicable for a specific data year as adopted by the NAIC and as amended by the NAIC from time to time.".

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

"(6A) "Scope criteria" means the designated exposure bases along with minimum magnitudes thereof for the specified data year as detailed in the NAIC liquidity stress test

framework, used to establish a preliminary list of insurers considered scoped into the NAIC liquidity stress test framework for that data year.".

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

"(8A) "Task Force" means the NAIC Financial Stability Task Force or its successor.".

(b) Section 6 (D.C. Official Code § 31-705) is amended as follows:

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

(A) The existing test is redesignated as paragraph (1).

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

"(2) Notwithstanding paragraph (1) of this subsection, for purposes of the group capital calculation, as described in subsection (k-2) of this section, or the NAIC liquidity stress test framework, as described in subsection (k-3) of this section, sales, purchases, exchanges, loans or extensions of credit, investments, or guarantees involving one-half of 1% or less of an insurer's admitted assets as of the 31st day of December shall be material.".

(2) New subsections (k-2) and (k-3) are added to read as follows:

"(k-2)(1) Except as provided in this paragraph, the ultimate controlling person of every insurer subject to registration shall concurrently file with the registration an annual group capital calculation as directed by the lead state commissioner. The report shall be completed in accordance with the group capital calculation instructions, which may permit the lead state commissioner to allow a controlling person that is not the ultimate controlling person to file the group capital calculation. The report shall be filed with the lead state commissioner as determined by the Commissioner in accordance with the procedures within the Financial Analysis Handbook adopted by the NAIC. The following insurance holding company systems are exempt from filing the group capital calculation:

"(A) An insurance holding company system that:

"(i) Has only one insurer within its holding company structure that only writes business;

"(ii) Is only licensed in its domestic state; and

"(iii) Assumes no business from any other insurer;

"(B) An insurance holding company system required to perform a group capital calculation by the United States Federal Reserve Board; provided, that if the Federal Reserve Board refuses or is unable to share the calculation with the lead state commissioner after a request from the lead state commissioner, the insurance holding company system is not exempt from the group capital calculation filing;

"(C) An insurance holding company whose non-U.S. group-wide supervisor is located within a reciprocal jurisdiction, as defined in section 2(f-1)(11)(B) of the Law on Credit for Reinsurance Act of 1993, effective October 15, 1993 (D.C. Law 10-36; D.C. Official Code § 31-501(f-1)(11)(B)), that recognizes the U.S. state regulatory approach to group supervision and group capital; and

"(D) An insurance holding company system:

"(i) That provides information to the lead state that meets the requirements for accreditation under the NAIC financial standards and accreditation program, either directly or indirectly through the group-wide supervisor, who has determined such information is satisfactory to allow the lead state to comply with the NAIC group supervision approach, as detailed in the NAIC Financial Analysis Handbook; and

"(ii) Whose non-U.S. group-wide supervisor that is not in a reciprocal jurisdiction recognizes and accepts, as specified by the Commissioner in regulation, the group capital calculation as the world-wide group capital assessment for U.S. insurance groups who operate in that jurisdiction.

"(2) Notwithstanding the provisions of paragraph (1)(C) and (D) of this subsection, the lead state commissioner shall require the group capital calculation for U.S. operations of any non-U.S. based insurance holding company system where, after any necessary consultation with other supervisors or officials, it is deemed appropriate by the lead state commissioner for prudential oversight and solvency monitoring purposes or for ensuring the competitiveness of the insurance marketplace.

"(3) Notwithstanding the exemptions from filing the group capital calculation stated in paragraph (1) of this subsection, if the lead state commissioner exempts the ultimate controlling person from filing the annual group capital calculation or accepts a limited group capital filing or report in accordance with criteria as specified by the lead state commissioner in regulation, the ultimate controlling person shall be exempt from filing the annual group capital calculation.

"(4) If the lead state commissioner determines that an insurance holding company system no longer meets one or more of the requirements for an exemption from filing the group capital calculation under this section, the insurance holding company system shall file the group capital calculation at the next annual filing date unless given an extension by the lead state commissioner based on reasonable grounds shown.

"(k-3)(1) The ultimate controlling person of every insurer subject to registration under this act and also scoped into the NAIC liquidity stress test framework shall file the results of a specific year's liquidity stress test with the lead state commissioner, as determined by the procedures within the Financial Analysis Handbook adopted by the NAIC.

"(2)(A) Any change to the NAIC liquidity stress test framework or to the data year for which the scope criteria are to be measured shall be effective on January 1 of the year following the calendar year when such changes are adopted.

"(B) For the purposes of paragraph (1) of this subsection, insurers meeting at least one threshold of the scope criteria shall be considered scoped into the NAIC liquidity stress test framework for the specified data year unless the lead state commissioner, in consultation with the Task Force, determines the insurer should not be scoped into the framework for that data year. Insurers that do not trigger at least one threshold of the scope criteria shall be considered scoped out of the NAIC liquidity stress test framework for the specified data year, unless the lead state insurance commissioner, in consultation with the Task Force, determines the

insurer should be scoped into the NAIC liquidity stress test framework for that data year.

"(3) When the District is serving as the lead state commissioner, in consultation with the Task Force, it shall evaluate concerns of having insurers scoped in and out of the NAIC liquidity stress test framework on a frequent basis as part of the determination for an insurer.

"(4) The performance of, and filing of the results from, a specific year's liquidity stress test shall comply with the NAIC liquidity stress test framework's instructions and reporting templates for that year and any lead state commissioner determinations, in conjunction with the Task Force, provided within the NAIC liquidity stress test framework.".

(c) Section 7 (D.C. Official Code § 31-706) is amended by adding new subsections (e) and (f) to read as follows:

"(e)(1)(A) If an insurer subject to this act is deemed by the Commissioner to be in a hazardous financial condition as provided in section 2 of the Standards to Identify Insurance Companies Deemed to Be in Hazardous Financial Condition Act of 1993, effective October 21, 1993 (D.C. Law 10-43; D.C. Official Code § 31-2101), or a condition that would be grounds for supervision, conservation, or a delinquency proceeding, the Commissioner may require the insurer to secure and maintain either a deposit, held by the Commissioner, or a bond, as determined by the insurer at the insurer's discretion, for the duration of the contractual obligations or agreements held by the insurer or the duration of the existence of the condition for which the Commissioner required the deposit or the bond.

"(B) In determining whether to exercise the Commissioner's authority under subparagraph (A) of this paragraph to require a insurer to secure and maintain a deposit or bond, the Commissioner may consider whether concerns exist with respect to the affiliated person's ability to fulfill the contractual obligations or agreements of the insurer if the insurer were to be put into liquidation.

"(C) If the insurer is deemed to be in a hazardous financial condition or a condition that would be grounds for supervision, conservation, or a delinquency proceeding, and a deposit or bond is necessary, the Commissioner has discretion to determine the amount of the deposit or bond, not to exceed the value of the contractual obligations or agreements of the insurer in any one year, and whether such deposit or bond should be required for a single contract, multiple contracts, or a contract only with a specific person or persons.

"(2)(A) All records and data of the insurer held by an affiliate are and remain the property of the insurer, are subject to control of the insurer, shall be identifiable, and shall be segregated or readily capable of segregation at no additional cost to the insurer from all other persons' records and data. This includes all records and data that are otherwise the property of the insurer, in whatever form maintained, including claims and claim files, policyholder lists, application files, litigation files, premium records, rate books, underwriting manuals, personnel records, financial records or similar records within the possession, custody or control of the affiliate.

"(B) At the request of the insurer, the affiliate shall provide that the receiver can obtain a complete set of all records of any type that pertain to the insurer's business,

obtain access to the operating systems on which the data is maintained, obtain the software that runs those systems either through assumption of licensing agreements or otherwise, and restrict the use of the data by the affiliate if it is not operating the insurer's business.

"(C) The affiliate shall provide a waiver of any landlord lien or other encumbrance to give the insurer access to all records and data in the event of the affiliate's default under a lease or other agreement.

"(3) Premiums or other funds belonging to the insurer that are collected by or held by an affiliate are the exclusive property of the insurer and shall be subject to the control of the insurer; any right of offset in the event an insurer is placed into receivership shall be subject to the Insurers Rehabilitation Act of 1993, effective October 15, 1993 (D.C. Law 10-35; D.C. Official Code § 31-1301 *et seq.*).

"(f)(1) Any affiliate that is party to an agreement or contract with a domestic insurer that is subject to subsection (a)(2)(D) of this section shall be subject to the jurisdiction of any supervision, seizure, conservatorship, or receivership proceedings against the insurer and to the authority of any supervisor, conservator, rehabilitator or liquidator for the insurer appointed pursuant to District law, for the purpose of interpreting, enforcing, and overseeing the affiliate's obligations under the agreement or contract to perform services for the insurer that are:

"(A) An integral part of the insurer's operations, including management, administrative, accounting, data processing, marketing, underwriting, claims handling, investment, or any other similar functions; or

"(B) Essential to the insurer's ability to fulfill its obligations under insurance policies.

"(2) The Commissioner may require that an agreement or contract for the provision of services described in paragraph (1)(A) or (B) of this subsection specify that the affiliate consents to the jurisdiction as set forth in paragraph (1) of this subsection.".

(d) Section 9 (D.C. Official Code § 31-708) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "shall be confidential" and inserting the phrase "are recognized by the District as being proprietary and to contain trade secrets, and shall be confidential" in its place.

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

"(a-1) Subject to the proviso in subsection (a) of this section, for purposes of the information reported and provided to the Department of Insurance, Securities, and Banking pursuant to section 6(k-2) and (k-3), the Commissioner shall maintain the confidentiality of:

"(1) The group capital calculation and group capital ratio produced within the calculation and any group capital information received from an insurance holding company supervised by the Federal Reserve Board or any U.S. group-wide supervisor; and

"(2) The liquidity stress test results and supporting disclosures and any liquidity stress test information received from an insurance holding company supervised by the Federal Reserve Board and non-U.S. group wide supervisors.".

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

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

"(1) May share documents, materials or other information, including the confidential and privileged documents, materials, or information described at subsection (a) of this section, and which shall include proprietary and trade secret documents and materials, with other state, federal, and international regulatory agencies, the NAIC, any third-party consultants designated by the Commissioner, and state, federal, and international law enforcement authorities, including members of any supervisory college described in section 8a; provided, that the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information, and verifies in writing the legal authority to maintain confidentiality.".

(B) Paragraph (1A) is amended by striking the phrase "section 6" and inserting the phrase "section 6(k-1)" in its place.

(C) Paragraph (2) is amended by striking the phrase "information, from the National Association of Insurance Commissioners" and inserting the phrase "information, including proprietary and trade secret information, from NAIC" in its place.

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

"(3) Shall enter into written agreements with the NAIC and any third-party consultant designated by the Commissioner governing the sharing and use of information provided pursuant to this act and consistent with this subsection, which shall:

"(A) Specify procedures and protocols regarding the confidentiality and security of information shared with the NAIC or a third-party consultant designated by the Commissioner pursuant to this act, including procedures and protocols for sharing by the NAIC with other state, federal or international regulators. The agreement shall provide that the recipient agrees in writing to maintain the confidentiality and privileged status of the documents, materials or other information and has verified in writing the legal authority to maintain such confidentiality;

"(B) Specify that ownership of information shared with the NAIC or a third-party consultant pursuant to this act remains with the Commissioner and the NAIC's or a third-party consultant's use of the information is subject to the direction of the Commissioner;

"(C) Excluding documents, material, or information reported pursuant to section 6(k-3), prohibit the NAIC or third-party consultant designated by the Commissioner from storing information shared pursuant to this act in a permanent database after the underlying analysis is completed;

"(D) Require prompt notice to be given to an insurer that the insurer's confidential information in the possession of the NAIC or a third-party consultant designated by the Commissioner pursuant to this act is subject to a request or subpoena to the NAIC or a third-party consultant for disclosure or production;

"(E) Require the NAIC or a third-party consultant designated by the Commissioner to consent to intervention by an insurer in any judicial or administrative action in which the NAIC or a third-party consultant may be required to disclose confidential information

about the insurer shared with the NAIC or a third-party consultant and its affiliates and subsidiaries pursuant to this act; and

"(F) For reporting of documents, material, or information pursuant to section 6(k-3), in the case of an agreement involving a third-party consultant designated by the Commissioner, provide for notification of the identity of the consultant to the applicable insurers.".

(4) Subsection (d-1) is amended by striking the abbreviation "NAIC" and inserting the phrase "NAIC, or a third-party consultant designated by the Commissioner" in its place.

(5) A new subsection (d-2) is added to read as follows:

"(d-2) Except as otherwise required under this act, no insurer, broker, or other person engaged in any manner in the insurance business may make, publish, disseminate, circulate or place before the public, or cause directly or indirectly to be made, published, disseminated, circulated or placed before the public in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station or any electronic means of communication available to the public, or in any other way as an advertisement, announcement, or statement containing a representation or statement, with regard to the group capital calculation, group capital ratio, the liquidity stress test results, or supporting disclosures for the liquidity stress test of any insurer or any insurer group, or of any component derived in the calculation; provided, that if any materially false statement with respect to the group capital calculation, resulting group capital ratio, a false or misleading comparison of any amount to an insurer's or insurance group's group capital calculation or resulting group capital ratio, liquidity stress test result, supporting disclosures for the liquidity stress test, or a false or misleading comparison of any amount to an insurer's or insurance group's liquidity stress test result or supporting disclosures is published in any written publication and the insurer is able to demonstrate to the Commissioner with substantial proof the falsity of such statement or its false or misleading nature as the case may be, then the insurer may publish announcements in a written publication if the sole purpose of the announcement is to rebut the materially false or misleading statement.".

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

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)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
APRIL 22, 2026

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-302

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 29, 2026

To amend, on a temporary basis, section 205 of the Rental Housing Act of 1985, to require owners of rental accommodations that are exempt from rent stabilization to report current and prior rent amounts for the previous 2 calendar years and the utilities, facilities and services, and appliances at the time of registration.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rental Housing Registration Data Integrity Temporary Amendment Act of 2026".

Sec.2. Section 205(f) of the Rental Housing Act of 1985, July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.05(f)), is amended by adding a new paragraph (5) to read as follows:

"(5)(A) The owner of a rental accommodation that is exempt from rent stabilization pursuant to subsection (a) of this section shall, at the time of registration, provide the following information for each rental unit:

"(i) The current monthly rent amount;

"(ii) The monthly rent amount charged for the same unit during each of the 2 prior calendar years; and

"(iii) The utilities, facilities and services, and appliances.

"(B) The information required under subparagraph (A) of this paragraph shall be submitted only at the time of registration and shall not be subject to any ongoing or annual reporting requirements.".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by

ENROLLED ORIGINAL

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

UNSIGNED

Mayor
District of Columbia
APRIL 22, 2026

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-303

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2026

To amend, on a temporary basis, Chapter 10 of Title 47 of the District of Columba Official Code to provide real property, deed recordation, and deed transfer tax exemptions for properties held under the ownership of the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or the respective parishes of the Archdiocese of Washington.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Archdiocese of Washington Parish Real Property, Deed Recordation, and Transfer Tax Exemption Temporary Amendment Act of 2026".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-1099.16. Archdiocese of Washington parish real property, deed recordation, and deed transfer tax exemptions.".

(b) A new section 47-1099.16 is added to read as follows:

"§ 47-1099.16. Archdiocese of Washington parish real property, deed recordation, and deed transfer tax exemptions.

"(a) The real properties, and any improvements on the properties, located in Square 159, Lots 861 and 827, shall be exempt from the taxes imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or Cathedral of St. Matthew the Apostle Catholic Church, Inc.

"(b) The real properties, and any improvements on the properties, located in Square 1800, Lots 1, 20, and 802; and Square 1815, Lot 101, shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or Annunciation Catholic Church, Inc.

"(c) The real properties, and any improvements on the properties, located in Square 3880, Lots 1, 2, 13, 17, 18, 19, 800, 801, 802, 803, 804, and 805 shall be exempt from the tax

imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Anthony of Padua Catholic Church, Inc.

"(d) The real properties, and any improvements on the properties, located in Square 6005, Lots 802 and 803 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or Church of the Assumption of the Blessed Virgin Mary Catholic Church, Inc.

"(e) The real properties, and any improvements on the properties, located in Square 4558, Lot 33, shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Benedict the Moor Catholic Church, Inc.

"(f) The real properties, and any improvements on the properties, located in Square 1862, Lot 802; and Square 1863, Lots 47, 824, 825, and 826, shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or Shrine of the Most Blessed Sacrament Catholic Church, Inc.

"(g) The real properties, and any improvements on the properties, located in Square 1263, Lot 163 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned and used by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or Epiphany Catholic Church, Inc.

"(h) The real properties, and any improvements on the properties, located in Square 4217, Lot 802; and Square 4217N, Lot 808 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Francis de Sales Catholic Church, Inc.

"(i) The real properties, and any improvements on the properties, located in Square 5550, Lot 808; and Square 5552, Lot 832 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Francis Xavier Catholic Church, Inc.

"(j) The real properties, and any improvements on the properties, located in Square 3224, Lot 800 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Gabriel Catholic Church, Inc.

"(k) The real properties, and any improvements on the properties, located in Square 1036, Lots 114, 804, and 805; and Square 1071, Lot 805 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or Holy Comforter - St. Cyprian Catholic Church, Inc.

"(l) The real properties, and any improvements on the properties, located in Square 957,

Lot 814; and Square 4065, Lot 819 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or Holy Name of Jesus Catholic Church, Inc.

"(m) The real properties, and any improvements on the properties, located in Square 557, Lot 140 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or Holy Redeemer Catholic Church, Inc.

"(n) The real properties, and any improvements on the properties, located in Square 566, Lots 857, 859, 860, and 865, shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or Holy Rosary Catholic Church, Inc.

"(o) The real properties, and any improvements on the properties, located in Square 1227, Lot 95 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or Holy Trinity Catholic Church, Inc.

"(p) The real properties, and any improvements on the properties, located in Square 423, Lots 2, 801, and 802 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or Immaculate Conception Catholic Church, Inc.

"(q) The real properties, and any improvements on the properties, located in Square 5204, Lot 37 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or Church of the Incarnation Catholic Church, Inc.

"(r) The real properties, and any improvements on the properties, located in Square 756, Lots 47, 52, 827, and 828 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42, so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Joseph's on Capitol Hill Catholic Church, Inc.

"(s) The real properties, and any improvements on the properties, located in Square 5330, Lots 24 and 31 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Luke Catholic Church, Inc.

"(t) The real properties, and any improvements on the properties, located in Square 3111, Lot 806; and Square 3531, Lots 116 and 117 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Martin of Tours Catholic Church, Inc.

"(u) The real properties, and any improvements on the properties, located in Square 518, Lots 911 and 912, shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of

Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Mary, Mother of God, Catholic Church, Inc.

"(v) The real properties, and any improvements on the properties, located in Square 2939, Lots 802, 808, and 811 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or Nativity Catholic Church, Inc.

"(w) The real properties, and any improvements on the properties, located in Square 5817, Lot 803, and PAR-0226-0037 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or Our Lady of Perpetual Help Catholic Church, Inc.

"(x) The real properties, and any improvements on the properties, located in PAR- 0198-0065 and PAR-0199-0049 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or Our Lady Queen of Peace Catholic Church, Inc.

"(y) The real properties, and any improvements on the properties, located in Square 1374, Lots 859 and 860 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or Our Lady of Victory Catholic Church, Inc.

"(z) The real properties, and any improvements on the properties, located in Square 376, Lots 820, 821, 822, and 827 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Patrick Catholic Church, Inc.

"(aa) The real properties, and any improvements on the properties, located in Square 203 Lot 93; and Square 189 and Lot 45 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Augustine Catholic Church, Inc.

"(bb) The real properties, and any improvements on the properties, located in Square 733, Lot 50; and Square 793, Lot 25 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Peter Catholic Church, Inc.

"(cc) The real properties, and any improvements on the properties, located in Square 2675, Lot 826; and Square 2609, Lot 857, shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or Shrine of the Sacred Heart Catholic Church, Inc.

"(dd) The real properties, and any improvements on the properties, located in Square 27,

Lot 30 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Stephen the Martyr Catholic Church, Inc.

"(ee) The real properties, and any improvements on the properties, located in Square 5773, Lot 835; Square 5605, Lot 110; and Square 5780, Lot 821, shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Teresa of Avila Catholic Church, Inc.

"(ff) The real properties, and any improvements on the properties, located in Square 1739, Lot 57 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Louis de France Catholic Church, Inc.

"(gg) The real properties, and any improvements on the properties, located in Square 2529, Lot 305 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or Our Lady Queen of the Americas Catholic Church, Inc.

"(hh) The real properties, and any improvements on the properties, located in Square 1729, Lot 0007 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Ann Catholic Church, Inc.

"(ii) The real properties, and any improvements on the properties, located in Square 2108, Lot 806, shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Thomas Apostle Catholic Church, Inc.

"(jj) The real properties, and any improvements on the properties, located in Square 6242, Lot 834 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Thomas More Catholic Church, Inc.

"(kk) The real properties, and any improvements on the properties, located in Square 698, Lot 818 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42 so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Vincent de Paul Catholic Church, Inc.

"(ll) The real properties, and any improvements on the properties, located in Square 159, Lot 860 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42, so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or Cathedral of St. Matthew the Apostle Catholic Church, Inc.

"(mm) The real properties, and any improvements on the properties, located in Square 1863, Lot 1 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42, so long as the properties are owned by the Roman Catholic Archbishop of Washington and

his successors in office, a corporation sole, or Shrine of the Most Blessed Sacrament Catholic Church, Inc.

"(nn) The real properties, and any improvements on the properties, located in Square 4217N, Lot 805 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42, so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Francis de Sales Catholic Church, Inc.

"(oo) The real properties, and any improvements on the properties, located in Square 376, Lot 828 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42, so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Patrick Catholic Church, Inc.

"(pp) The real properties, and any improvements on the properties, located in Square 203, Lot 806 shall be exempt from the tax imposed by Chapter 9 of this title and Chapter 11 of Title 42, so long as the properties are owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or St. Augustine Catholic Church, Inc.

"(qq) The tax exemptions provided pursuant to this section shall be in addition to, and not lieu of, any other tax relief or assistance from any other source applicable to the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, and the respective parishes of the Archdiocese of Washington as named in subsections (a) through (pp).

"(rr) The properties listed in subsections (a) through (pp) may be transferred through supplemental deeds, for no additional consideration, from the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, as the record owner, to the respective parishes of the Archdiocese of Washington as named in subsections (a) through (pp), and any such supplemental deed transfers shall be exempt from the taxes imposed by Chapter 9 of this title and Chapter 11 of Title 42, and shall not require the submission of real property tax exemption applications.

"(ss) Each of the real properties listed in subsections (a) through (kk) shall remain exempt from taxation imposed by Chapter 8 of this title under § 47-1002 so long as the property is owned by the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or the respective parishes of the Archdiocese of Washington as named in subsections (a) through (kk), and provided that such owner, or any lessee, continues to use the property as listed in subsections (a) through (kk) to provide religious, charitable, educational, or related services, subject to any applicable provisions of § 47-1005 for any taxable portion of the property. If any or all of the properties listed in subsections (a) through (kk) are transferred through supplemental deed pursuant to subsection (rr), for no additional consideration, from the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, as the record owner, to the respective parishes of the Archdiocese of Washington as named in subsections (a) through (kk), the properties in question shall remain exempt from taxation under § 47-1002, subject to any applicable provisions of § 47-1005 for any taxable portion of the property.

"(tt) Annually the Roman Catholic Archbishop of Washington and his successors in office, a corporation sole, or the respective parishes of the Archdiocese of Washington as named in subsections (a) through (kk), shall make the reports required by § 47-1007, as applicable, and

ENROLLED ORIGINAL

shall have the appeal rights provided by § 47-1009.".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto) 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, 2026

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-304

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 29, 2026

To require, on a temporary basis, Metropolitan Police Department officers to document identifying information for all law enforcement officers present at the scene of an arrest and any use of force in documentation supporting the arrest, including probable cause affidavits.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Full Accountability in Arrest Reporting Temporary Act of 2026".

Sec. 2. Arrest report and probable cause affidavit transparency requirements.

(a) Following an arrest, a member of the Metropolitan Police Department shall include the following information, to the extent known at the time, in documentation supporting the arrest, including a probable cause affidavit:

(1) The name, badge number or other identifying number, and employing agency of each law enforcement officer present at the scene;

(2) Whether any law enforcement officer present at the scene used force during the arrest and, if so, a description of the force used; and

(3) The number of unidentified law enforcement officers at the scene and whether any law enforcement officer declined to disclose their identity.

(b)(1) Nothing in this section shall be construed to:

(A) Impose any legal obligation on any law enforcement officer other than a member of the Metropolitan Police Department; or

(B) Create a private right of action.

(2) Failure to comply with any provision in this section shall not be used as evidence or in any other way in any criminal or civil proceeding.

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

(1) "Law enforcement officer" means any sworn member of the Metropolitan Police Department or any law enforcement officer, including federal officers.

(2) "Probable cause affidavit" means any affidavit prepared by a member of the Metropolitan Police Department to establish probable cause following a warrantless arrest.

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

UNSIGNED

Mayor
District of Columbia
APRIL 22, 2026

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-305

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2026

To amend, on a temporary basis, section 3004 of the Body-Worn Camera Regulation and Reporting Requirements Act of 2015 and Chapter 39 of Title 24 of the District of Columbia Municipal Regulations to require the release of body-worn camera recordings of Metropolitan Police Department Officers present in the event of an officer-involved death or serious use of force by a law enforcement officer other than a Metropolitan Police Department officer.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Body-Worn Camera Transparency for Use of Force Temporary Amendment Act of 2026".

Sec. 2. Section 3004 of the Body-Worn Camera Regulation and Reporting Requirements Act of 2015, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 5-116.33), is amended as follows:

(a) Subsection (c)(2)(A) is amended as follows:

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

(A) Sub-sub-subparagraph (I) is amended to read as follows:

"(I) The names and body-worn camera recordings of all Metropolitan Police Department officers, as well as the names, as available, of all other law enforcement officers, directly involved in the officer-involved death or serious use of force; and".

(B) Sub-sub-subparagraph (II) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(2) A new sub-subparagraph (i-I) is added to read as follows:

"(i-I) Notwithstanding sub-subparagraph (i) of this subparagraph, for incidents occurring between August 1, 2025, and the effective date of the Body-Worn Camera Transparency for Use of Force Emergency Amendment Act of 2026, effective March 23, 2026 (D.C. Act 26-282; 73 DCR 5081) ("Body-Worn Camera Transparency Emergency Act"), within 10 business days after the effective date of the Body-Worn Camera Transpsarency Emergency Act, publicly release:

"(I) The names and body-worn camera recordings of all Metropolitan Police Department officers, as well as the names, as available, of all other law enforcement officers, directly involved in the officer-involved death or serious use of force; and

"(II) A description of the incident; and".

(3) Sub-subparagraph (ii) is amended by striking the phrase "; and" and inserting the phrase "; provided, that for all officer-involved deaths since August 1, 2025, the information reported pursuant to this sub-subparagraph shall include the names of all Metropolitan Police Department officers as well as other law enforcement officers directly involved in the officer-involved death; and" in its place.

(b) Subsection (e)(1) is amended to read as follows:

"(e)(1) For any incident involving an officer-involved death directly involving an MPD officer or serious use of force directly involving an MPD officer, MPD officers shall not review any body-worn camera recordings to assist in initial report writing; provided, that MPD officers may review body-worn camera recordings to assist in initial report writing for incidents involving an officer-involved death directly involving a law enforcement officer other than an MPD officer or serious use of force directly involving a law enforcement officer other than an MPD officer prior to the effective date of the Body-Worn Camera Transpsarency Emergency Act.".

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

(1) New paragraphs (1A) and (1B) are added to read as follows:

"(1A) "Law enforcement officer" means any officer, agent, or employee of the United States or any state or local government authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal or civil law.

"(1B) "MPD" means the Metropolitan Police Department.".

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

(A) Subparagraph (A) is amended by striking the phrase "Metropolitan Police Department officer" and inserting the phrase "MPD officer, or any other law enforcement officer while an MPD officer is present" in its place.

(B) Subparagraph (B) is amended by striking the phrase "Metropolitan Police Department officer" and inserting the phrase "MPD officer, or any other law enforcement officer while an MPD officer is present" in its place.

(C) The lead-in language of subparagraph (C) is amended by striking the phrase "Metropolitan Police Department officer" and inserting the phrase "MPD officer, or any other law enforcement officer while an MPD officer is present" in its place.

(D) Subparagraph (D) is amended by striking the phrase "Metropolitan Police Department canine" and inserting the phrase "MPD canine, or canine of any other law enforcement officer while an MPD officer is present" in its place.

Sec. 3. Chapter 39 of Title 24 of the District of Columbia Municipal Regulations is amended as follows:

(a) Section 3900 is amended as follows:

(1) Subsection 3900.9 is amended to read as follows:

"3900.9.(a) For any incident involving an officer-involved death directly involving an MPD member or a serious use of force directly involving an MPD member, MPD members shall not review any BWC recordings to assist in initial report writing; provided, that MPD members may review body-worn camera recordings to assist in initial report writing for incidents involving an officer-involved death directly involving a law enforcement officer other than an MPD member or serious use of force directly involving a law enforcement officer other than an MPD member prior to the effective date of the Body-Worn Camera Transparency for Use of Force Emergency Amendment Act of 2026, effective March 23, 2026 (D.C. Act 26-282; 73 DCR 5081).

"(b) For an incident other than those described in paragraph (a) of this subsection, members shall indicate, when writing any initial or subsequent reports, whether the member viewed BWC footage prior to writing the report and specify what BWC footage the member viewed.".

(2) Subsection 3900.10(a)(1) is amended as follows:

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

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

"(i) The names and body-worn camera recordings of all Metropolitan Police Department officers, as well as the names, as available, of all other law enforcement officers, directly involved in the officer-involved death or serious use of force; and".

(ii) Sub-sub-subparagraph (ii) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(B) A new sub-subparagraph (A-i) is added to read as follows:

"(A-i) Notwithstanding sub-subparagraph (A) of this subparagraph, for incidents occurring between August 1, 2025, and the effective date of the Body-Worn Camera Transparency for Use of Force Emergency Amendment Act of 2026, effective March 23, 2026 (D.C. Act 26-282; 73 DCR 5081), within 10 business days after the effective date of the Body-Worn Camera Transparency for Use of Force Emergency Amendment Act of 2026, effective March 23, 2026 (D.C. Act 26-282; 73 DCR 5081), publicly release:

"(i) The names and body-worn camera recordings of all Metropolitan Police Department officers, as well as the names, as available, of all other law enforcement officers, directly involved in the officer-involved death or serious use of force; and

"(ii) A description of the incident; and".

(C) Sub-subparagraph (B) is amended by striking the phrase "; and" and inserting the phrase "; provided, that for all officer-involved deaths since August 1, 2025, the information reported pursuant to this sub-subparagraph shall include the names of all Metropolitan Police Department officers as well as other law enforcement officers directly involved in the officer-involved death; and" in its place.

(b) Section 3999.1 is amended by adding a new definition between the definitions of "FOIA" and "Metadata" to read as follows:

""Law enforcement officer" - means any officer, agent, or employee of the United States or any state or local government authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal or civil law.".

Sec. 4. Applicability.

This act shall apply as of August 1, 2025.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto) and a 30-day period of congressional

ENROLLED ORIGINAL

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, 2026

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-306

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 24, 2026

To amend Subchapter I-B of Chapter 28 of Title 47 of the District of Columbia Official Code to provide limited civil liability, absent gross negligence or willful misconduct, to licensed architects, professional engineers, and professional land surveyors who, in good faith and without compensation, render assistance at the scene of, or in connection with, a life-threatening emergency in the built environment, at the direction or request of, or with the approval of, a federal or District official, during a period of a public emergency declared by the Mayor or within 90 days following the end of such period at the scene of the life-threatening emergency in the built environment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Architect and Engineer Good Samaritan Amendment Act of 2026".

Sec. 2. Subchapter I-B of Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2853.01 is amended by adding a new paragraph (1A) to read as follows:

"(1A) "Built environment" means the human-constructed surroundings that support human activities, including buildings, transport systems, and landscapes.".

(b) Part C is amended as follows:

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

"47-2853.69. Limited civil liability for voluntary practice of architecture at scene of life-threatening emergency in the built environment.".

(2) A new section 47-2853.69 is added to read as follows:

"§ 47-2853.69. Limited civil liability for voluntary practice of architecture at scene of life-threatening emergency in the built environment.

"Any person with a valid license as an architect shall not be liable, in the absence of gross negligence or willful misconduct, for any civil damages for acts or omissions resulting from rendering assistance through the practice of architecture at the scene of, or in connection with, a life-threatening emergency in the built environment; provided, that the person acted:

"(1) During a public emergency declared by the Mayor pursuant to § 7-2304(a), or within 90 days following the end of the public emergency declared by the Mayor pursuant to § 7-2304(a), at the scene of the life-threatening emergency in the built environment;

"(2) In good faith and without compensation;

"(3) At the direction or request of, or with the approval of, a federal or District official reasonably believed by the person to be acting in an official capacity; and

"(4) After having completed a training program that uses the California Governor's Office Of Emergency Services Safety Assessment Program to provide licensed architects the ability to assist local governments in safety evaluation of the built environment in the aftermath of a life-threatening emergency in the built environment.".

(c) Part H is amended as follows:

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

"47-2853.115. Limited civil liability for voluntary practice of land surveying at scene of life-threatening emergency in the built environment.".

(2) A new section 47-2853.115 is added to read as follows:

"§ 47-2853.115. Limited civil liability for voluntary practice of land surveying at scene of life-threatening emergency in the built environment.

"Any person with a valid license as a professional land surveyor shall not be liable, in the absence of gross negligence or willful misconduct, for any civil damages for acts or omissions resulting from rendering assistance through the practice of land surveying at the scene of, or in connection with, a life-threatening emergency in the built environment; provided, that the person acted:

"(1) During a public emergency declared by the Mayor pursuant § 7-2304(a), or within 90 days following the end of the public emergency declared by the Mayor pursuant to § 7-2304(a), at the scene of the life-threatening emergency in the built environment;

"(2) In good faith and without compensation;

"(3) At the direction or request of, or with the approval of, a federal or District official reasonably believed by the person to be acting in an official capacity; and

"(4) After having completed a training program that uses the California Governor's Office Of Emergency Services Safety Assessment Program to provide licensed professional land surveyors the ability to assist local governments in safety evaluation of the built environment in the aftermath of a life-threatening emergency in the built environment.".

(d) Part J is amended as follows:

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

"47-2853.134. Limited civil liability for voluntary practice of engineering at scene of life-threatening emergency in the built environment.".

(2) A new section 47-2853.134 is added to read as follows:

"§ 47-2853.134. Limited civil liability for voluntary practice of engineering at scene of life-threatening emergency in the built environment.

"Any person with a valid license as a professional engineer shall not be liable, in the absence of gross negligence or willful misconduct, for any civil damages for acts or omissions resulting from rendering assistance through the practice of engineering at the scene of, or in connection with, a life-threatening emergency in the built environment; provided, that the person acted:

"(1) During a public emergency declared by the Mayor pursuant § 7-2304(a), or within 90 days following the end of the public emergency declared by the Mayor pursuant to § 7-2304(a), at the scene of the life-threatening emergency in the built environment;

"(2) In good faith and without compensation;

"(3) At the direction or request of or with the approval of a federal or District official reasonably believed by the person to be acting in an official capacity; and

"(4) After having completed a training program that uses the California Governor's Office Of Emergency Services Safety Assessment Program to provide licensed professional engineers the ability to assist local governments in safety evaluation of the built environment in the aftermath of a life-threatening emergency in the built environment.".

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

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)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
APRIL 24, 2026

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-307

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 24, 2026

To amend Chapter 10 of Title 47 of the District of Columbia Official Code to provide a real property tax exemption for the property situated on Lot 157, Square 3127 at 2405 First Street, NW.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Mu Lambda Foundation, Inc. Real Property Tax Exemption Amendment Act of 2026".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-1099.17. Mu Lambda Foundation, Inc. House; Lot 157, Square 3127.".

(b) A new section 47-1099.17 is added to read as follows:

"§ 47-1099.17. Mu Lambda Foundation, Inc. House; Lot 157, Square 3127.

"(a) The real property and any improvements on the property, located at 2405 First Street, NW, known for tax and assessment purposes as Lot 157, Square 3127 ("Property"), shall be exempt from the tax imposed by Chapter 8 of this title, for the period beginning October 1, 2025, and ending September 30, 2055, so long as the Property is owned by Mu Lambda Foundation, Inc., is used for its charitable and educational purposes, and is not used for commercial purposes, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009 as if the exemption had been granted administratively under this chapter.

"(b) The tax exemption provided pursuant to this section shall be in addition to and not in lieu of any other tax relief or assistance from any other source applicable to Mu Lambda Foundation, Inc.".

Sec. 3. Applicability.

This act shall apply as of October 1, 2025.

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto) 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 24, 2026

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-308

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 29, 2026

To amend the Grandparent Caregivers Pilot Programs Establishment Act of 2005 to increase the rate of subsidy provided to grandparent and closes relative caregivers and to annually adjust the subsidy for inflation; and to amend the Close Relative Caregiver Subsidy Pilot Program Establishment Amendment Act of 2019 to make conforming changes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Increasing Support for Grandparent and Close Relative Caregivers Amendment Act of 2026".

Sec. 2. The Grandparent Caregivers Pilot Programs Establishment Act of 2005, effective March 8, 2006 (D.C. Law 16-69; D.C. Official Code § 4-251.01 *et seq.*), is amended as follows:

(a) Section 103(i) (D.C. Official Code § 4-251.03(i)) is amended by striking the phrase ", for a period of not more than 60 months, any" and inserting the word "any" in its place.

(b) Section 104 (D.C. Official Code § 4-251.04) is amended as follows:

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

"(b) Pursuant to section 106, the Mayor shall establish by rule the amount of a subsidy a grandparent or relative caregiver is eligible to receive under this act; provided, that the subsidy shall be no less than the amount of $38.00 in Fiscal Year 2027 and adjusted for inflation annually thereafter."

(2) Subsection (c) is repealed.

Sec. 3. Title I of the Close Relative Caregiver Subsidy Pilot Program Establishment Amendment Act of 2019, effective November 26, 2019 (D.C. Law 23-32; D.C. Official Code § 4-251.21 *et seq.*), is amended as follows:

(a) Section 103(j) (D.C. Official Code § 4-251.23(j)) is amended by striking the phrase ", for a period of no more than 60 months, any" and inserting the word "any" in its place.

(b) Section 104(c) (D.C. Official Code § 4-251.24(c)) is repealed.

Sec. 4. Applicability.

ENROLLED ORIGINAL

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

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

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

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

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This act shall take effect after 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

UNSIGNED

Mayor
District of Columbia
APRIL 24, 2026

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-309

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 24, 2026

To amend section 16-2301 of the District of Columbia Official Code to consolidate and standardize the statutory definition of neglect, to clarify that a parent, guardian, or custodian's eligibility for, or use of, public benefits, nor homelessness, or lack of stable housing, alone, shall not be sufficient to establish that the parent, guardian, or custodian's failure to provide adequate care is due to the lack of financial means.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Statutory Neglect Amendment Act of 2026".

Sec. 2. Section 16-2301 of the District of Columbia Official Code is amended as follows:
(a) Paragraph (9) is amended as follows:
(1) Subparagraph (A) is amended to read as follows:
"(9)(A) The term "neglected child" means a child:
"(i) who has been abused by their parent, guardian, or custodian, or whose parent, guardian, or custodian has failed to take actions that are reasonable under the circumstances to protect the child from abuse;
"(ii) who is suffering or is at substantial risk of suffering serious physical, mental, or emotional harm, due to the parent, guardian, or custodian's failure to provide adequate care, including minimally necessary supervision, subsistence, and education as required by law based on a consideration of a totality of the circumstances, and the failure is not solely due to the lack of financial means of his or her parent, guardian, or custodian; provided, that eligibility for, or receipt of, public benefits, alone, shall not be sufficient to establish that the failure is not due solely to the lack of financial means;
"(iii) who is suffering or is at substantial risk of suffering serious physical, mental, or emotional harm, because the parent, guardian, or custodian is unable to discharge their responsibilities to the child due to mental incapacity;
"(iv) whose parent, guardian, or custodian refuses, is unavailable, or states that they are unable to continue providing for or assume the child's care, control, or subsistence;

"(v) who is in imminent danger of being abused and another child living in the same household or under the care of the same parent, guardian, or custodian has been abused;

"(vi) Repealed;

"(vii) who has been abandoned;

"(viii) who is born dependent on a controlled substance or has a significant presence of a controlled substance in their system at birth;

"(ix) in whose body there is a controlled substance as a direct and foreseeable consequence of the acts or omissions of the child's parent, guardian, or custodian; or

"(x) who is regularly exposed to illegal drug-related activity in the home.

"(xi) Repealed.

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

"(D) Homelessness or lack of stable housing alone shall not be sufficient to establish that a child is a neglected child.".

(b) Paragraph (23) is amended as follows:

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

"(23)(A) The term "abused", when used with reference to a child, includes:

"(i) infliction of physical injury;

"(ii) infliction of mental injury;

"(iii) sexual abuse or exploitation;

"(iv) mistreatment of the child by withholding adequate food, clothing, shelter, or medical care;

"(v) interfering with a child's breathing; or

"(vi) threatening a child with a firearm, a knife, or any prohibited weapon described in section 14 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 654; D.C. Official Code § 22-4514), or using such a weapon on a child.".

(2) Subparagraph (B) is amended to read as follows:

"(B) The term "abused" does not include physical discipline administered by a parent, guardian, or custodian to their child; provided, that the child is at least 3 years of age, and the physical discipline is reasonable in manner and moderate in degree.".

(c) Paragraph (24) is repealed.

(d) A new paragraph (52) is added to read as follows:

"(52)(A) The term "abandoned" means a child:

"(i) whose parent, guardian, or legal custodian has not made reasonable efforts to maintain a parental relationship with the child for a period of at least 4 months; or

ENROLLED ORIGINAL

"(ii) who has resided in a hospital located in the District of Columbia for at least 10 days following the birth of the child and the parent of the child did not undertake any action or make any effort to maintain a parental-relationship or contact with the child or hospital.

"(B) The term "abandoned" does not include a child who is surrendered in accordance with Title I of the Newborn Safe Haven Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-158; D.C. Official Code § 4-1451.01 *et seq.*).".

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 after 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 24, 2026

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-310

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 24, 2026

To amend subtitle A of Title I of the Department of Youth Rehabilitation Services Establishment Act of 2004 to require the Department of Youth Rehabilitation Services to provide prenatal and postpartum care to pregnant youth in its care.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Safe Pregnancy, Delivery, and Postpartum Care for Youth at DYRS Amendment Act of 2026".

Sec. 2. Subtitle A of Title I of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.01 *et seq.*), is amended by adding a new section 105b to read as follows:

"Sec. 105b. Safe and supported pregnancy and delivery for detained youth.

"(a) Upon admission to a facility under its control and additionally when required as a baseline assessment for prescription of a recommended medication by a physician, the Department shall make a pregnancy test available to all youth who may become pregnant.

"(b) Upon confirmation of a detained youth's pregnancy, the Department shall advise the youth orally or in writing of the standards and policies governing pregnant youth in the Department's care.

"(c) The Department shall ensure that pregnant youth in its care receive confidential, appropriate, timely, culturally responsive, and comprehensive healthcare, evaluation, and treatment from maternal healthcare providers licensed in the District, including:

"(1) Healthcare for conditions that emerge during pregnancy or postpartum, including contact with a maternal care provider within the first 3 weeks postpartum, followed by ongoing care as needed, and concluding with a comprehensive postpartum visit no later than 12 weeks after birth;

"(2) Specialized pregnancy or postpartum healthcare, if necessary, which may be referred to external healthcare providers, in accordance with Title II of the Limitations on the Use of Restraints Amendment Act of 2014, effective July 25, 2015 (D.C. Law 20-280; D.C. Official Code 24-276.01 *et seq.*);

"(3) Counseling regarding:

"(A) Family planning;

"(B) Prenatal counseling and education;

"(C) Birth control;

"(D) Test results; and

"(E) Perinatal mental health conditions.

"(4) Medical, healthcare, and personal care supplies prescribed or recommended by a licensed healthcare provider treating a pregnant youth or reasonably requested by a pregnant youth, which shall be provided at no cost to the pregnant youth, including:

"(A) Equipment and cleaning supplies necessary to safely pump, store, and transport breast milk, including nursing brassieres, breast pumps, breast milk storage bags, detergent, bottle brushes, drying racks, a refrigerator of sufficient capacity, and a cooler; and

"(B) The diet that is required by Department policy or is medically recommended during pregnancy and postpartum.".

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 after 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

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)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
APRIL 24, 2026

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-311

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 24, 2026

To amend section 104b of the Department of Youth Rehabilitation Services Establishment Act of 2004 to require the Mayor to publish, within 120 days, a plan to address persistent overcrowding of the Youth Services Center and to require the Department of Youth Rehabilitation Services to publicly publish certain youth population data at the Youth Services Center and New Beginnings Youth Development Center.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Strengthening Capacity and Transparency at DYRS Amendment Act of 2026".

Sec. 2. Section 104b of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 4, 2017 (D.C. Law 21-238; D.C. Official Code § 2-1515.04b), is amended by adding new subsections (c) and (d) to read as follows:

"(c) Notwithstanding section 106, the Department shall publicly report on their website population data for youth at the Youth Services Center ("YSC") and New Beginnings Youth Development Center, which shall include:

"(1) Daily population counts by status at entry, race, and age;

"(2) Average length of stay for all youth within the facility;

"(3) The monthly number of youth who:

"(A) Are newly admitted to the YSC already with committed status; or

"(B) Convert to committed status from another legal status while at YSC;

"(4) The monthly number of youth who are placed in instances of improper room confinement pursuant to section 203 of the Improving the Conditions of Confinement of Juveniles Act of 2016, effective April 4, 2017 (D.C. Law 21-238; D.C. Official Code § 24-912), including instances in which they are confined to their room for a period exceeding 6 hours;

"(5) The average number of days confined for committed youth at release from the YSC, by month of admission or conversion to committed status;

"(6) Monthly critical incident and assault data by incident type, facility, and month; and

"(7) Recidivism data, which shall be measured using the following metrics and publicly reported at 12-month, 24-month, and 36-month intervals:

"(A) The percentage of youth who are adjudicated delinquent or convicted of a new offense within 12 months of release from an out-of-home committed placement;

"(B) The percentage of youth who are charged with a new offense within 12 months of release from an out-of-home committed placement; and

"(C) The percentage of youth who are committed or incarcerated as a result of a new offense within 12 months of release from an out-of-home committed placement.

"(d) Within 120 days after the applicability date of the Strengthening Capacity and Transparency at DYRS Amendment Act of 2026, passed on 2nd reading on March 31, 2026 (Enrolled version of Bill 26-407), the Mayor shall submit to the Council a one-year action plan to address overcrowding and the awaiting placement population at the Youth Services Center. The plan shall specify how the Department will permanently reduce the juvenile population at the Youth Services Center to at or below its maximum capacity and avoid future instances of overcrowding.".

Sec. 3. Applicability

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

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

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

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

Sec. 4. Fiscal impact statement.

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

Sec. 5 Effective date.

This act shall take effect after 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

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)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
APRIL 24, 2026

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-312

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 24, 2026

To amend section 104 of the Prevention of Child Abuse and Neglect Act of 1977 to require the Child and Family Services Agency to inform, at the initiation of an investigation, caretakers of any legal resources available to them, the availability of the Office of the Ombudsperson for Children as a resource for complaints, and their right to counsel during critical stages of neglect proceedings.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Empowering Parents in CFSA Investigations Amendment Act of 2026".

Sec. 2. Section 104(c)(3) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.04(c)(3)), is amended as follows:

(a) Subparagraph (B) is amended to read as follows:

"(B) Conducting an interview with the child's caretaker or caretakers, during which time the Agency shall inform the caretaker of their right to counsel pursuant to D.C. Official Code § 16-2304(b)(1), legal resources available to the caretaker, and the availability of the Ombudsperson for Children as a resource to receive complaints pursuant to section 104 of the Office of the Ombudsperson for Children Establishment Amendment Act of 2020, effective April 5, 2021 (D.C. law 23-270; D.C. Official Code § 4–671.04).".

(b) Subparagraph (F) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(c) Subparagraph (G) is amended by striking the period and inserting the phrase "; and" in its place.

(d) A new subparagraph (H) is added to read as follows:

"(H) Written notification of legal resources available to the child's reported caretaker or caretakers at the initiation of the investigation process.".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal

ENROLLED ORIGINAL

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 after 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 24, 2026

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-313

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 24, 2026

To authorize, on an emergency basis, the Washington Convention and Sports Authority to enter into a long-term lease for Nationals Ballpark and to approve the Amended and Restated Lease Agreement between the Washington Convention and Sports Authority and Washington Nationals Stadium, LLC.

BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Nationals Ballpark Amended and Restated Lease Emergency Act of 2026".

Sec. 2. Notwithstanding the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), and An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*), the Council approves, 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 the Washington Convention and Sports Authority ("Events DC") may enter into, the Amended and Restated Lease Agreement between Events DC and Washington Nationals Stadium, LLC, submitted by Events DC on March 2, 2026.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
APRIL 24, 2026

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-314

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 29, 2026

To amend title I of the Schools First in Budgeting Amendment Act of 2022 to change the method for calculating individual school budgets within the District of Columbia Public Schools system by adding average position cost as a factor.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Schools First Amendment Act of 2026".

Sec. 2. Title I of the Schools First in Budgeting Amendment Act of 2022, effective March 10, 2023 (D.C. Law 24-300; D.C. Official Code § 38-2851.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 38-2851.01) is amended as follows:

(1) Paragraph (1A) is redesignated as paragraph (1B).

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

"(1A) "Average position cost" means the cost, including salary and benefits, of a school-based educator that DCPS uses to calculate each school's annual budget for the next fiscal year.".

(b) Section 104(a) (D.C. Official Code § 38-2851.03(a)), is amended as follows:

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

(A) Subparagraph (A) is amended by striking the phrase "; or" and inserting a semicolon in its place.

(B) Subparagraph (B) is amended by striking the period and inserting the phrase "; or" in its place.

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

"(C) The projected increase in the average position cost.".

(2) Paragraph (6)(B) is amended by striking the phrase "instructional or school-based support personnel" and inserting the phrase "instructional personnel" in its place.

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

"(7A) As applicable, decrease the amount derived pursuant to paragraph (7) of this subsection to account for the reduction of instructional or school-based support personnel

ENROLLED ORIGINAL

resulting from the elimination of a grade level due to a school or campus closure over multiple years.".

(4) Paragraph (8) is amended by striking the phrase "paragraph (7)" and inserting the phrase "paragraph (7A)" in its place.

(5) Paragraph (9) is amended by striking the phrase "paragraph (7)" and inserting the phrase "paragraph (8)" in its place.

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. Official Code § 1-206.02(c)(1)).

Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
APRIL 24, 2026

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-315

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 22, 2026

To amend section 12(h) of the Policemen and Firemen's Retirement and Disability Act to remove the Metropolitan Police Department and Fire and Emergency Medical Services mandatory retirement age.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "First Responder Retention Efforts Amendment Act of 2026".

Sec. 2. Section 12(h)(2) of the Policemen and Firemen's Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C Official Code § 5-712(b)), is amended to read as follows:

"(2) Any member of the United States Secret Service Uniformed Division or of the United States Park Police force or of the United States Secret Service Division, having reached the age of 60 years, to whom this section apply shall, in the discretion of the head of the member's department, be retired from the service and shall be entitled to receive an annuity as computed under paragraph (1) of this subsection.".

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 § 1-301.47(a)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the

ENROLLED ORIGINAL

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, 2026

ENROLLED ORIGINAL

AN ACT

D.C. ACT 26-316

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 29, 2026

To amend, on an emergency basis, the Retail Electric Competition and Consumer Protection Act of 1999 to disallow electricity service disconnection in a period of time after an order approved by the Public Service Commission is vacated and remanded.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rate Plan Vacatur Interim Protections Emergency Amendment Act of 2026".

Sec. 2. The Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501 *et seq.*), is amended by adding a new section 106b to read as follows:

"Sec. 106b. Disconnection of service during remand interim period prohibited.

"(a) For the purposes of this section, the term "remand interim period" means the period of time after the issuance of a judicial order vacating a multi-year rate plan approved by the Commission and before a new rate plan is approved and instituted.

"(b) An electric company may not disconnect electric service for non-payment of a bill or fees during the remand interim period or for 15 calendar days after the end of the remand interim period, unless the household has an average outstanding balance of more than $1,000:

"(1) For any single-family residence, or any unit within a multifamily residence at which each unit's electricity usage can be measured; or

"(2) Per unit for any multifamily residence at which each unit's electricity usage cannot be measured, to be calculated by dividing the amount of the total arrearage assigned to the property by the number of units at the property at the time of the proposed disconnection, regardless of the amount of debt held by the owner or an individual tenant.".

Sec. 3. Fiscal impact statement.

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

ENROLLED ORIGINAL

Sec. 4. Effective date.

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

Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
APRIL 24, 2026

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

B26-0658 Fiscal Year 2027 Federal Portion Budget Request Act of 2026

Intro. 04-14-2026 by Chairman Mendelson and referred to the Committee of the Whole

---

B26-0669 Hair Braiding Licensing Modernization Amendment Act of 2026

Intro. 04-23-2026 by Councilmembers Lewis George, Allen, and R. White and referred to the Committee on Public Works and Operations

---

B26-0670 District of Columbia Government Data Privacy and Protection Act of 2026

Intro. 04-27-2026 by Councilmembers Nadeau, Lewis George, Henderson, and Parker and referred to the Committee on Public Works and Operations

---

B26-0671 Protecting Victims Amendment Act of 2026

Intro. 04-27-2026 by Chairman Mendelson and referred to the Committee on Judiciary and Public Safety

---

PR26-0649 Commission on African Affairs Thandolwethu Mamba Confirmation Resolution of 2026

Intro. 04-20-2026 by Chairman Mendelson and referred to the Committee on Youth Affairs

---

PR26-0650 Commission on African Affairs Fetlework Daley Confirmation Resolution of 2026

Intro. 04-20-2026 by Chairman Mendelson and referred to the Committee on Youth Affairs

---

PR26-0651 Commission on African Affairs Tina Zewde Confirmation Resolution of 2026

Intro. 04-20-2026 by Chairman Mendelson and referred to the Committee on Youth Affairs

---

PR26-0652 Commission on African Affairs Zufan Tarekegn Confirmation Resolution of 2026

Intro. 04-20-2026 by Chairman Mendelson and referred to the Committee on Youth Affairs

---

PR26-0653 Commission on African Affairs Zena Wubneh Confirmation Resolution of 2026

Intro. 04-20-2026 by Chairman Mendelson and referred to the Committee on Youth Affairs

---

PR26-0654 Commission on African Affairs Hana Gebremeskel Confirmation Resolution of 2026

Intro. 04-20-2026 by Chairman Mendelson and referred to the Committee on Youth Affairs

---

PR26-0655 Commission on African Affairs Kwame Agyemang Confirmation Resolution of 2026

Intro. 04-20-2026 by Chairman Mendelson and referred to the Committee on Youth Affairs

---

PR26-0656 Commission on African Affairs Khaosara Akapolawal Confirmation Resolution of 2026

Intro. 04-20-2026 by Chairman Mendelson and referred to the Committee on Youth Affairs

---

PR26-0657 Commission on African Affairs Rahel Gizaw Confirmation Resolution of 2026

Intro. 04-20-2026 by Chairman Mendelson and referred to the Committee on Youth Affairs

---

PR26-0658 Commission on African Affairs Dr. Sannido De Poukn Confirmation Resolution of 2026

Intro. 04-20-2026 by Chairman Mendelson and referred to the Committee on Youth Affairs

---

PR26-0659 Commission on African Affairs Bayor Ngoltoingar Confirmation Resolution of 2026

Intro. 04-20-2026 by Chairman Mendelson and referred to the Committee on Youth Affairs

---

PR26-0660 D.C. Preparatory Academy Revenue Bonds Project Approval Resolution of 2026

Intro. 04-20-2026 by Chairman Mendelson and referred to the Committee of the Whole

---

PR26-0661 Commission on Human Rights Isabelle Vladoiu Confirmation Resolution of 2026

Intro. 04-21-2026 by Chairman Mendelson and referred to the Committee on Public Works and Operations

---

PR26-0662 Commission on Human Rights Carmen Moreno Sanz Confirmation Resolution of 2026

Intro. 04-21-2026 by Chairman Mendelson and referred to the Committee on Public Works and Operations

---

PR26-0663 Commission on Human Rights Adam Maier Confirmation Resolution of 2026

Intro. 04-21-2026 by Chairman Mendelson and referred to the Committee on Public Works and Operations

---

PR26-0665 Commission on Human Rights Joel Castón Confirmation Resolution of 2026

Intro. 04-21-2026 by Chairman Mendelson and referred to the Committee on Public Works and Operations

---

PR26-0666 Board of Zoning Adjustment Marquisha Powell Confirmation Resolution of 2026

Intro. 04-21-2026 by Chairman Mendelson and referred to the Committee of the Whole

---

PR26-0667 Board of Zoning Adjustment Michelle Pourciau Confirmation Resolution of 2026

Intro. 04-21-2026 by Chairman Mendelson and referred to the Committee of the Whole

---

PR26-0668 Public Service Commission Emile Thompson Confirmation Resolution of 2026

Intro. 04-22-2026 by Chairman Mendelson and referred to the Committee on Transportation and the Environment

---

PR26-0669 Public Service Commission Ted Trabue, Jr. Confirmation Resolution of 2026

Intro. 04-22-2026 by Chairman Mendelson and referred to the Committee on Transportation and the Environment

---

PR26-0670 Food & Friends, Inc., Revenue Bonds Project Approval Resolution of 2026

Intro. 04-23-2026 by Chairman Mendelson and referred to the Committee of the Whole

---

PR26-0671 Board of Library Trustees Denise Rolark Barnes Confirmation Resolution of 2026

Intro. 04-24-2026 by Chairman Mendelson and referred to the Committee on Human Services

---

PR26-0672 Board of Library Trustees Mary Early Confirmation Resolution of 2026

Intro. 04-24-2026 by Chairman Mendelson and referred to the Committee on Human Services

---

PR26-0673 Alcoholic Beverage and Cannabis Board Monte Monash Confirmation Resolution of 2026

Intro. 04-24-2026 by Chairman Mendelson and referred to the Committee on Public Works and Operations

---

PR26-0674 Alcoholic Beverage and Cannabis Board James Turner Confirmation Resolution of 2026

Intro. 04-24-2026 by Chairman Mendelson and referred to the Committee on Public Works and Operations

---

PR26-0675 Provident Group - Bison Properties Inc. Revenue Bonds Project Approval Resolution of 2026

Intro. 04-24-2026 by Chairman Mendelson and referred to the Committee of the Whole

---

PR26-0676 St. Patrick's Episcopal Day School Revenue Bonds Project Approval Resolution of 2026

Intro. 04-24-2026 by Chairman Mendelson and referred to the Committee of the Whole

---

PR26-0677 PRG Wonder Plaza Properties Inc. Revenue Bonds Project Approval Resolution of 2026

Intro. 04-24-2026 by Chairman Mendelson and referred to the Committee of the Whole

---

PR26-0678 Harmony DC Public Charter Schools Revenue Bonds Project Approval Resolution of 2026

Intro. 04-24-2026 by Chairman Mendelson and referred to the Committee of the Whole

---

PR26-0679 Washington Convention and Sports Authority Board of Directors Joslyn Williams Confirmation Resolution of 2026

Intro. 04-27-2026 by Chairman Mendelson and referred to the Committee on Executive Administration and Labor

---

PR26-0680 Commission on Nightlife and Culture Karla Styles Confirmation Resolution of 2026

Intro. 04-27-2026 by Chairman Mendelson and referred to the Committee on Youth Affairs

---

COUNCIL OF THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARINGS
FISCAL YEAR 2027 PROPOSED BUDGET AND FINANCIAL PLAN,
FISCAL YEAR 2027 BUDGET SUPPORT ACT OF 2026,
FISCAL YEAR 2027 LOCAL BUDGET ACT OF 2026,
FISCAL YEAR 2027 FEDERAL PORTION BUDGET REQUEST ACT OF 2026, AND
COMMITTEE MARK-UP SCHEDULE

4/28/2026

SUMMARY

Tuesday, April 14, 2026	Mayor Transmits the Fiscal Year 2027 Proposed Budget and Financial Plan and Associated Documents to the Council of the District of Columbia
Monday, April 20 to Tuesday, May 12, 2026	Committee Public Hearings on the "Fiscal Year 2027 Local Budget Act of 2026." The Committees may also receive testimony on sections of the "Fiscal Year 2027 Budget Support Act" that affect the agencies within each Committee's purview
Wednesday, May 13, 2026	Committee of the Whole Public Hearing on the "Fiscal Year 2027 Local Budget Act of 2026," "Fiscal Year 2027 Federal Portion Budget Request Act of 2026," "Fiscal Year 2027 Budget Support Act of 2026," and "Fiscal Year 2026 Revised Local Budget Emergency Adjustment Act of 2026"
Monday, May 18, 2026; Wednesday, May 20 - Friday, May 22, 2026	Committee Mark-ups and Reporting on Agency Budgets for Fiscal Year 2027
Wednesday, May 27, 2026	Budget Work Session
Tuesday, June 9, 2026	Council Consideration of the "Fiscal Year 2027 Local Budget Act of 2026" and the "Fiscal Year 2027 Budget Support Act of 2026"
Tuesday, June 23, 2026	Council Consideration of the "Fiscal Year 2027 Local Budget Act of 2026," "Fiscal Year 2027 Federal Portion Budget Request Act of 2026," and the "Fiscal Year 2026 Revised Local Budget Emergency Adjustment Act of 2026"
TBD	Council Consideration of the "Fiscal Year 2027 Budget Support Act of 2026"

The Council of the District of Columbia hereby gives notice of its intention to hold public hearings on the FY 2027 Proposed Budget and Financial Plan, the "Fiscal Year 2027 Local Budget Act of 2026," the "Fiscal Year 2027 Federal Portion Budget Request Act of 2026," "Fiscal Year 2027 Budget Support Act of 2026," and "Fiscal Year 2026 Revised Local Budget Emergency Adjustment Act of 2026." The hearings will begin Monday, April 20, 2026, and conclude on Tuesday, May 12, 2026. The Committee mark-ups will begin on Monday, May 18, 2026; Wednesday, May 20, and conclude on Friday, May 22, 2026.

You can access hearing notices, sign up to testify, and other pertinent hearing information by going to the hearing management system at: https://lims.dccouncil.gov/hearings. Some hearings listed in this notice will be broadcast live on DC Council Channel 13, streamed live at www.dccouncil.gov and entertainment.dc.gov, while others will be streamed live at the link provided.

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

ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE

New Date	Original Date	Date Changed	Hearing Change
5/6/2026	5/8/2026	4/23/2026	Committee on the Executive (Executive Office of the Mayor-Government Witnesses Only); Time: 3:00p-6:00p; Room 123
N/A	5/8/2026	4/23/2026	Committee on the Executive (Mayor's Office of Legal Counsel-Government Witnesses Only) - Removed from the Schedule
5/11/2026	N/A	4/23/2026	Committee on Transportation (Public Service Commission); Time: 9:30a-6p; Room 412
5/11/2026	4/29/2026	4/28/2026	Committee on Health (Department of Health Care Finance and Deputy Mayor for Health and Human Services); Time: 10:00a-3:00p; Room 500
5/15/2026	5/18/2026	4/28/2026	Sub-Committee on Local Development Mark-up; Time: 9:30a; Room 500

COMMITTEE ON HEALTH **Chairperson Christina Henderson**

MONDAY, APRIL 20, 2026 - Room 500	
Time	**Agency (Public Witnesses Only)**
9:00 a.m. - 3:00 p.m.	Department of Behavioral Health
	Department of Insurance, Securities and Banking

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

COMMITTEE ON PUBLIC WORKS & OPERATIONS **Chairperson Brianne Nadeau**

MONDAY, APRIL 20, 2026 - Room 412	
Time	**Agency**
9:30 a.m. - 3:00 p.m.	Office of Administrative Hearings

This hearing can be viewed live at https://www.brianneknadeau.com/committee.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Brooke Pinto**

WEDNESDAY, APRIL 22, 2026 - Room 500	
Time	**Agency**
9:00 a.m. - 6:00 p.m.	Deputy Mayor for Public Safety and Justice
	Office of Neighborhood Safety and Engagement
	Office of the Attorney General

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

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

WEDNESDAY, APRIL 22, 2026 - Room 412	
Time	**Agency (Public Witnesses Only)**
9:30 a.m. - 6:00 p.m.	District of Columbia Public Schools
	DC Public Charter School Board

This hearing can be viewed live at www.ChairmanMendelson.com/live.

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

WEDNESDAY, APRIL 22, 2026 - Room 123	
Time	**Agency**
9:30 a.m. - 6:00 p.m.	Department of Employment Services

This hearing can be viewed live at https://www.youtube.com/channel/UCgy5EojaMYGtwicWSfg9NeA.

COMMITTEE ON HUMAN SERVICES **Chairperson Matthew Frumin**

WEDNESDAY, APRIL 22, 2026 - Room 120	
Time	**Agency**
9:00 a.m. - 2:45 p.m.	District of Columbia Public Library

This hearing can be viewed live at https://www.youtube.com/@cmfrumin/streams.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Charles Allen**

WEDNESDAY, APRIL 22, 2026 - Room 120	
Time	**Agency**
3:00 p.m. - 6:00 p.m.	Department of Motor Vehicles

This hearing can be viewed live at https://www.youtube.com/@councilmembercharlesallen/streams.

COMMITTEE ON PUBLIC WORKS & OPERATIONS **Chairperson Brianne Nadeau**

THURSDAY, APRIL 23, 2026 - Room 500	
Time	**Agency**
9:30 a.m. - 2:45 p.m.	Department of Licensing and Consumer Protection

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

COMMITTEE ON HOUSING **Chairperson Robert C. White, Jr.**

THURSDAY, APRIL 23, 2026 - Room 500	
Time	**Agency**
3:00 p.m. - 6:00 p.m.	Office of the Tenant Advocate
	Rental Housing Commission
	Office of Advisory Neighborhood Commissions

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

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

THURSDAY, APRIL 23, 2026 - Room 412	
Time	**Agency**
9:00 a.m. - 6:00 p.m.	University of the District of Columbia
	Deputy Mayor of Education
	State Board of Education
	Office of the Student Advocate
	Office of the Ombudsman for Education
	District of Columbia State Athletics

This hearing can be viewed live at www.ChairmanMendelson.com/live.

COMMITTEE ON FACILITIES **Chairperson Janeese Lewis George**

THURSDAY, APRIL 23, 2026 - Room 123	
Time	**Agency**
9:30 a.m. - 6:00 p.m.	Office of Disability Rights
	Department of Disability Services

This hearing can be viewed live at https://www.janeeseward4.com/live.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

FRIDAY, APRIL 24, 2026 - Room 500	
Time	**Agency**
9:00 a.m. - 6:00 p.m.	DC Public Charter School Board (**Government Witnesses Only**)
	FY 2026 Revised Local Budget Emergency Adjustment Act

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

COMMITTEE ON HUMAN SERVICES **Chairperson Matthew Frumin**

FRIDAY, APRIL 24, 2026 - Room 412	
Time	**Agency**
9:00 a.m. - 6:00 p.m.	Deputy Mayor for Planning and Economic Development

This hearing can be viewed live at https://www.youtube.com/@cmfrumin/streams.

COMMITTEE ON PUBLIC WORKS & OPERATIONS **Chairperson Brianne Nadeau**

FRIDAY, APRIL 24, 2026 - Room 123	
Time	**Agency**
9:30 a.m. - 3:00 p.m.	Office of Contracting and Procurement
	Department of For-Hire Vehicles

This hearing can be viewed live at https://brianneknadeau.com/live/.

COMMITTEE ON HEALTH **Chairperson Christina Henderson**

FRIDAY, APRIL 24, 2026 - Room 120	
Time	**Agency (Government Witnesses Only)**
9:00 a.m. - 3:00 p.m.	Department of Behavioral Health
	Department of Insurance, Securities and Banking

This hearing can be viewed live at https://www.ChristinaHendersonDC.com/live.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Charles Allen**

MONDAY, APRIL 27, 2026 - Room 500	
Time	**Agency (Public Witnesses Only)**
9:30 a.m. - 6:00 p.m.	District Department of Transportation

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

COMMITTEE ON HEALTH **Chairperson Christina Henderson**

MONDAY, APRIL 27, 2026 - Room 412	
Time	**Agency (Public Witnesses Only)**
9:30 a.m. - 6:00 p.m.	Deputy Mayor for Health and Human Services
	Department of Health Care Finance

This hearing can be viewed live at https://www.ChristinaHendersonDC.com/live.

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

MONDAY, APRIL 27, 2026 - Room 123	
Time	**Agency (Public Witnesses Only)**
9:30 a.m. - 6:00 p.m.	Department of Aging and Community Living
	Workforce Investment Council
	Office of the City Administrator
	Office of the Inspector General
	Department of Human Resources
	Office of the Secretary
	Office of the Senior Advisor **(Public & Gov't Witnesses)**

This hearing can be viewed live at https://www.youtube.com/channel/UCgy5EojaMYGtwicWSfg9NeA.

COMMITTEE ON FACILITIES **Chairperson Janeese Lewis George**

MONDAY, APRIL 27, 2026 - Room 120	
Time	**Agency (Public Witnesses Only)**
9:30 a.m. - 6:00 p.m.	Department of General Services
	Department of Parks and Recreation

This hearing can be viewed live at https://www.janeeseward4.com/live.

COMMITTEE ON HUMAN SERVICES **Chairperson Matthew Frumin**

TUESDAY, APRIL 28, 2026 - Room 500	
Time	**Agency**
Noon - 6:00 p.m.	Office of Cable Television, Film, Music, and Entertainment

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

COMMITTEE ON HEALTH **Chairperson Christina Henderson**

TUESDAY, APRIL 28, 2026 - Room 412	
Time	**Agency (Public Witnesses Only)**
Noon - 6:00 p.m.	DC Health

This hearing can be viewed live at https://www.youtube.com/@CMCHenderson/streams.

COMMITTEE ON PUBLIC WORKS & OPERATIONS **Chairperson Brianne Nadeau**

TUESDAY, APRIL 28, 2026 - Room 123	
Time	**Agency**
Noon - 6:00 p.m.	Office of the Chief Technology Officer

This hearing can be viewed live at https://brianneknadeau.com/live/.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Charles Allen**

TUESDAY, APRIL 28, 2026 - Room 120	
Time	**Agency**
Noon - 2:45 p.m.	TBD

This hearing can be viewed live at https://www.youtube.com/@councilmembercharlesallen/streams.

COMMITTEE ON HOUSING **Chairperson Robert C. White, Jr.**

WEDNESDAY, APRIL 29, 2026 - Room 500	
Time	**Agency**
9:00 a.m. - 6:00 p.m.	District of Columbia Housing Authority

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

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Brooke Pinto**

WEDNESDAY, APRIL 29, 2026 - Room 412	
Time	**Agency**
9:30 a.m. - 6:00 p.m.	Office of Unified Communications
	Metropolitan Police Department

This hearing can be viewed live at https://www.youtube.com/@cmbrookepinto.

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

WEDNESDAY, APRIL 29, 2026 - Room 123	
Time	**Agency (Government Witnesses Only)**
9:30 a.m. - Noon	Department of Aging and Community Living
	Office of the Secretary
	Office of the City Administrator
Noon - 3:00 p.m.	Office of the Inspector General
	Department of Human Resources
3:00 p.m. - 6:00 p.m.	Workforce Investment Council

This hearing can be viewed live at https://www.youtube.com/channel/UCgy5EojaMYGtwicWSfg9NeA.

COMMITTEE ON PUBLIC WORKS & OPERATIONS **Chairperson Brianne Nadeau**

THURSDAY, APRIL 30, 2026 - Room 500	
Time	**Agency**
9:30 a.m. - 3:00 p.m.	Department of Public Works

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

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Charles Allen**

THURSDAY, APRIL 30, 2026 - Room 412	
Time	**Agency (Government Witnesses Only)**
12:30 p.m. - 6:00 p.m.	District Department of Transportation

This hearing can be viewed live at https://www.youtube.com/@councilmembercharlesallen/streams.

COMMITTEE ON HUMAN SERVICES **Chairperson Matthew Frumin**

THURSDAY, APRIL 30, 2026 - Room 123	
Time	**Agency (Public Witnesses Only)**
9:00 a.m. - 6:00 p.m.	Department of Human Services

This hearing can be viewed live at https://www.youtube.com/@cmfrumin/streams.

COMMITTEE ON LOCAL DEVELOPMENT **Chairperson Wendell Felder**

THURSDAY, APRIL 30, 2026 - Room 120	
Time	**Agency**
Noon - 3:00 p.m.	Department of Small and Local Business Development

This hearing can be viewed live at htps://youtube.com/@wendellfelder.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Charles Allen**

FRIDAY, MAY 1, 2026 - Room 500	
Time	**Agency (Public Witnesses Only)**
9:30 a.m. - 6:00 p.m.	Department of Energy and the Environment
	DC Sustainable Energy Utility

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

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

FRIDAY, MAY 1, 2026 - Room 412	
Time	**Agency**
9:00 a.m. - 6:00 p.m.	Council of the District of Columbia
	New Columbia Statehood Commission
	District of Columbia Public Schools (**Government Witnesses Only**)

This hearing can be viewed live at www.ChairmanMendelson.com/live.

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

FRIDAY, MAY 1, 2026 - Room 123	
Time	**Agency (Public Witnesses Only)**
10:30 a.m. - 6:00 p.m.	Board of Elections
	Office of Campaign Finance
	Events DC
	Destination DC
	Mayor's Office of Legal Counsel
	Office of Employee Appeals
	Executive Office of the Mayor
	Office of Labor Relations and Collective Bargaining
	Public Employee Relations Board

This hearing can be viewed live at https://www.youtube.com/channel/UCgy5EojaMYGtwicWSfg9NeA.

COMMITTEE ON HEALTH **Chairperson Christina Henderson**

MONDAY, MAY 4, 2026 - Room 500	
Time	**Agency (Government Witnesses Only)**
9:30 a.m. - 6:00 p.m.	DC Health

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

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

MONDAY, MAY 4, 2026 - Room 412	
Time	**Agency**
Noon - 6:00 p.m.	District of Columbia Auditor
	District of Columbia Retirement Board
	Office of the Chief Financial Officer

This hearing can be viewed live at www.ChairmanMendelson.com/live.

COMMITTEE ON HUMAN SERVICES **Chairperson Matthew Frumin**

MONDAY, MAY 4, 2026 - Room 123	
Time	**Agency**
9:00 a.m. - 6:00 p.m.	Office of Lottery and Gaming

This hearing can be viewed live at https://www.youtube.com/@cmfrumin/streams.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Charles Allen**

MONDAY, MAY 4, 2026 - Room 120	
Time	**Agency (Government Witnesses Only)**
9:30 a.m. - 6:00 p.m.	Department of Energy and the Environment
	DC Sustainable Energy Utility

This hearing can be viewed live at https://www.youtube.com/@councilmembercharlesallen/streams.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Brooke Pinto**

WEDNESDAY, MAY 6, 2026 - Room 500	
Time	**Agency**
9:00 a.m. - 6:00 p.m.	Fire and Emergency Medical Services
	Department of Corrections
	Office of Victim Services and Justice Grants

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

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

WEDNESDAY, MAY 6, 2026 - Room 412	
Time	**Agency**
9:30 a.m. - 6:00 p.m.	Commission on the Arts and Humanities
	Office of Zoning
	Office of Planning
	Department of Buildings

This hearing can be viewed live at www.ChairmanMendelson.com/live.

COMMITTEE ON HEALTH **Chairperson Christina Henderson**

WEDNESDAY, MAY 6, 2026 - Room 123	
Time	**Agency**
9:30 a.m. - 2:45 p.m.	Health Benefit Exchange

This hearing can be viewed live at https://www.ChristinaHendersonDC.com/live.

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

WEDNESDAY, MAY 6, 2026 - Room 123	
Time	**Agency (Government Witnesses Only)**
3:00 p.m. - 6:00 p.m.	Executive Office of the Mayor

This hearing can be viewed live at https://www.youtube.com/channel/UCgy5EojaMYGtwicWSfg9NeA.

COMMITTEE ON HUMAN SERVICES **Chairperson Matthew Frumin**

WEDNESDAY, MAY 6, 2026 - Room 120	
Time	**Agency (Government Witnesses Only)**
9:00 a.m. - 6:00 p.m.	Department of Human Services

This hearing can be viewed live at https://www.youtube.com/@cmfrumin/streams.

COMMITTEE ON FACILITIES **Chairperson Janeese Lewis George**

THURSDAY, MAY 7, 2026 - Room 500	
Time	**Agency (Government Witnesses Only)**
9:30 a.m. - 6:00 p.m.	Department of General Services
	Department of Parks and Recreation

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

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

THURSDAY, MAY 7, 2026 - Room 412	
Time	**Agency**
9:30 a.m. - 6:00 p.m.	Office of the State Superintendent of Education

This hearing can be viewed live at www.ChairmanMendelson.com/live.

COMMITTEE ON YOUTH AFFAIRS **Chairperson Zachery Parker**

THURSDAY, MAY 7, 2026 - Room 123	
Time	**Agency**
9:30 a.m. - 6:00 p.m.	Department of Youth Rehabilitation

This hearing can be viewed live at https://www.youtube.com/@councilmemberzacharyparker.

COMMITTEE ON PUBLIC WORKS & OPERATIONS **Chairperson Brianne Nadeau**

THURSDAY, MAY 7, 2026 - Room 120	
Time	**Agency**
9:30 a.m. - 3:00 p.m.	Alcoholic Beverage and Cannabis Administration

This hearing can be viewed live at https://brianneknadeau.com/live/.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Charles Allen**

FRIDAY, MAY 8, 2026 - Room 500	
Time	**Agency**
11:00 a.m. - 2:00 p.m.	Green Finance Authority

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

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

FRIDAY, MAY 8, 2026 - Room 412	
Time	**Agency (Government Witnesses Only)**
9:30 a.m. - 6:00 p.m.	Board of Elections
	Office of Campaign Finance
	Destination DC

This hearing can be viewed live at https://www.youtube.com/channel/UCgy5EojaMYGtwicWSfg9NeA.

COMMITTEE ON HEALTH **Chairperson Christina Henderson**

MONDAY, MAY 11, 2026 - Room 500	
Time	**Agency (Government Witnesses Only)**
10:00 a.m. - 3:00 p.m.	Department of Health Care Finance
	Deputy Mayor for Health and Human Services

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

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Charles Allen**

MONDAY, MAY 11, 2026 - Room 412	
Time	**Agency**
9:30 a.m. - 6:00 p.m.	Public Service Commission

This hearing can be viewed live at https://www.youtube.com/@councilmembercharlesallen/streams.

COMMITTEE ON YOUTH AFFAIRS **Chairperson Zachery Parker**

TUESDAY, MAY 12, 2026 - Room 500	
Time	**Agency**
Noon - 6:00 p.m.	Child and Family Services Agency
	Office of the Ombudsperson for Children

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

COMMITTEE ON HOUSING **Chairperson Robert C. White, Jr.**

TUESDAY, MAY 12, 2026 - Room 412	
Time	**Agency**
Noon - 6:00 p.m.	Department of Housing and Community Development
	DC Housing Finance Agency

This hearing can also be viewed live at https://www.youtube.com/@committeeonhousingdc.

COMMITTEE ON PUBLIC WORKS & OPERATIONS **Chairperson Brianne Nadeau**

TUESDAY, MAY 12, 2026 - Room 123	
Time	**Agency**
9:30 a.m. - 3:00 p.m.	Office of Human Rights

This hearing can be viewed live at https://brianneknadeau.com/live/.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

WEDNESDAY, MAY 13, 2026 - Room 500	
Time	**Agency**
9:30 a.m. - 3:00 p.m.	Committee of the Whole Hearing on the "Fiscal Year 2027 Local Budget Act of 2026," "Fiscal Year 2027 Federal Portion Budget Request Act of 2026," "Fiscal Year 2026 Budget Support Act of 2026," and "Fiscal Year 2026 Revised Local Budget Emergency Adjustment Act of 2026"

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

COMMITTEE MARK-UP SCHEDULE

These markups will be broadcast live on Channel 13, streamed live at www.dccouncil.gov and www.entertainment.dc.gov.

FRIDAY, MAY 15, 2026 - Room 500

Time	Committee
9:30 a.m. - 10:30 a.m.	Sub-Committee on Local Development

MONDAY, MAY 18, 2026 - Room 500

Time	Committee
1:00 p.m. - 2:00 p.m.	Facilities

WEDNESDAY, MAY 20, 2026 - Room 500

Time	Committee
11:00 a.m. - 12:00 p.m.	Housing
1:00 p.m. - 2:00 p.m.	Youth Affairs
3:00 p.m. - 4:00 p.m.	Health

THURSDAY, MAY 21, 2026 - Room 500

Time	Committee
11:00 a.m. - 12:00 p.m.	Human Services
1:00 p.m. - 2:00 p.m.	Public Works
3:00 p.m. - 4:00 p.m.	Executive Administration

FRIDAY, MAY 22, 2026 - Room 500

Time	Committee
11:00 a.m. - 12:00 p.m.	Judiciary
1:00 p.m. - 2:00 p.m.	Transportation & Environment
3:00 p.m. - 4:00 p.m.	COW

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

PR 26-636, "Board of Zoning Adjustment Paul Goldstein Confirmation Resolution of 2026"

PR 26-666, "Board of Zoning Adjustment Marquisha Powell Confirmation Resolution of 2026"

PR 26-667, "Board of Zoning Adjustment Michelle Pourciau Confirmation Resolution of 2026"

on

Tuesday, May 19, 2026 at 2:30 p.m.
Council Chambers, Room 500
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 **PR 26-636,** the "Board of Zoning Adjustment Paul Goldstein Confirmation Resolution of 2026," **PR 26-666,** the "Board of Zoning Adjustment Marquisha Powell Confirmation Resolution of 2026," and **PR 26-667,** the "Board of Zoning Adjustment Michelle Pourciau Confirmation Resolution of 2026." The hearing will be held on **Tuesday, May 19, 2026 at 2:30 p.m.**

The stated purpose of PR 25-636 is to confirm the appointment of Paul Goldstein to the Board of Zoning Adjustment, replacing Fred Hill, for the remainder of an unexpired term ending September 30, 2029. The stated purpose of PR 25-666 is to confirm the appointment of Marquisha Powell to the Board of Zoning Adjustment, replacing Lorna John, for the remainder of an unexpired term ending September 30, 2027. The stated purpose of PR 25-667 is to confirm the appointment of Michelle Pourciau to the Board of Zoning Adjustment, replacing Carl Blake, for the remainder of an unexpired term ending September 30, 2028.

The Board of Zoning Adjustment is an independent, quasi-judicial body with the ability to grant relief from the strict application of the District's zoning regulations in the form of variances, to grant special exceptions where authorized under the Zoning Regulations, and to hear appeals from actions taken by the Zoning Administrator of the Department of Buildings. The purpose of this hearing is to receive testimony from government and public witnesses as to the fitness of the nominees for appointment to the Commission.

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 Friday, May 15, 2026. 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 ecash@dccouncil.gov. The Committee 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 roundtable. If you have additional questions,

please contact Evan Cash, Committee and Legislative Director, at (202) 724-8196 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 roundtable. That testimony will be publicly accessible upon Committee review. If you are unable to testify at the roundtable, 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 Monday, June 1, 2026.

COUNCIL OF THE DISTRICT OF COLUMBIA
EXCEPTED SERVICE APPOINTMENTS AS OF April 30, 2026

NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Code § 1-609.03(c) requires that a list of all new appointees to Excepted Service positions established under the provisions of § 1-609.03(a) be published in the D.C. Register. In accordance with the foregoing, the following information is hereby published for the following positions.

COUNCIL OF THE DISTRICT OF COLUMBIA			
NAME	**POSITION TITLE**	**GRADE**	**TYPE OF APPOINTMENT**
Eric Colchamiro	Deputy Committee Director	7	Excepted
Jaelan Jones	Constituent Services Coordinator	4	Excepted

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. 26-0111: Request to reprogram Capital funds budget authority and allotment in the amount of $4,290,000 from the Department of General Services (DGS) to the Department of Employment Services (DOES), Special Education Transportation (SET), the Office of the State Superintendent of Education (OSSE), and DGS was filed in the Office of the Secretary Thursday April 23, 2026. This reprogramming is required to fund the remaining scope of several projects associated with DOES, SET, and OSSE, all of which are being implemented by DGS.

RECEIVED: 14-day review begins April 24, 2026

Reprog. 26-0112: Request to reprogram Fiscal Year 2026 Local funds budget authority in the amount of $160,000 within the Office of Neighborhood Safety and Engagement (ONSE) was filed in the Office of the Secretary Friday April 24, 2026. The funds are needed to support a public awareness campaign for ONSE's community violence intervention work throughout the District.

RECEIVED: 14-day review begins April 27, 2026

Reprog. 26-0113: Request to reprogram Fiscal Year 2026 Local funds budget authority in the amount of $625,291 within the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary Tuesday April 28, 2026. The funds are needed to properly align the budget to support changed priorities and students' academic and social-emotional needs.

RECEIVED: 14-day review begins April 28, 2026

Reprog. 26-0114: Request to reprogram Fiscal Year 2026 Special Purpose Revenue funds budget authority in the amount of $786,000 within the Office of the Deputy Mayor for Planning and Economic Development (DMPED) was filed in the Office of the Secretary Tuesday April 28, 2026. The funds are needed to support grants and gratuities.

RECEIVED: 14-day review begins April 29, 2026

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	May 1, 2026
Protest Petition Deadline:	June 15, 2026
Roll Call Hearing Date:	July 6, 2026
Protest Hearing Date:	August 12, 2026
License No.:	ABRA-135570
Licensee:	Potomac Chesapeake Mariners, LLC
Trade Name:	DC Tackle Shop
License Class:	Retailer's Class "C" Tavern
Address:	301 Rear Water Street, S.E.
Contact:	Tim Blanchard: (240) 630-2665, tim@fishthepotomac.com

WARD 8 ANC 8F SMD 8F02

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 6, 2026, 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 12, 2026, at 1:30 p.m.**

NATURE OF OPERATION

New Retailer's Class "C" Tavern with a Seating Capacity of 0 on the inside, Total Indoor Capacity of 10, a Summer Garden with 52 Seats, and a Total Occupancy Load of 65. The Licensee is also requesting the Alcohol Carry-out and Delivery Endorsement.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES AND FOR THE OUTDOR SUMMER GARDEN, AND HOURS OF ALCOHOLIC BEVERAGE CARRY-OUT AND DELIVERY

Sunday through Saturday 9am – 12am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	May 1, 2026
Protest Petition Deadline:	June 15, 2026
Roll Call Hearing Date:	July 6, 2026
Protest Hearing Date:	August 12, 2026

License No.:	ABRA-135840
Licensee:	Garegnani – Smith Enterprises
Trade Name:	Garegnani Vineyards
License Class:	Retailer's Class "A" Internet
Address:	3521 V Street, N.E.
Contact:	Jordan Garegnani: (703) 655-8032, hello@garegnanivineyards.com

WARD 5 ANC 5C SMD 5C04

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 6, 2026 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 12, 2026 at 1:30 p.m.**

NATURE OF OPERATION

New Class "A" Internet Retailer selling beer, wine and spirits online only for consumption. This location will not be open to the public.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 6am – 1am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
5/1/2026

Notice is hereby given that:
License Number: ABRA-130365 **License Class/Type: C Tavern**
Applicant: Opa Union Market DC, LLC
Trade Name: Greco
SMD: 5D01

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

1285 4TH STREET NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
6/15/2026

A HEARING WILL BE HELD ON:
7/6/2026

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:	6 am - 2 am	6 am - 2 am	6 am - 2 am
Monday:	6 am - 2 am	6 am - 2 am	6 am - 2 am
Tuesday:	6 am - 2 am	6 am - 2 am	6 am - 2 am
Wednesday:	6 am - 2 am	6 am - 2 am	6 am - 2 am
Thursday:	6 am - 2 am	6 am - 2 am	6 am - 2 am
Friday:	6 am - 2 am	6 am - 3 am	6 am - 3 am
Saturday:	6 am - 2 am	6 am - 3 am	6 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	May 1, 2026
Protest Petition Deadline:	June 15, 2026
Roll Call Hearing Date:	July 6, 2026
Protest Hearing Date:	August 12, 2026
License No.:	ABRA-135682
Licensee:	Levy Premium Food Service, LP
Trade Name:	Levy @ National Geographic
License Class:	Retailer's Class "CX" Multipurpose Facility
Address:	1600 M Street, N.W.
Contact:	David A. Carter, Esq.: (301) 242-8800, david@carterlawmd.com

WARD 2 ANC 2C SMD 2C02

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 6, 2026, 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 12, 2026, at 1:30 p.m.**

NATURE OF OPERATION

A multipurpose establishment that will serve as a cultural art center for immersive art, performance, and theatrical experiences. Seating Capacity of 230. Indoor Occupancy Load of 270. Summer Garden Endorsement with a seating capacity of 125. Total Occupancy Load of 400 for the entire Establishment.

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

Sunday through Saturday 9am – 11pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	May 1, 2026
Protest Petition Deadline:	June 15, 2026
Roll Call Hearing Date:	July 6, 2026
License No.:	ABRA-128784
Licensee:	Dupont Eatery, Inc.
Trade Name:	Platinum DC Club
License Class:	Retailer's Class "C" Nightclub
Address:	1805 Connecticut Avenue, N.W.
Contact:	Richard Bianco: (202) 461-2400, rich@lawrjb.com

WARD 2 ANC 2B SMD 2B01

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 6, 2026 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.

NATURE OF SUBSTANTIAL CHANGE
Request for a Change of Hours of Operation and Alcoholic Beverage Sales.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION
Sunday 3pm – 2am, Monday through Thursday 11:30am – 2am, Friday 11:30am – 3am, Saturday 3pm – 3am

PROPOSED HOURS OF OPERATION
Sunday 12pm – 3am, Monday through Thursday 10:30am – 3am,
Friday and Saturday 10:30am – 4am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION
Sunday 12pm – 2am, Monday through Thursday 10:30am – 2am,
Friday and Saturday 10:30am – 3am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	May 1, 2026
Protest Petition Deadline:	June 15, 2026
Roll Call Hearing Date:	July 6, 2026
License No.:	ABRA-113983
Licensee:	WSZR Proper, LLC
Trade Name:	Proper 21
License Class:	Retailer's Class "C" Restaurant
Address:	2033 K Street, N.W.
Contact:	Daniel Koffman, Esq.: (202) 686-7600, dkoffman@theveritaslawfirm.com

WARD 2 ANC 2A SMD 2A08

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 6, 2026 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.

NATURE OF SUBSTANTIAL CHANGE

The Licensee is requesting a Class Change from a Retailer's Class "C" Restaurant, to a Retailer's Class "C" Tavern.

HOURS OF OPERATION, HOURS OF ALCOHOLIC BEVERAE SALES, SERVICE, AND CONSUMPTION, AND HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

Sunday through Thursday 8am – 2am, Friday and Saturday 8am – 3am

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

Sunday through Thursday 8am – 11pm, Friday and Saturday 8am – 12am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date:	April 3, 2026
Protest Petition Deadline:	May 18, 2026
Roll Call Hearing Date:	June 8, 2026
License No.:	ABRA-133331
Licensee:	618 Productions, LLC
Trade Name:	Transmission
License Class:	Retailer's Class "C" Tavern
Address:	1353 H Street, N.E.
Contact:	Jeff Jackson: (202) 251-1566, jjharlem112@gmail.com

WARD 6 ANC 6A SMD 6A06

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on June 8, 2026 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.

NATURE OF SUBSTANTIAL CHANGE

Request to expand the licensed premises, increasing the Total Occupancy Load of the Establishment from 495 to 1000.

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

Sunday through Thursday 5pm – 2am, Friday and Saturday 5pm – 3am

HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES

Sunday through Thursday 5pm – 2am, Friday and Saturday 5pm – 3am

DEPARTMENT OF HEALTH
STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

NOTICE OF INFORMATION HEARING

Pursuant to D.C. Official Code §§ 44-406(b)(2) and (b)(4), the District of Columbia State Health Planning and Development Agency ("SHPDA") will hold an information hearing on the Certificate of Need Application of District Hospital Partners, L.P. d/b/a George Washington University Hospital (CON No. 2026-7-02) for the change of effective control of UHS East End Sub, LLC. The hearing will be held on **Thursday, May 7, 2026**, beginning at **10:00 a.m**. using WebEx Conferencing. **Please send an email to dana.mitchener@dc.gov to register for the Information Hearing and receive a link to WebEx Conferencing**.

The hearing will include a presentation by District Hospital Partners, L.P. d/b/a George Washington University Hospital describing its plans and addressing the certifications required pursuant to D.C. Official Code § 44-406(b). The hearing will also include an opportunity for affected and interested persons to testify. Persons who wish to testify should contact Dana Mitchener at the email address above or the SHPDA at (202) 442-5875 **before 4:45 p.m. on Wednesday, May 6, 2026**. Each member of the public who wishes to testify must register in advance of the information hearing and will be allowed a maximum of five (5) minutes. Written statements may be submitted to Dana Mitchener at the email address above or to the following address:

The State Health Planning and Development Agency
2201 Shannon Place, S.E.
Sixth Floor
Washington, D.C. 20020

Written statements must be received before the record closes at **4:45 p.m. on Thursday, May 14, 2026**. Persons who would like to review the Certificate of Need applications or who have questions related to the hearing may contact the SHPDA at (202) 442-5875.

BOARD OF ZONING ADJUSTMENT
NOTICE OF VIRTUAL PUBLIC HEARING

TIME AND PLACE: Wednesday, July 1, 2026, @9:30 a.m.
Via WebEx: https://dcoz.dc.gov/BZA07-01-2026
Via Telephone: 202-860-2110 Access Code: 2316 359 3795
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 FOUR

Application of:	**Francisco Correa and Rosilene Ribeiro**
Case No.:	**21450**
Address:	6511 Piney Brand Road, N.W. (Square 2973, Lot 101)
ANC:	**4B**
Relief:	Special Exception under: • the daytime care uses of Subtitle U § 203.1(h) (pursuant to Subtitle X § 901.2)
Project:	To construct front and rear additions, and to permit a child development center in the basement of an existing, detached, two-story plus basement, principal dwelling unit in the R-1B Zone.

WARD TWO

Application of:	**2222 Q Street Owner, LLC**
Case No.:	**21453**
Address:	2222 Q Street N.W. (Square 2510, Lot 38)
ANC:	**2D**
Relief:	Use Variances from: • the nonconforming use requirements of Subtitle C § 204.1 (pursuant to Subtitle X § 1002) • the matter-of-right uses of Subtitle U § 201 and 202.1 (pursuant to Subtitle X § 1002)
Project:	To construct four additional dwelling units in the cellar of an existing, semi-detached, five-story plus cellar, penthouse, and roof deck, 20-unit apartment house in the R-3 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.

VACANT - CHAIRPERSON
VACANT - VICE-CHAIRPERSON
VACANT - 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 .

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)) ("Establishment Act"), and in An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02) ("Social Security Act"), and Mayor's Order 2024-115, dated July 1, 2024, hereby gives notice of his adoption of the following amendments to Chapter 87 (District of Columbia Health Information Exchange) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations ("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. Pursuant to Section 8 of the Establishment Act (D.C. Official Code § 7-771.07(8)), DHCF developed and maintains a comprehensive information-technology ("IT") infrastructure that accurately and efficiently processes claims, interfaces with other necessary public, private, and nonprofit information-technology systems, and collects information for data analysis of trends, cost measurement, performance management, policy development, and strategic planning.

DHCF leads health IT and health information exchange ("HIE") policy and serves as the State Health IT Coordinator for the District. In its capacity as the State Health IT Coordinator, DHCF fulfills several complementary roles: DHCF facilitates federal and local funding to support health IT projects that directly support Medicaid providers while building infrastructure to serve all District residents; DHCF develops health IT strategies for the District that are responsive to the complex health care needs of a diverse population; and DHCF coordinates ongoing, District-wide public input through the DC HIE Policy Board and stakeholder outreach activities.

The effective use of health information, especially when exchanged among organizations via HIE, is a fundamental component of DHCF's short term and long term health system reform efforts and a vital component of efficient health care delivery. At the recommendation of the DC HIE Policy Board and its Policy Subcommittee, the District committed to undertaking activities aimed at further strengthening the DC HIE in the District's 2022 State Medicaid Health IT Plan (SMHP). These initiatives include integrating diverse health data that is relevant to aiding decision-making, supporting person-centered care coordination, and generating change in health outcomes and care delivery. This includes population health and social needs data, which in turn can better inform the District's health system's ability to address health disparities.

To meet its commitment to a holistic and integrative approach to promoting the HIE in the District and in accordance with the purposes and duties set forth under the Establishment Act, DHCF is updating regulations for the efficient and secure transmission of health information. The goal of the changes is to move the DC HIE from the HIE model to the Health Data Utility ("HDU") model. An HIE facilitates data exchange primarily for clinical care - sharing patient information between

hospitals, providers, and other healthcare organizations. An HDU enhances these entities' ability to share health data timely and securely, for purposes beyond individual treatment, such as the required reporting of aggregate and anonymized data for public health efforts, population health management, and community health initiatives. As an HDU, the DC HIE will act as a more robust, efficient, centralized hub for data sharing.

The rulemaking also makes changes to:

- Align policy more closely with definitions established in the Health Information Portability and Accountability Act of 1996 (Pub. L. 104-191; 110 Stat. 1936);
- Facilitate data sharing with public health authorities;
- Update language on the use and maintenance of information;
- Change the HIE entity designation period from five (5) years to six (6) years;
- Extend the reporting period for third-party audits and disciplinary action lookbacks from two (2) years to three (3) years;
- Establish reporting requirements for registered HIEs to provide detailed descriptions of primary uses of HIE data on a rolling thirty (30) day basis and require secondary uses of HIE data be submitted to DHCF for review and approval;
- Update all timeframes associated with reporting requirements to be measured in calendar days; and
- Clarify renewal application requirements and documentation timelines.

These changes improve procedural efficiency and oversight of the HIE. The changes were shared with and reviewed by the HIE Policy Board's policy subcommittee to help inform the rulemaking.

DHCF projects no fiscal impact in Medicaid expenditures to implement the Health Information Exchange rule.

A Notice of Proposed Rulemaking was published in the *District of Columbia Register* at 72 DCR 014066 on December 19, 2025. Comments were received from two stakeholder organizations. Each comment is addressed below:

Nationally Recognized Standards

Comment: One commentor recommended amending the language "nationally recognized standards" and "standards and methodologies". Additionally, the commenter recommended adding explicit cross references to certain standards and guidelines and publishing a non-regulatory mapping guidance appendix that shows how DC HIE requirements align to the frameworks.

Response: DHCF acknowledges the stakeholder's concern and will update its sub-regulatory guidance on nationally recognized standards for designation and registration, no later than September 30, 2026, and post them to the DC HIE webpage at: www.dhcf.dc.gov/page/dc-hie. No changes to the text of the rule have been made at this time.

Primary/Secondary Use and Reporting Cadence

Comment: One commentor recommended 1) adopting a risk tiering schema for DHCF's reporting based on data identifiability (de-identified, limited dataset, identifiable) where each tier would be held to a certain risk threshold and 2) publishing pre-approved templates for routine public health reporting, which they believe would support HDU objectives and focus DHCF oversight where risk is greatest.

Response: DHCF acknowledges the commenter's concerns and notes that DHCF currently has an internal use case form with sections that are used to inform what the HDU reports to DHCF. DHCF believes these existing case forms supports both HDU objectives and DHCF's oversight activities because this standardized internal use case documentation already functions effectively as a template for HIE reporting. DHCF will, however, remember the commenter's recommendation for future updates regarding HDU reporting.

No changes to the text of the rule have been made at this time.

Comment: One commentor recommended 1) permitting reporting to reference existing publicly posted use case documentation and 2) only allowing DHCF to suspend data use if it finds the use to be inconsistent with the law or regulation. The commentor believes these changes would avoid unintended delays to critical data uses and preserve the independence of the HDU.

Response: DHCF acknowledges this comment and intends to update its guidance on reporting to reference existing publicly posted use case documentation. DHCF believes it is unnecessary to add language regarding the suspension of data use, as this is already addressed in § 8703.5(c).

No changes to the text of the rule have been made at this time.

Authentication

Comment: One commentor recommended that DHCF specify identity functions by role and connection method and acceptable MFA (multi-factor authentication) patterns and provide a phased compliance timeline aligned with EHR capabilities to "reduce[] uneven enforcement, align[] with evolving identity standards, and support[] scalable adoption."

Response: DHCF acknowledges this comment, but does not believe that it is necessary to provide that level of detail in these regulations. In its review of future sub-regulatory guidance, DHCF will consider this additional information, if it is determined necessary.

No changes to the text of the rule have been made at this time.

Annual Risk Assessments and Audit Content

Comment: One commentor recommended that DHCF permit an up-to-date and validated HITRUST assessment report to satisfy the annual risk assessment submission and reference, in guidance, the Office of National Coordinator for Health Information Technology's ("ONC") audit expectations and ASTM International's E2147-18 Standard Specification for Audit and Disclosure Longs for Use in Health Information Systems for audit log content and retention. The commentor

believes leveraging established and independently validated assessments reduce burden while enhancing rigor and consistency with ONC/ASTM standards.

Response: DHCF notes that HIEs are already submitting HITRUST assessments as part of existing audit requirements. DHCF will consider the utility of independently validated assessments in its future review of regulatory and sub-regulatory guidance.

No changes to the text of the rule have been made at this time.

Comment: One commentor recommended adding a method, more secure than email, to submit information and assessments.

Response: DHCF appreciates the concern raised, but notes that existing email mechanisms, such as encryption, are secure for conveying information and assessments.

No changes to the text of the rule have been made at this time.

Breach Notification

Comment: One commentor recommended that DHCF clarify the hierarchy of local and federal timelines for providing notification of a breach and provide a limited safe harbor for good faith multi system investigations to prevent premature or incomplete notices. The commentor believes this would avoid conflicting deadlines and maintain strong consumer protection.

Response: DHCF notes that §§ 8706.1 and 8706.2 state the order of applicable timelines. Under these provisions, the default timelines are those required under federal law first (HIPAA/HITECH and 42 CFR Part 2).

No changes to the text of the rule have been made at this time.

Designation

Comment: HITRUST, the stakeholder organization, recommended replacing the language "Health Information Trust Alliance" with "HITRUST CSF-based certification (HITRUST il or r2)." The commentor believes that the current language may be misread as an organizational reference rather than a certifiable program. The organization operates exclusively as HITRUST and is recognized as such in the health IT and cybersecurity sectors.

Response: DHCF acknowledges this comment and has revised the language in § 8708.5(g) to reflect the recommended HITRUST CSF-based certification terminology.

Consumer Access and Evaluation

Comment: One commentor recommended 1) referencing ONC's HTI 1 (Health Data, Technology, and Interoperability) final rule information sharing updates and consumer facing expectations and 2) pre-approving standardized consumer notices and templates.

Response: DHCF acknowledges this comment and will update its sub-regulatory guidance with specific references, no later than September 30, 2026, and post them to the DC HIE webpage at: www.dhcf.dc.gov/page/dc-hie.

No changes to the text of the rule have been made at this time.

The Director of DHCF took final action to adopt this rulemaking on April 21, 2026, and the rules shall become effective upon publication of this notice in the *District of Columbia Register*.

Chapter 87, DISTRICT OF COLUMBIA HEALTH INFORMATION EXCHANGE, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 8700, GENERAL PROVISIONS, is amended as follows:

Paragraphs (a), (e), and (f) of Subsection 8700.2 are amended to read as follows:

(a) Ensure the privacy and security of protected health information ("PHI") accessed, used, or disclosed through a registered or designated HIE entity;

…

(e) Ensure registered and designated HIE entities in the District adhere to District requirements and nationally recognized operating standards;

…

(f) Govern the DC HIE infrastructure and consumer services developed for implementation by registered and designated HIE entities participating in the DC HIE; and

A new paragraph (g) is added to Subsection 8700.2 to read as follows:

(g) Provide lawful access to data for public health authorities.

Section 8701, THE DISTRICT OF COLUMBIA'S HEALTH INFORMATION EXCHANGE (DC HIE), is amended as follows:

Subsection 8701.1 is amended to read as follows.

8701.1 The DC HIE shall be a privately-operated interoperable system of registered and designated HIE entities that shall facilitate person-centered care through the secure electronic exchange of health information among participating organizations in support of a District-wide health data infrastructure that functions as a Health Data Utility (HDU).

Section 8702, HIE REGISTRATION REQUIREMENTS AND APPLICATION, is amended as follows:

Paragraphs (g) and (h) of Subsection 8702.2 are amended to read as follows:

(g) The HIE entity shall provide a report for each of the past three (3) years, from a third-party auditor that expresses no doubt about the entity's ability to continue as a going concern and resulting in an unqualified opinion concerning the HIE entity's financial statements;

(h) The HIE entity attests that no disciplinary actions were taken by federal, District, or state agencies against the entity, its principals, or officers in the three (3) years prior to applying for registration;

Paragraph (a) of Subsection 8702.6 is amended to read as follows:

(a) Submit operational information, as requested by DHCF, and ensure it is publicly posted on a DC-registered HIE's website; and

Subsection 8702.8 is amended to read as follows:

8702.8 In order to renew their registration HIE entities shall demonstrate continued compliance with § 8702 by providing the following information no later than ninety (90) calendar days prior to the end of the three (3) year term and in a form and manner specified by DHCF:

(a) Any changes to information submitted with regard to the items set forth in § 8702.2 that affect the veracity of a prior submission; and

(b) Results of a scheduled audit performed in compliance with § 8704.

Section 8703, REGISTERED HIE ENTITY PROTECTED HEALTH INFORMATION ACCESS, USE, AND DISCLOSURE REQUIREMENTS, is amended as follows:

Paragraph (d) of Subsection 8703.2 is amended to read as follows:

(d) Reporting to public health authorities for the purpose of disease prevention, control, surveillance, and improving community health in accordance with 45 CFR § 164.512(b) and other District or federal law; or

Subsection 8703.4 is amended to read as follows:

8703.4 Secondary Use of health information is the use, access, or disclosure of health information through the registered HIE entity that is not for a Primary Use. A registered HIE entity may engage in data use for Secondary Use Purposes, subject to any limitations under District or federal law.

Subsection 8703.5 is deleted and replaced to read as follows:

8703.5 Beginning October 1, 2025, DHCF shall review and keep a record of Primary Uses and Secondary Uses proposed by HIE's, submitted electronically as described by DHCF guidance, prior to implementation. The registered HIE entity shall:

(a) Provide DHCF with its policies governing the disclosure and use of health information for Secondary Use, in accordance with the policy guidance published on the DHCF website, and notify DHCF of any amendments or updates to these policies;

(b) Report Primary and Secondary Uses of health information to DHCF on the last business day of every month, including detailed descriptions of each use to ensure transparency and accountability; and

(c) Suspend any Primary or Secondary Use DHCF deems inconsistent with the definition of HDU set forth in this chapter.

Existing Subsections 8703.5, 8703.6, 8703.7, 8703.8, 8703.9, and 8703.10 are renumbered and amended to read as follows:

8703.6 To assure that only an authorized user accesses, uses, or discloses PHI through or from a registered HIE entity, a registered HIE entity shall:

(a) Use and ensure that its participating organizations are using an authentication methodology that meets the minimum technical requirements set forth in the National Institute of Standards and Technology ("NIST"), Special Publication 800-63 Revision 4, and other standards identified by DHCF in its policy guidance. DHCF shall maintain additional information on minimum technical requirements in policy guidance published to the DHCF website; and

(b) Take appropriate actions to mitigate the risk of unauthorized use, access, or disclosure of PHI when the registered HIE entity learns or has reason to believe that a participating organization's system or third-party system is not compliant with NIST guidelines, as set forth in guidance published to the DHCF website. Appropriate actions include ceasing acceptance of the system's authentication of authorized users until the system demonstrates compliance with NIST guidelines to the satisfaction of the registered HIE entity.

8703.7 To assure that only an authorized user accesses, uses, or discloses PHI through or from a registered HIE entity, a registered HIE entity shall require that its enrolled participating organizations comply with all of the following requirements:

(a) Appoint a system administrator who is capable of carrying out the requirements set forth in § 8703.5 on behalf of the participating organization

prior to exchanging any PHI;

(b) Promptly inform the registered HIE entity system administrator of any circumstances that require termination of an authorized users access as described under § 8703.9;

(c) Ensure that any third-party system it uses authenticates an authorized user in accordance with NIST guidelines, as set forth in guidance published to the DHCF website, prior to allowing that person's access to the HIE through the third-party system; and

(d) Inform the registered HIE entity concerning the following:

(1) The appointment of the system administrator, or any change in such an appointment, within thirty (30) calendar days, of any such appointment or change;

(2) A breach, as defined in 45 CFR § 164.402; or

(3) Any unusual finding, act, or event that it has reason to believe is or may be a violation of this chapter.

8703.8 A registered HIE entity shall require that the participating organization's system administrator carries out each of the following measures on behalf of the participating organization:

(a) Identify each authorized user within the participating organization and note the user's assigned unique username in accordance with the most recent applicable guidelines issued by NIST, or other standards identified by DHCF in policy guidance published to its website at www.dhcf.dc.gov;

(b) Coordinate with the registered HIE entity to determine a methodology for assigning each authorized user access to PHI;

(c) Assign to each authorized user an access level that appropriately corresponds to that person's role within the participating organization and the permitted access to PHI;

(d) Modify an authorized user's access level as appropriate to reflect any change in that user's role within the participating organization within thirty (30) days;

(e) Immediately inform the registered HIE entity of changes in an authorized user's role within the participating organization; and

(f) Confirm to the registered HIE entity the appropriateness of a staff member to be an authorized user and that the HIE access level assigned to that staff member corresponds to the authorized user's role within the participating organization.

8703.9 The registered HIE entity shall ensure that access to PHI is terminated for any authorized user within seven (7) calendar days of the user's disassociation from the participating organization. This requirement applies to users who:

(a) Are suspended by the participating organization;

(b) Are no longer associated with the participating organization; or

(c) No longer require access to the PHI to perform their duties.

8703.10 To mitigate the risks of improper access or disclosure of electronic PHI the registered HIE entity shall conduct annual assessments of the potential risks and vulnerabilities to the confidentiality, integrity, and availability of electronic PHI conducted in accordance with guidance published on the DHCF website. The registered HIE entity shall provide the DHCF's Information and Privacy Officer with a copy of their risk assessment on an annual basis by email at DHCFprivacy@dc.gov.

8703.11 Based on the findings of the assessment conducted in accordance with § 8703.10, the registered HIE entity shall implement security measures to reduce risks and vulnerabilities to:

(a) Protect against anticipated threats to the security or integrity of PHI; and

(b) Protect against any unauthorized uses or disclosures of such PHI in accordance with applicable District or federal laws.

A new Subsection 8703.12 is added to read as follows:

8703.12 The Department may, upon request, extend deadlines in this Section when a delay is caused by circumstances beyond the HIE's control such as:

(a) A natural disaster or other emergency that could not be reasonably controlled by the HIE or the Department, or

(b) A circumstance where the HIE can demonstrate good cause for an extension.

Section 8704, AUDITING REQUIREMENTS FOR REGISTERED HIE ENTITIES, is amended as follows:

Paragraph (b) of Subsection 8704.1 is amended to read as follows:

(b) Conduct each audit under this section in accordance with standards and methodologies identified by DHCF in policy guidance published on its website at www.dhcf.dc.gov;

Section 8705, REMEDIAL ACTIONS TO BE TAKEN BY A REGISTERED HIE ENTITY, is amended as follows:

Subsection 8705.1 is amended to read as follows:

8705.1 A registered HIE entity shall immediately suspend an authorized user's access when it is necessary to avoid a HIPAA privacy breach, other violation of federal or District law, or a threat to the security of health information accessed, used, or, disclosed through or from a registered HIE entity.

Subsections 8705.3, 8705.4, and 8705.5 are amended to read as follows:

8705.3 A registered HIE entity shall conduct an investigation in accordance with the requirements set forth below if there is reason to believe that a HIPAA breach, or any unusual finding, act, or event that it has a basis to believe is or may be a violation under § 8703, occurred:

(a) The registered HIE entity shall begin the investigation immediately after learning of the allegations giving rise to a potential breach or violation;

(b) The registered HIE entity shall conduct the investigation in a thorough, timely, professional manner and take all necessary actions to gather information concerning the potential breach or violation that reflects the size and scope of such potential breach or violation;

(c) If appropriate, an investigation shall include an audit under § 8704; and

(d) Upon the completion of an investigation, a registered HIE entity shall:

(1) Make a written finding describing the results of the investigation and provide a copy of the finding to DHCF's Information and Privacy Officer within thirty (30) calendar days of the conclusion of the investigation; and

(2) Maintain records of each investigation for at least five (5) years from the date of completion of such investigation or five (5) years from the date an affected minor health care consumer becomes an adult, whichever is longer.

8705.4 If a registered HIE entity has a reasonable belief that a HIPAA breach has occurred, as a result of an audit conducted in accordance with § 8704 or investigation

conducted in accordance with § 8705.3, the registered HIE entity shall carry out the following actions within twelve (12) calendar days after acquiring the reasonable belief unless another time period is set forth below:

(a) The registered HIE entity shall determine any remedial action necessary to address the breach as described below;

(1) The registered HIE entity may require that a remedial action include steps to correct an underlying problem; and

(2) The registered HIE entity shall provide a time frame for implementing the remedial action that is consistent with policy guidance set forth by DHCF and published on its website at www.dhcf.dc.gov.

(b) Within thirty (30) calendar days, the registered HIE entity shall provide the following to DHCF, the participating organization, and each authorized user whom the investigation indicates may have committed a breach or violation:

(1) A copy of the findings of the investigation, excluding any sensitive health information;

(2) A list of the remedial actions to be taken by each person and the associated time frame of the remedial action;

(3) A description of the actions necessary to mitigate the harm that may be caused by the breach or any unusual finding, act, or event that it has a basis to believe is or may be a violation under § 8703;

(4) A list of the authorized user roles that are responsible for carrying out the actions to mitigate harm; and

(5) A description of any future action that the HIE entity may take, including suspension, if the authorized user does not comply with the remedial action.

8705.5 Upon completion of the investigation, the registered HIE entity shall immediately suspend access for an authorized user or participating organization when available information indicates one of the following has occurred:

(a) A HIPAA breach or violation;

(b) A violation of District or federal law relevant to privacy or security;

(c) An authorized user or participating organization has sold health information in violation of this chapter; or

(d) An authorized user or participating organization has failed to carry out the remedial actions identified by the registered HIE entity.

Section 8706, NOTICE OF HIPAA BREACH AND NON-HIPAA VIOLATION BY A REGISTERED HIE ENTITY, is renamed and amended to read as follows:

8706 NOTICE OF HIPAA BREACH OR OTHER VIOLATION BY A REGISTERED HIE ENTITY

8706.1 Notification of a HIPAA breach by a registered HIE entity shall be consistent with notification requirements under applicable federal and District laws and regulations, including HIPAA, the HITECH Act, and 42 CFR Part 2.

8706.2 When federal or District law, other than this chapter, does not require a registered HIE entity to provide notification to a participating organization or to an affected health care consumer, or when 42 CFR Part 2 does not mandate other notification requirements, a registered HIE entity shall provide notification of a HIPAA breach and, if applicable, violations of other federal or District law in accordance with the requirements of this section.

8706.3 If an investigation under § 8705 concluded that there was a HIPAA breach or other violation of federal or District law, in addition to applicable HIPAA notification requirements, the HIE entity shall notify:

(a) The person who notified the registered HIE entity of the potential HIPAA breach or other violation under § 8703, if applicable, and to the extent permitted by HIPAA and other federal and District privacy laws;

(b) Any participating organization that has provided health information regarding the health care consumer involved;

(c) Each health care consumer whose PHI or sensitive health information was inappropriately accessed or disclosed due to a HIPAA breach or other violation under § 8703; and

(d) The DHCF Privacy Officer.

8706.4 The registered HIE entity shall include in its notification the contact information for the registered HIE entity, including the registered HIE entity's address, telephone number, email address, and website where the health care consumer can learn more information, and a description of the breach or other violation.

8706.5 A registered HIE entity, its enrolled participating organization, or its representative shall provide notification to a health care consumer following a HIPAA breach or violation under § 8703 subject to the following requirements:

(a) If the registered HIE entity providing the notification under this subsection has knowledge that another person is acting as the authorized representative for the health care consumer, the registered HIE entity shall provide the notification to that authorized representative instead of the health care consumer;

(b) Notice to the health care consumer required under this Subsection shall be provided in writing by first-class mail to the last known address of the health care consumer, if the health care consumer has made no prior election to method of notice;

(c) If there is insufficient or out-of-date contact information that precludes notice consistent with this chapter, a substitute form of notice, reasonably calculated to reach each affected health care consumer, shall be provided in accordance with the criteria set forth below:

(1) If there is insufficient or out-of-date contact information for fewer than ten (10) individuals, then such substitute notice may be provided by an alternative form of written notice, telephone, or other means; or

(2) If there is insufficient or out-of-date contact information for ten (10) or more individuals, then such substitute notice shall be posted on the home page of the registered HIE entity's website for a period of ninety (90) calendar days or be conspicuous notice in major print or broadcast media in geographic areas where the individuals affected by the breach likely reside. The notice shall include a phone number that remains active for at least ninety (90) calendar days where a health care consumer can learn whether their health information may be included in the HIPAA breach or violation under § 8703.

(d) When notice about a HIPAA breach or violation under § 8703 is required pursuant to this chapter, a registered HIE entity and its enrolled participating organization, shall provide notice in writing to DHCF no later than sixty (60) days from the discovery of the breach or from the date that the registered HIE entity should have reasonably discovered the breach;

(e) If the HIPAA breach or violation under § 8703 affects more than five hundred (500) health care consumers, in addition to providing individual notice to the affected health care consumers, a registered HIE entity shall provide notice to prominent media outlets serving the District without unreasonable delay and no later than sixty (60) calendar days after the discovery of a breach; and

(f) If the participating organization providing the notification keeps a medical

record for the health care consumer, the notification shall be placed within the health care consumer's medical record.

8706.6 A registered HIE entity, its participating organizations, or its representative shall provide notification to appropriate authorities following HIPAA breach or violation under § 8703 as follows:

(a) Report all violations of federal or District privacy or security law to those federal or District authorities to which reporting such violation is required by applicable law; and

(b) Send a copy of such report to the DHCF Privacy Officer (DHCFPrivacy@dc.gov).

8706.7 If DHCF is notified of a breach under § 8706.6, DHCF shall forward such notification to the District of Columbia Office of the Attorney General within thirty (30) calendar days after receipt of the notification and pursue enforcement actions as necessary in accordance with § 8711.

Section 8707, REGISTERED HIE ENTITY CONSUMER PARTICIPATION, ACCESS, AND EDUCATION REQUIREMENTS, is amended as follows:

Paragraph (b) of Subsection 8707.3 is amended to read as follows:

(b) If the health care consumer's PHI is not directly available electronically to the health care consumer, the registered HIE entity shall, within nine (9) calendar days of receipt of a health care consumer's written notice or request, provide the health care consumer with the contact information for each participating organization that has access to the consumer's PHI, so that the health care consumer may gain access to the health care consumer's health information directly from each participating organization.

Section 8708, HIE DESIGNATION REQUIREMENTS AND APPLICATION, is amended as follows:

Paragraphs (a) of Subsection 8708.5 is amended to read as follows:

(a) Develop and submit strategic and operational plans to serve as an HDU that addresses the needs of health providers, public health agencies, Medicaid managed care organizations, health care consumers, and any other stakeholders identified by DHCF in policy guidance in achieving HIE capabilities;

Paragraph (g) of Subsection 8708.5 is deleted and replaced to read as follows:

(g) Demonstrate HITRUST CSF-based certification, the System and Organizational Controls 2 framework of the American Institute of Certified Public Accountants, or another program that is widely adopted across the cybersecurity industry, developed and maintained by established bodies, and subject to third-party independent validation;

Existing paragraphs (g), (h), (i), and (j) of Subsection 8708.5 are renumbered to read as follows:

(h) Attest to having a plan or process in place to provide technical assistance and guidance to the system administrator of each participating organization in assigning the appropriate access to the HIE for each of its authorized users;

(i) Provide DHCF with a copy of its access and auditing plan as defined in §§ 8709.4 through 8709.6;

(j) Provide DHCF with a copy of its consumer education plan as set forth in § 8710.4; and

(k) Provide any additional information requested by DHCF or required under policy guidance provided by DHCF and published on its website at www.dhcf.dc.gov.

Subsection 8708.9 is amended to read as follows:

8708.9 An HIE entity's designation shall be awarded in six (6) year terms, effective immediately. DHCF shall review an HIE entity's designation every six (6) years from the date of designation to determine whether the HIE entity will be renewed for an additional six (6) year term. DHCF may request an HIE entity submit updated information related to the requirements set forth in § 8708.5 during review of an HIE entity's designation.

Subsection 8708.11 is amended to read as follows:

8708.11 A designated HIE entity shall submit an annual report for review by DHCF that addresses:

(a) Updates to all strategic and operational plans developed and submitted in accordance with § 8708.5(a), including plans for ensuring the necessary capacity to support clinical transactions;

(b) Rates of adoption, utilization, and transaction volume, and mechanisms to support health information exchange; and

(c) Additional information as requested by DHCF.

Section 8709, DESIGNATED HIE ENTITY AUDITING REQUIREMENTS, is amended as follows:

Paragraph (a) of Subsection 8709.1 is amended to read as follows:

(a) Detects inappropriate access, use, maintenance, and disclosure of information that are in violation of this chapter; and

Subsection 8709.6 is amended to read as follows:

8709.6 The access and auditing plan required under § 8708.4 shall include:

(a) The manner used to identify a violation of this chapter or a HIPAA breach;

(b) The method used to report a violation of this chapter or a HIPAA breach;

(c) The reasonable steps that shall be taken to promptly mitigate a violation of this chapter or a HIPAA breach;

(d) A review of the designated HIE entity's access logs to ensure that only an authorized user is granted access to HIE information and is meeting the requirements of this chapter; and

(e) A plan to ensure that the designated HIE entity's participating organization conduct its own audit or review of the HIE access logs within twelve (12) calendar days of receipt of the access logs from the designated HIE entity, if the designated HIE entity chooses to hold its participating organizations responsible for implementing the plan, pursuant to § 8709.5.

Section 8710, DESIGNATED HIE ENTITY REQUIREMENTS TO PROMOTE CONSUMER PARTICIPATION, ACCESS, AND EDUCATION, is amended as follows:

Paragraph (e) of Subsection 8710.2 is amended to read as follows:

(e) Public health authorities for purposes required by applicable law; or

Paragraph (d) of Subsection 8710.4 is amended to read as follows:

(d) Information on how the designated HIE entity shall make the following information available to health care consumers:

(1) A description of each type of PHI that is accessed or disclosed through the designated HIE entity;

(2) The health information maintained by the designated HIE entity;

(3) The specific details concerning who may access, use, or disclose a health care consumer's health information and for what purpose;

(4) The privacy and security measures that the designated HIE entity has implemented to protect health information, and a detailed explanation of what happens if there is a breach that results in unauthorized access to PHI;

(5) A health care consumer's access and participation options regarding health information exchange and the control over, protection of, use of, and correction of each type of health information;

(6) The process provided for a health care consumer to exercise the health care consumer's access and participation options, including a detailed description of the steps a health care consumer can take to opt out of participation in the designated HIE entity;

(7) The implications of a health care consumer's decision to opt out of participation in the HIE and not permit the disclosure of that consumer's PHI to authorized users, except as otherwise permitted under applicable law; and

(8) The designated HIE entity's policies and procedures, including policies and procedures consistent with this chapter regarding how the health care consumer may gain access to the health care consumer's health information.

Paragraph (e) of Subsection 8710.5 is amended to read as follows:

(e) Use text and illustrations that are culturally sensitive, language appropriate, and that recognize consumer diversity including ethnicity, age, race, sexual orientation, and gender;

Subsection 8710.9 is amended to read as follows:

8710.9 A designated HIE entity shall acknowledge a health care consumer's written notice or request, as described in § 8710.7, within twelve (12) calendar days of receipt of the request.

Paragraph (c) of Subsection 8710.12 is amended to read as follows:

(c) A designated HIE entity shall not disclose information derived from a health care consumer's PHI if the health care consumer has submitted a written notice or request to opt-out of health information exchange, except as otherwise permitted under applicable law.

Subsection 8710.17 is amended to read as follows:

8710.17 A designated HIE entity shall implement the health care consumer's requested action within seven (7) calendar days of receipt of the health care consumer's written or online request concerning:

(a) Opting-out of the HIE; and

(b) Resuming participation in the HIE after previously opting-out.

Paragraph (a) of Subsection 8710.18 is amended to read as follows:

(a) Send the confirmation of participation status change within five (5) calendar days of the effective date of change of the health care consumer's participation status; and

Section 8712, EXEMPTIONS, is amended as follows:

Subsection 8712.3 is amended to read as follows:

8712.3 Within forty-five (45) calendar days after receipt of complete information from a registered or designated HIE entity requesting an exemption, DHCF shall take one of the following actions:

(a) Grant the exemption by providing written notification;

(b) Request additional documentation from the HIE entity regarding the need for an exemption; or

(c) Deny the exemption request by providing written notification that enumerates the reasons for the denial to the registered or designated HIE entity.

Section 8799, DEFINITIONS, is amended as follows:

Subsection 8799.1 is amended as follows:

The following new definition of "Health care operations" is added after the existing definition of "Health care consumer":

Health care operations – The meaning provided in 45 C.F.R. § 164.501.

The following new definition of "Health Data Utility" is added after the existing definition of "Health care provider":

Health Data Utility - A Health Data Utility (HDU) is a model with cooperative

leadership, designated authority, and advanced technical capabilities to combine, enhance, and exchange electronic health data across care and service settings for treatment, care coordination, quality improvement, and community and public health purposes. The HDU facilitates the secure, bidirectional communication of health data between public health authorities and healthcare providers, enhancing the ability to control disease outbreaks, improve public health outcomes, and promote health equity.

The definition of "Non-HIPAA violation" is repealed.

The following new definition of "Payment" is added after the existing definition of "Participating organization":

Payment - The meaning provided in 45 C.F.R. § 164.501.

The definition of "Protected health information (PHI)" is amended to read as follows:

Protected health information (**PHI**) - A subset of health information that has the same meaning as given in 45 CFR § 160.103, and includes sensitive health information.

DEPARTMENT OF MOTOR VEHICLES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Motor Vehicles ("DMV"), pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905); Sections 6, 7, 10a-1, and 13 of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code §§ 50-2201.03, 50-1401.01, 50-2201.05a-1, and 50-1403.01); and Section 38 of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 131; D.C. Official Code § 50-1301.38), hereby gives notice of his adoption of the following amendments to Chapters 3 (Cancellation, Suspension, or Revocation of Licenses) and 99 (Definitions) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR). These amendments establish the Intelligent Speed Assistance Program as well as provide for the revocation of driver's licenses of individuals who fail to enroll in the Intelligent Speed Assistance Program. The rules also establish certification requirements for providers of intelligent speed assist devices.

The rulemaking is needed to ensure that drivers convicted of certain high-speed offenses, including aggravated reckless driving, enroll in the Intelligent Speed Assistance Program and only operate vehicles that have critical safety features limiting their ability to exceed the speed limit.

A Notice of Emergency and Proposed Rulemaking was published in the *District of Columbia Register* on October 10, 2025, at 72 DCR 011127, with a 30-day comment period. No comments were received.

The following changes were made to the proposed rules:

- In Subsection 313.3(a)(1) the citation to Section 9(b-1) of the District of Columbia Traffic Act, was corrected to 9(b)(1) of the District of Columbia Traffic Act and in Subsection 313.3(c) the reference to Section 37 of the Motor Vehicle Safety Responsibility Act of the District of Columbia was changed to Section 37(a) to align with the D.C. Code citation and DMV's intent.

- A citation was corrected in Subsection 313.5(b)(5).

- A spelling error was corrected in Subsection 313.6.

- In Subsection 313.7, the word "statutory" was added, to clarify that the criteria requiring enrollment in the program is expressly required by statute, and a further clarifying edit was made.

- Subsection 313.8 was removed as it was realized that the situation intended to be covered by this Subsection would not arise, so it was not applicable. The removal of the subsection does not affect the implementation of the rules.

- Due to the removal of Subsection 313.8, the remaining subsections of Section 313 were renumbered to ensure numeric order.

- Subsection 313.9 of the proposed rulemaking (renumbered as Subsection 313.8 in the final rulemaking) was revised to combine the requirement in Subsection (j) that a participant provide the necessary income documentation to establish indigency with the requirement in Subsection (i) that the District pay certain costs associated with an indigent person's participation in the program and to make non-substantive clarifying and typographical edits.

- To ensure consistency with the intent that a participant not be removed from the program but instead suspended from the program, as described in Subsections 313.11, 313.12 and 313.13 of the proposed rulemaking (renumbered as Subsections 313.10, 313.11, and 313.12, respectively, in the final rulemaking), the word removal and the word termination were changed to suspension. Also, the phrase "as follows" was added to the lead-in text of Subsection 313.10, for the purpose of clarity.

- The header of Section 314 was modified to accurately reflect that a person required to participate in the program, whose license was suspended, cancelled, or revoked for actions not related to the program, is not removed from the program.

- Corrections were made to the lettering of the provisions within Subsection 315.3 (along with a formatting edit).

- In paragraph (b) of Subsection 315.15, a cross-reference was corrected.

- In Subsection 315.20, the word "approved" was removed as unnecessary.

The final rule was adopted by the Director on April 7, 2026, and will be effective upon publication of this notice in the *District of Columbia Register*.

Title 18, DCMR, VEHICLES AND TRAFFIC, is amended as follows:

Chapter 3, CANCELLATION, SUSPENSION, OR REVOCATION OF LICENSES, is amended as follows:

Section 306, PERIOD OF SUSPENSION OR REVOCATION, is amended as follows:

Subsection 306.4 is amended to read as follows:

306.4 The minimum revocation period following a first offense of any resident's driver license or non-resident's privilege to operate a motor vehicle in the District for which revocation is made mandatory by law or under the discretionary authority of the Department shall be for six (6) months, except as set forth in D.C. Official Code § 50-2201.05a-1(c). For District of Columbia licensees, the minimum revocation period may also include any extension imposed pursuant to § 313.

Subsection 306.5 is amended to read as follows:

306.5 The period of revocation made mandatory by law or under the discretionary authority of the Department of any resident's driver license or non-resident's privilege to operate a motor vehicle in the District of Columbia shall be one (1) year following a second offense, and two (2) years following a third or subsequent offense(s), except as set forth in D.C. Official Code § 50-2201.05a-1(c). For District of Columbia licensees, the revocation period may also include any extension imposed pursuant to § 311.

A new Section 313, INTELLIGENT SPEED ASSISTANCE PROGRAM – IMPLEMENTATION, APPLICATION PROCESS AND PARTICIPATION COMPLIANCE is added to read as follows:

313 INTELLIGENT SPEED ASSISTANCE PROGRAM – IMPLEMENTATION, APPLICATION PROCESS, AND PARTICIPATION COMPLIANCE

313.1 This section implements provisions of the Intelligent Speed Assistance Program ("ISA Program"), which is a program under which District of Columbia driver licensees convicted of certain offenses are required to install intelligent speed assistance systems on motor vehicles they operate as a condition of obtaining and maintaining a restricted driver license and as a condition of reinstatement of their unrestricted driver license. The intelligent speed assistance system limits the speed at which a motor vehicle can travel based on the applicable speed limit.

313.2 The Department shall provide notice to each person required to enroll in the ISA Program as a condition of obtaining and maintaining a restricted driver license and of reinstatement of their unrestricted driver license.

313.3 (a) A District of Columbia driver licensee must apply for participation in the ISA Program upon having been convicted or adjudicated a juvenile delinquent by a final order or judgment for, or upon having forfeited any bond or collateral given to secure their appearance for trial for:

(1) Aggravated reckless driving pursuant to Section 9(b)(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-2201.04(b)(1)); or

(2) Any other offense set forth in Section 37(a) of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 120; D.C. Official Code § 50-1301.37(a)), if the licensee was traveling twenty (20) miles per hour or more over the speed limit during the commission of the offense.

(b) The licensee shall apply for enrollment in the ISA Program on a form provided by the Director.

(c) The licensee shall have thirty (30) calendar days, from the date on the written notice sent by the Department of the requirement to enroll in the program, to enroll in the ISA Program. If the licensee fails to enroll in the program within the thirty (30)-day period, their driver's license shall be revoked and, if and as provided in section 37(a) of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 120; D.C. Official Code § 50-1301.37(a)), the registration of any motor vehicle in the name of the person shall be suspended, until the person enrolls in the ISA Program.

(d) A participant shall be required to remain in the ISA Program throughout the revocation period imposed and for any additional time imposed by the Director pursuant to § 313.11(b)(1) and (2);

313.4 In addition to the persons required to enroll in the ISA Program pursuant to § 313.3(a), if an individual who applies for a District of Columbia license has a restricted, suspended, or revoked license issued by another jurisdiction for the same or similar offense as set forth in D.C. Official Code § 50-1301.38 and applies for a District of Columbia license, the individual must apply to enroll in the ISA Program under the terms set forth in this section.

313.5 In addition to any other information required by the Director, the applicant shall provide the following information as part of their application:

(a) The make, model, and registration number of all vehicles the applicant will be using during enrollment in the ISA Program; and

(b) With respect to each such vehicle:

(1) A copy of the vehicle registration issued by the Department;

(2) If the vehicle is leased, a valid lease agreement;

(3) The names and addresses of any registered owners other than the lessors and the applicant;

(4) A release form approved by the Director and signed by all persons identified in response to subparagraph (3), acknowledging that their vehicle's registration will be suspended if the applicant withdraws or is terminated from the program;

(5) The name and address of the certified provider that installed the intelligent speed assist device on the vehicle and, if different, the

name and address of the authorized service center where the vehicle will be brought pursuant to § 315.11; and

(6) Written verification from the intelligent speed assist provider that a certified speed assist device has been installed and that the applicant and all persons identified in paragraph (3) have received training in the use of the device.

313.6 With the applicant's application, the applicant shall pay an enrollment fee of fifty dollars ($50), unless the Department determines that the applicant is indigent, in which case no enrollment fee shall be imposed, and any other applicable fees.

313.7 (a) Upon satisfaction of all statutory requirements for enrollment in the ISA Program, the applicant shall receive a restricted driver license from the Department. The license restrictions shall prohibit the licensee from driving any vehicle other than a vehicle identified in the Department-approved application and only if the vehicle remains equipped with a properly functioning intelligent speed assist device.

(b) The Director may impose such other conditions as the Director may prescribe to protect the public or deems necessary pursuant to District law.

313.8 A participant in the ISA Program:

(a) Shall only operate a vehicle identified in the Department-approved ISA Program application and only if the vehicle remains equipped with a properly functioning intelligent speed assist device, approved for use under the ISA program;

(b) Shall abide by the terms and conditions of the service agreement with the intelligent speed assist service provider, including the payment of all costs and fees associated with the program;

(c) Shall not tamper with, bypass, or otherwise remove or render the intelligent speed assist device inoperable, or allow another person to tamper with, bypass, or otherwise remove or render the device inoperable;

(d) Shall not operate a vehicle with an expired or invalid registration;

(e) Shall not remove the intelligent speed assist device, or allow another individual to remove the intelligent speed assist device, without prior approval from the Director;

(f) Shall not operate a vehicle with knowledge that the intelligent speed assist device is not functioning properly;

(g) Shall not tamper with, bypass, damage, or render the intelligent speed assist device inoperable or allow another individual to tamper with, bypass, damage, or render the intelligent speed assist device inoperable;

(h) Shall not participate in any use of the intelligent speed assist device that poses a threat to public safety;

(i) Shall pay all costs associated with participating in the ISA Program; except, if the Department determines the participant is indigent based upon income documentation provided by the participant, the Department shall pay all costs associated with that participant's participation in the ISA Program for one (1) year resulting from the first conviction requiring enrollment; and

(j) Shall not engage the emergency override feature of the intelligent speed assist device more than ten (10) times during a thirty (30) day period.

313.9 A participant shall be deemed to be in violation of the ISA Program requirements if the individual fails to comply with requirements or restrictions set forth in § 313.9.

313.10 The Department shall suspend a participant from the ISA Program, or alternatively extend a participant's service in the program, as follows:

(a) Suspension from the program.

(1) The Director shall suspend a participant from the ISA Program, and suspend the participant's restricted license, for any violation listed in § 313.9 unless they agree to the alternatives listed in subparagraph (b);

(2) If a participant is suspended from the program pursuant to subparagraph (1) and their restricted license is suspended, that person shall at the end of the suspension period re-enter the ISA Program to participate for the remaining time period.

(b) Alternatives to suspension.

(1) For a violation listed in § 313.9(b) or (d)–(k), the Director may, as an alternative to suspending the participant from the ISA Program, offer the participant the option of serving an additional sixty (60) days in the program for the participant's first violation, ninety (90) days for the participant's second violation, or one hundred and twenty (120) days for each subsequent violation; or

(2) For a violation listed in § 313.9(c), the Director may, as an alternative to suspending the participant from the ISA Program,

offer the participant the option of serving an additional one (1) year in the program.

(c) The additional periods set forth in paragraph (b) shall, if agreed to by the participant, extend the time the participant is required to remain in the ISA Program beyond the initial driver license revocation period.

313.11 Prior to suspension from the ISA Program or the imposition of an alternative to removal pursuant to § 313.11, the participant shall be given ten (10) days written notice of the action. The participant shall have ten (10) days from the notice date of suspension or alternative to suspension to request a written review by the Director or the Director's designee of the suspension from the program or imposition of an alternative to suspension. Failure to timely submit a written objection shall waive any rights to such review. The review shall be limited to the issue of whether the offense leading to suspension was committed. Documentation from the intelligent speed assistance device, a certified provider, a court, an administrative agency, or a law enforcement official shall be prima facie evidence that the offense was committed.

313.12 The Director shall suspend the registration of all vehicles identified in the application of a program participant who withdraws from or is suspended from the ISA Program until the participant re-enrolls in the program.

313.13 If the participant's license is cancelled due to the participant's relocation outside of the District, the Department shall also revoke the participant's privilege to drive in the District until the end of the remaining revocation period. At the conclusion of the revocation period, the participant may apply for reinstatement of the privilege to drive in the District as an out-of-state resident, if the participant continues to reside outside the District.

313.14 Any individual required to participate in the ISA Program as part of a court order must abide by the provisions of this section. The Department shall notify the Court when the individual is terminated from or completes the program.

313.15 For the purposes of this section, the terms "certified speed assist device" and "certified provider" mean such devices and providers as are certified by the Department pursuant to § 315.

A new Section 314, ISA PROGRAM—EFFECT OF UNRELATED SUSPENSIONS, CANCELLATIONS, OR REVOCATIONS, is added to read as follows:

314 ISA PROGRAM—EFFECT OF UNRELATED SUSPENSIONS, CANCELLATIONS, OR REVOCATIONS

314.1 An ISA Program participant's driver license shall remain subject to suspension, revocation, or cancellation on grounds described elsewhere in this title or other District law that are not program violations described in § 313.

314.2 An ISA Program participant whose driver license is suspended, revoked, or cancelled pursuant to § 314.1 before their required period of participation in the ISA Program is complete, and who wishes to reapply for a driver license, must apply for a restricted license. The person shall operate under that restricted license until they have completed their required participation in the ISA Program.

A new Section 315, ISA PROGRAM—INTELLIGENT SPEED ASSISTANCE SYSTEM PROVIDERS, is added to read as follows:

315 ISA PROGRAM—INTELLIGENT SPEED ASSISTANCE SYSTEM PROVIDERS

315.1 (a) All intelligent speed assistance system providers must be certified by the Department in accordance with the requirements of this section.

(b) The Department shall enter into an agreement with a provider that incorporates by reference this section and includes any other requirements deemed appropriate by the Department in order to carry out the purposes of the Intelligent Speed Assistance Program ("ISA Program").

315.2 Providers shall be responsible for device installation, user training, and device service and maintenance.

315.3 An application for certification shall include:

(a) The name and address of the provider;

(b) The name and model number of each type of device to be used by the provider;

(c) A detailed description of each device, including instructions for its installation and operation;

(d) Technical specifications describing each device's accuracy, security, data collection and recording, tamper detection, and environmental features;

(e) A certified copy of the drawings, schematics, and wiring protocols for each device and its components, to be treated by the Department as confidential commercial information not subject to public disclosure;

(f) A description of the provider's present or planned provisions for distribution of the device in the District, including all locations where the

device may be purchased, installed, serviced, repaired, calibrated, inspected, and monitored;

(g) A certificate from an insurance company licensed in the District evidencing that the provider holds product liability insurance with minimum liability limits of one million dollars ($1,000,000) per occurrence, with three million dollars ($3,000,000) aggregate total. The liability covered shall include defects in product design and materials, including but not limited to manufacturing, calibration, installation, and removal of devices. The proof of insurance shall include a statement from the insurance company that thirty (30) days' notice will be given to the Department before cancellation of the insurance; and

(h) A statement that the provider is entirely responsible for product liability and shall defend and indemnify the District and the testing laboratory that has verified that the device meets the Department's standards and requirements.

315.4 A provider shall certify that the devices for which certification is sought:

(a) Do not impede the safe operation of the vehicle;

(b) Minimize opportunities to bypass the devices;

(c) Work accurately and reliably in an unsupervised environment;

(d) Resist tampering and provide evidence of attempted tampering;

(e) Are difficult to circumvent and require premeditation to circumvent;

(f) Are manufactured by a party responsible for installation, user training, service, and maintenance;

(g) Operate reliably over the range of motor vehicle environments or motor vehicle manufacturing standards;

(h) Are manufactured by a party adequately insured for product liability;

(i) Provide the option for an electronic log of the driver's experience with the device; and

(j) Meet the requirements set forth in the specifications for the devices.

315.5 Each device, to be eligible for certification, shall have the following features:

(a) A global positioning system (GPS) or other technology that determines the roadway on which the vehicle is traveling;

(b) Technology that determines the posted speed of the roadway on which the vehicle is traveling;

(c) A digital display, mounted on or near the vehicle dashboard, that shows the current speed at which the vehicle is traveling, as well as the speed limit of the roadway being traveled;

(d) A mechanism that prevents the vehicle from traveling at a speed of more than five miles per hour (5 mph) over the posted speed limit and that disengages the accelerator of the vehicle if the vehicle exceeds the posted speed limit by more than five (5) miles per hour over the posted speed limit;

(e) A capability for the operator to override the speed-limiting mechanism in emergency situations. The emergency override feature of the system shall be configured to allow the vehicle to exceed the speed limit by a maximum of fifteen (15) miles per hour over the posted speed limit for a total of twenty (20) seconds;

(f) A mechanism to alert the provider to the use of the override feature, and to transmit to the provider the date, time, and location of the override;

(g) A mechanism to continuously collect, record, and store the following information, including the applicable date and time:

(1) The location and operational speed of the vehicle; and

(2) Use of the emergency override mechanism;

(h) The following electronic anti-tampering securities:

(1) A tamper detection mechanism that operates when the device is disconnected from the vehicle's power supply or that records when the device was disconnected. Devices that lose their memory of tamper events when disconnected from a power source shall have an indicator or interrupt device;

(2) A mechanism to continuously record the time and date of any attempt to tamper with the device; and

(3) An indicator or interrupt device that activates when a device detects a condition that would be considered tampering;

(i) The capability of having data downloaded at a fixed facility or over an encrypted cellular data transmission; and

(j) A self-diagnostic feature that verifies that the device is working properly.

315.6 All costs of obtaining certification of an intelligent speed device shall be borne by the provider.

315.7 A provider shall ensure that proper installation procedures are adhered to when installing a device, including the following:

(a) Each provider shall develop and follow detailed and written instructions for installation of its device in accordance with the guidelines adopted by the Department;

(b) Devices shall be installed within a building or from a mobile unit fully equipped for adequate installation;

(c) Neither the ISA Program participant nor the participant's representative may be allowed to witness the installation of the device;

(d) The installer shall screen the vehicle for acceptable mechanical and electrical conditions, in accordance with the provider's instructions;

(e) Conditions that would interfere with the functioning of the device (for example, low battery or alternator voltage, etc.) shall be corrected to an acceptable level;

(f) Installations shall be made in a professional manner in accordance with accepted trade standards and according to the instructions provided by the manufacturer;

(g) After a device is installed, the vehicle shall be checked to see that the installation was performed properly and that it does not interfere with the normal operation of the vehicle;

(h) Each installation shall include the following physical anti-tamper securities:

(1) A unique and easily identifiable wire covering or sheathing over all wires and/or OBD port used for installation;

(2) Connections to the vehicle that are under the dash or in an inconspicuous area of the vehicle; and

(3) Depending on the level of electronic anti-tampering security of a device, additional physical anti-tamper measures, such as the use of a special mark, seal, paint, epoxy, resin, or other material to mark points likely to be accessed when attempting to bypass or tamper

with the device (for example, battery post terminals, wire to started solenoid, wire to ignition, dash screws); and

(i) At the time of device installation, a self-diagnostic test shall be performed to ensure that the device is working properly.

315.8 After installation of a device, the provider shall provide to the participant an installation certificate that includes:

(a) The date of installation;

(b) The name of the restricted driver;

(c) The driver's license number of the restricted driver;

(d) The date of birth of the restricted driver;

(e) The year, make, and model of the vehicle the device was installed in;

(f) The license plate number of the vehicle the device was installed in; and

(g) The name or identifier of the individual that installed the device.

315.9 The Department or its designees shall have the right to inspect installation and servicing of the devices.

315.10 The provider shall provide the customer with the following:

(a) Written instructions on how the device is used;

(b) Written instructions on what type of vehicle malfunctions or repairs may affect the device and what to do when such repairs are necessary; and

(c) Written and hands-on training on how to use the device. This training shall also be provided to all persons authorized to use the vehicle.

315.11 In the event of a customer complaint, the provider shall correct any errors in operation or misuse with additional instructions or exchange the device with another in the event of a component failure, within forty-eight (48) hours of notification of the complaint.

315.12 The provider shall provide an emergency twenty-four (24)-hour phone number that a driver may use to receive assistance in the operation of the device, including repairs to malfunctioning devices. Assistance may include technical information, tow service, or road service. Emergency assistance related to the failure or malfunctioning of a device shall be provided within twenty-four (24) hours for

vehicles located in or near an area with an installation repair facility, and the device shall be made functional within forty-eight (48) hours from when the call for assistance is made.

315.13 Whenever a device is removed for repair and cannot immediately be reinstalled, a substitute device shall be installed.

315.14 The provider shall conduct tamper inspections any time that the device is inspected, maintained, or repaired by the provider. Tamper inspections shall include the following:

(a) Inspecting all external wiring insulation, connection, and sheathing for the device and where the device connects to the vehicle;

(b) Recording or documenting any electronic indications of tampering;

(c) Inspecting all tamper seals for breaks, tears, or other evidence of tampering;

(d) Documenting and photographing any evidence of tampering; and

(e) Checking the device for proper operation to ensure tamper detection capabilities are functioning properly.

315.15 (a) Providers shall ensure the following with respect to personnel who install, calibrate, perform tamper inspections, or perform reporting duties:

(1) Personnel shall have the training and skills necessary to install, troubleshoot, and check for proper operation of the device, and to screen the vehicle for acceptable conditions;

(2) Personnel may not have been convicted of a crime substantially related to the qualifications, functions, and duties related to the installation and inspection of the devices. Such a crime may include, but is not limited to, the following:

(A) Conviction for perjury; or

(B) License suspension or revocation for a violation of motor vehicle safety laws.

(b) Persons who can show acceptable evidence of rehabilitation may be considered for the positions in paragraph (a) of this subsection.

315.16 Facilities, which may include mobile or satellite units, where intelligent speed assist devices are installed, serviced, monitored, or removed, shall:

(a) Be in an area where participants and their representative are not allowed to watch the installation, calibration, or removal of a device;

(b) Be open during normal business hours with after-hours service capability;

(c) Be established to service the geographical location and volume of individuals who qualify for and are admitted into the ISA program; and

(d) Have and use the required tools, test equipment, and manuals needed to screen vehicles for acceptable mechanical and electrical conditions to install ISA devices.

315.17 Providers shall maintain electronic records of any installation, service, or removal of any intelligent speed assist devices for a minimum of five (5) years after the device has been removed. The records shall be subject to inspection by the Department or its designees upon written notice of inspection, which shall be provided at least five (5) days before the inspection.

315.18 The provider shall provide the following reports to the Department, in a format designated by the Department:

(a) Any attempt to circumvent or tamper with a device, which shall be reported to the Department within forty-eight (48) of the provider becoming aware of the attempt;

(b) Any removal of a device not authorized by the Department, which shall be reported to the Department within twenty-four (24) hours of the provider becoming aware of the removal;

(c) Any use of the override feature, which shall be reported to the Department every thirty (30) days; and

(d) Driving activity of each vehicle in which a device is installed, which shall be reported to the Department every thirty (30) days.

315.19 The provider shall submit to the Department:

(a) Annually, a certified statement that the manufacturing of the model or type of device originally certified has not been modified or altered in any way that requires laboratory retesting;

(b) Annually, a summary of all complaints received, and corrective actions taken by the provider, for each model or type of certified speed assist device;

(c) Every six (6) months, a report that the devices maintained in inventory were checked for proper use and accuracy, detailing any necessary adjustments;

(d) A report on any device denied certification in another state, whether the denial of certification occurs before or after certification by the Department; and

(e) Any other available information upon request.

315.20 (a) When notified in writing by the Department, the provider shall remove the device and return the vehicle to normal operating condition. All severed wires shall be permanently reconnected and insulated with heat shrink tubing or its equivalent.

(b) The provider shall thereafter provide a removal certificate to the participant that includes:

(1) The date the device was removed;

(2) The number of days the device was installed;

(3) The number of miles driven during the time the device was installed on the vehicle; and

(4) The name or identifier of the individual that removed the device.

315.21 The Department may revoke approval of a device, and remove it from the list of approved devices, upon any of the following grounds:

(a) Evidence of repeated failures due to defects in design, materials, or workmanship during manufacture;

(b) Termination of the provider's liability insurance;

(c) Notification that the provider is no longer in business;

(d) Voluntary request of provider;

(e) A reasonable belief that the device was inaccurately represented to meet the performance standards established by this section; or

(f) A denial or revocation of certification for the device model in another state.

315.22 The effective date of revocation shall be fifteen (15) days after notification is sent to the provider via first class mail, except in cases where the Department determines immediate revocation is necessary for the safety and welfare of the public.

315.23 Within fifteen (15) days of revocation, a provider may request, in writing, review of revocation.

315.24 Upon revocation or voluntary surrender of an approval, a provider shall be responsible for removal of all such devices from participants' vehicles, any costs connected with the removal of its revoked devices from participants' vehicles, the installation of new devices from the Department's list of approved devices, and any costs connected with the installation of the new devices.

Chapter 99, DEFINITIONS, is amended as follows:

Section 9901, DEFINITIONS, is amended by adding a new definition, after the definition of "instrument", to read as follows:

Intelligent Speed Assist Device or Device – a technical device designed to be installed within a motor vehicle to actively monitor and prevent the driver from exceeding a preset speed limit.

DISTRICT OF COLUMBIA STATE ATHLETIC ASSOCIATION

NOTICE OF FINAL RULEMAKING

The Executive Director of the District of Columbia State Athletic Association ("DCSAA"), pursuant to the authority set forth in Section 113 of the District of Columbia State Athletics Consolidation Act of 2016, effective April 7, 2017 (D.C. Law 21-263; D.C. Official Code § 38-2661.31) ("Athletics Act"), and Mayor's Order 2019-007, dated February 11, 2019, and with the approval of the Deputy Mayor for Education, hereby gives notice of the adoption of the following changes to Chapter 1 (Interscholastic Athletics) of Subtitle F (District of Columbia State Athletic Association) of Title 5 (Education) of the District of Columbia Municipal Regulations ("DCMR").

A Notice of the Proposed Rulemaking was published in the *District of Columbia Register* on March 13, 2026, at 73 DCR 003834. No comments were received and no changes were made to the rulemaking. No comments were received and no changes were made to the rulemaking. The amendment was adopted as final on April 21, 2026, and shall become effective upon publication of this Notice of Final Rulemaking in the *District of Columbia Register*.

Chapter 1, INTERSCHOLASTIC ATHLETICS, of Title 5-F, DISTRICT OF COLUMBIA STATE ATHLETIC ASSOCIATION, is amended as follows:

Section 109, WAIVER OF STUDENT ELIGIBILITY REQUIREMENTS, is amended as follows:

Subsection 109.2 is amended to read as follows:

109.2 (a) Waiver requests shall be filed as follows:

(1) For fall sports, by the sixth (6^{th}) Wednesday following the initial roster due date;

(2) For winter sports, by the fourth (4^{th}) Wednesday following the initial roster due date; and

(3) For spring sports, by the fourth (4^{th}) Monday following the initial roster due date.

(b) When a member school and/or LEA receives a request for a waiver from a student, the member school and/or LEA shall forward that request to the DCSAA for decision, regardless of whether the member school and/or LEA supports the request for waiver.

(1) If the waiver request is submitted by the member school and/or LEA to the DCSAA on behalf of the student, it shall be submitted within five (5) school days of receipt of the request for waiver by the school.

(2) When the member school and/or LEA submits the request for waiver to the DCSAA on behalf of the student, the athletic director of the member school and/or LEA may include any additional information they are authorized to release that is relevant to the request for waiver.

(c) If the student submits a completed request for waiver directly to the DCSAA, the DCSAA shall notify the member school and/or LEA of the waiver submission within two (2) school days of receipt of the request for waiver.

(1) The member school and/or LEA may submit to the DCSAA any additional information they are authorized to release that is relevant to the request for waiver within five (5) school days of being notified by the DCSAA that a request for waiver has been submitted.

Section 110, COMPLAINTS OR CHALLENGES PROCEDURES, is amended as follows:

Subsection 110.1 is amended to read as follows:

110.1 The DCSAA, on its own motion, or upon receipt of a complaint or challenge submitted in accordance with this section, may investigate conduct that would constitute a violation of the requirements of this chapter. The DCSAA shall hear and decide complaints or challenges:

(a) Related to its membership standards;

(b) Arising under the DCSAA handbook, including sections that pertain to school membership, member school staff conduct, member school staff responsibilities, duties, and requirements, conduct of practices, scrimmages, and contests, health, safety and wellness, DCSAA policies, and penalties;

(c) Related to participant eligibility arising between a DCPS and non-DCPS member school participating in a DCSAA-approved competition or arising between a member school and non-member school participating in a DCSAA-approved competition; or

(d) Related to student eligibility, provided that the complaint or challenge is made within thirty (30) days of the start of the relevant athletic season.

Subsection 110.2(a) is amended to read as follows:

(a) A complaint or challenge shall be presented in writing, signed by the submitting party, and mailed or hand delivered to the DCSAA. A complaint or challenge may also be sent electronically to the DCSAA; and

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
Z.C. Case No. 25-06
Office of Planning
(Text Amendment to Subtitles B-G, I, J, U, and X to Regulations Governing Alley Lots)

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2018 Rep1.), and pursuant to § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2016 Repl.)), hereby gives notice of its intent to amend Subtitles B, C, D, E, F, G, I, J, U, and X of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified), with the proposed text at the end of this notice.

SETDOWN

On May 19, 2025, the Office of Planning (OP) filed a petition (OP Setdown Report[1]) to the Commission proposing text amendments to facilitate the reuse of vacant or underutilized alley lots and to standardize and clarify existing alley lot regulations citywide (Exhibit [Ex.] 2). The OP Setdown Report provided background for the proposal stating that following a previous text amendment case[2] addressing alley lot rules, the Commission and the Board of Zoning Adjustment (BZA) requested that OP examine alley width requirements, alley lot subdivision and development standards, and potential for a special exception for subdivision relief. OP stated that, based on GIS, it estimates that there are approximately one thousand eight hundred ninety-seven (1,897) alley lots in the District, with the largest concentrations in older centrally located neighborhoods and fewer in neighborhoods located near the edge of the city. Nearly half of all alley lots, eight hundred eighty-seven (887), are located in the RF-1 zone; and many of the alley lots, six hundred sixty-one (661), have less than four hundred fifty square feet (450 s.f.) in area. The proposed amendments are intended to:

- Implement Comprehensive Plan policies that encourage infill development, efficient land utilization, innovative approaches to housing development, and new development matching the character of existing communities;
- Facilitate the use of vacant and underutilized alley lots where current regulations render use or development of properties infeasible; and
- Clarify the regulations to make them easier to use and administer.

(Ex. 2).

OP stated that primarily the proposed amendments would:

- Reduce the alley width requirement for subdivision of an alley lot;
- Establish a special exception process for alley lot subdivision relief from minimum requirements;
- Allow residential use on alleys lots in the R-1 and R-2 zones;

[1] The OP Setdown report also served as the prehearing report required by Subtitle Z § 501.
[2] Z.C. Case No. 19-13, OP Text Amendment to Alley Lot Regulations.

- Allow a second residential unit within an alley lot building (i.e., an accessory dwelling unit or second principal unit depending on zone) based on the lot size;
- Reduce maximum lot occupancy for alley lots in R-1 and R-2 zones; and
- Increase yard requirements for alley lots in the R-1 zone.

To effectuate these changes OP proposed amendments in the main categories of alley lot subdivision, uses, and development standards to Subtitles B, C, D, E, F, G, I, J, and U (Ex. 2).

At its May 29, 2025 public meeting, the Commission expressed support for the proposed amendments and requested that OP provide additional information from the District Fire and Emergency Medical Services Department (FEMS) regarding the access and safety implications of the proposed amendments.

The Commission then voted to set down the petition for a public hearing.

OP Reports

OP submitted a Setdown Report on May 19, 2025, and a Hearing Report on January 2, 2026 (hereinafter collectively, the OP Reports), which are summarized below regarding the Comprehensive Plan consistency analyses provided (Ex. 2, 187).

Comprehensive Plan

The OP Reports conclude that, on balance, the proposal would not be inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens, for the reasons discussed below.

Citywide Elements - The OP Reports conclude that the proposal would further policies of the Citywide Elements, including the Land Use, Housing, and Area Elements of the Comprehensive Plan. OP stated that the proposal addresses key equity issues, including allowing opportunities for new growth and balancing competing demands for finite land resources while minimizing impacts on adjacent residential property. OP noted that the proposal would facilitate infill development on vacant lots that create gaps in the District's urban fabric, and would facilitate the reuse of vacant lots that have been difficult to redevelop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. OP stated that its proposal balances policies that seek to protect low-density and rowhouse residential neighborhoods with those that accommodate appropriate production of additional housing and a modest increase in density and more diverse housing types in residential neighborhoods. The proposal will further equity by expanding the production of housing and provide opportunities for all forms of housing throughout the District, by eliminating regulatory barriers to developing certain vacant lots, and by permitting housing to be developed in zones on lots where it is currently prohibited. The proposal thus identifies and removes unnecessary and burdensome regulations that impede important policy and regulatory goals (*Id*.).

OP also noted that many alley lots can be found in areas shown as Neighborhood Conservation Areas on the Generalized Policy Map. OP states that the proposal, intended to facilitate infill development on underutilized lots at a scale compatible with existing alley buildings and surrounding development, is consistent with Neighborhood Conservation Area guidelines, which

seek to conserve and enhance established neighborhoods without precluding development, particularly development that addresses city-wide housing needs (*Id*.).

Racial Equity

Community Outreach and Engagement - The OP Reports state that alley lot owners had periodically provided feedback to OP since the approval of Z.C. Case No. 19-13,[3] and that OP began formal outreach to alley lot owners in October 2024. In April, October, and November 2025, OP held virtual open houses for ANC members, and had further engagement with alley owners and owner representatives. OP presented to individual ANCs that requested additional consultation, as well as other interested groups that requested a meeting. In total, OP held 15 meetings between October 2024 and December 2025. In addition, OP launched a project webpage through the OP website providing an overview of the proposal and various information; the webpage provided an email for submission of questions and comments. OP also solicited comments from other DC agencies, including the District Department of Transportation (DDOT), FEMS, the District Department of Energy and the Environment (DOEE), DC Water, and the Office of the Attorney General (OAG) (*Id*.).

OP stated that it received general support for the proposed amendments but feedback resulted in some changes to OP's proposal, both before and after setdown. Other suggestions were not incorporated into OP's proposal (*Id*.).

Disaggregated Race and Ethnicity Data - OP provided Districtwide disaggregated race and ethnicity data regarding population, housing cost burden, and housing tenure for the 2012-2016 and 2019-2023 time periods. OP noted that it does not anticipate the proposed amendments will result in direct or indirect displacement of tenants or residents as the intent of the proposal is to encourage additional development of vacant or underutilized lots, and such development is unlikely to be at a scale that would significantly impact a surrounding neighborhood. OP also noted that the proposed amendments could result in additional market rate housing development; given the typically smaller scale of dwellings on alley lots, it is possible that the total cost of the units could be lower than dwellings on nearby street-facing lots, which would typically be larger. OP further stated that the proposed amendments could result in the creation of new infrastructure. The zoning changes, if they result in new development, could improve the security and physical appearance of some alleys and alley lots, which can sometimes be overgrown and neglected, or even used as illegal dumping grounds (*Id*.).

OP Hearing Report

The OP Hearing Report (Ex. 187) provided a response to the Commission's request for feedback from FEMS regarding the proposal. In its meeting with OP, FEMS expressed concern with OP's proposal to reduce the matter of right alley width for a subdivision to fifteen feet (15 ft.). FEMS expressed support to leave the matter of right alley width at twenty-four feet (24 ft.), and to allow subdivision by special exception for alleys less than twenty-four feet (24 ft.), in width to enable FEMS and community review. OP stated that FEMS had described the importance of the ability

[3] Text amendments to the alley lot regulations approved in this case became final and effective on October 30, 2020 when Z.C. Order No. 19-13 was published in the *District of Columbia Register* (67 DCR 012690- 012706).

to review building proposals on a case-by-case basis, as individual alleys may differ in their configurations, as would the ability to safely access them with fire-fighting equipment.

The OP Hearing Report stated that DDOT indicated in discussions with OP that it had no concerns and supported adoption of the proposal. The OP Hearing Report contained DOEE's written comments concerning the proposal. DOEE requested that OP's proposed GAR requirement be removed, and also recommended increasing the pervious surface requirement from ten percent (10%) to twenty-five percent (25%), to assist in reducing stormwater runoff. The OP Hearing Report states that DC Water emailed OP stating that it had no comments on the proposal.

The OP Hearing Report stated OP made the following changes to the proposed text between set down and the OP Hearing Report:

- Subtitle C § 306.1(a) – Eliminate the proposal to reduce the matter of right alley width for a subdivision to fifteen feet (15 ft.) and instead retain the existing twenty-four foot (24 ft.)-foot matter of right alley width standard;
- Subtitle C § 306.1(d) – Move minimum lot area from individual subtitle development standard tables to Subtitle C;
- Subtitle C § 306.1(d) – Specify that in any R-2, R-3, and RF zones, the minimum lot area shall be the minimum required, regardless of building type;
- Subtitle U § 600.1(f)(6) and I § 210.4(b) – Eliminate the proposal to reduce the matter of right alley width for all residential uses to fifteen feet (15 ft.) and instead retain the existing standard, which includes a special exception for alleys not meeting the matter of right standard;
- Subtitle D, E, and F § 5201; G § 5200; I § 210 – Allow alley buildings up to twenty-two feet (22 ft.) as a matter-of-right, but add height to the list of development standards for alley lots for which the BZA can grant relief as a special exception. Maximum height through a special exception would be thirty-five feet (35 ft.) and three (3) stories in residential zones, and forty feet (40 ft.) and four (4) stories in commercial zones;
- Subtitle D, E, F, and G § 5100; I § 210 – Refine the purpose statements proposed for each alley lot regulation section;
- Subtitle D, E, F, and G § 5100; I § 210; J § 500 – Rear and side yard provisions in the development standard tables were combined and further clarifications were made;
- Subtitle D § 5100 – Require larger yards for R-2-zoned alley lots;
- Subtitle D and E § 5100 – Add a line to the development standard tables to clarify that front setback rules do not apply on alley lots;
- Subtitle D, E, and F § 5100 – Increase pervious surface requirements for alley lots in the R and RF zones to twenty-five percent (25%), and keep pervious surface requirement for single- and two-family dwelling units in alley lots;
- Subtitle U §§ 600 and 601 – Limit residential uses on R-2-zoned alley lots to those alley lots existing as of the effective date of the proposed alley regulations; and
- Subtitle X § 1001.3(d) – Add language to the examples of area variances to clarify that some aspects of relief from alley use regulations can be reviewed as area variances, and others must be reviewed as use variances.

(Ex. 187).

OP First Supplemental Report

On January 6, 2026, OP filed a Supplemental Report (OP First Supplemental Report, Ex. 189) correcting the text of Subtitle U § 600.1(f)(6) that appeared on page 40 in the OP Hearing Report. Specifically, the report corrected the text of Subtitle U § 600.1(f)(6) consistent with FEMS' preference to maintain the matter of right alley width standards for residential use on alley lots. The only change to the existing zoning text was to renumber a subsection (Ex. 189).

NOTICE

Pursuant to Subtitle Z § 502, the Office of Zoning (OZ) sent notice of the November 13, 2025 public hearing on August 19, 2025 (Ex. 47) and published notice of the public hearing in the August 29, 2025 *District of Columbia Register* (72 DCR 009289 *et seq*.) as well as on the calendar on OZ's website. (Ex. 46, 48.) The Commission published notice in the November 7, 2025 *District of Columbia Register* (72 DCR 012463 *et seq.*) that the public hearing was rescheduled to January 12, 2026.

COMMENTS

Prior to the January 12, 2026 public hearing, the Commission received several letters in support of the proposal (Ex. 6–46,[4] 49–146, 148–163, 165–170, 172–186, 188, 190–206, 208–224, 226–229, 231–232). Many of the letters in support recommended amendments to the proposal to:

- Eliminate parking mandates for alley dwellings;
- Align unit limits with the limits of their zones; and
- Align height limits of alley dwellings with their zones.

A smaller number of letters in support stated that OP should reconsider increasing pervious surface requirements for alley lots; and OP should increase matter-of-right building height for alley lots from the proposed twenty-two feet (22 ft.) to twenty-five feet (25 ft.) (*See* American Institute of Architects letter, Ex. 218).

Many letters stated that the proposed text amendments align with the District's goal to support equitable and inclusive growth, that alley lots increase safety through active usages and enhance community character, and that the amendments would help make more efficient use of underutilized land in neighborhoods.

In addition to members of the public, the Commission received letters in support from ANCs and District agencies. The following summarizes the main points raised in the letters but is not intended to be an exhaustive list of every issue raised.

ANC 1A – ANC 1A submitted a report stating that at a public and properly noticed public meeting on December 17, 2025, with a quorum of 10 of 10 Commissioners present, ANC 1A voted 10-0-0 to support the OP Setdown Report. ANC 1A asked the Commission to (Ex. 186):

- Allow parking flexibility for alley homes rather than impose arbitrary mandates;
- Align unit limits with the underlying zone; and
- Align height limits to the underlying zone.

[4] Both the August 19, 2025 Public Hearing Notice, and August 20, 2025 Letter in Support by Matthew Bank, are labeled as Ex. 46 on the docket.

ANC 2E – ANC 2E submitted a report stating that at a public and properly noticed public meeting on November 3, 2025, with a quorum of 8 of 8 Commissioners present, ANC 2E voted 8-0-0 to support the OP Setdown Report. ANC 2E asked the Commission to direct OP to do the following:

- Clarify whether the proposed amended Section U 600.1 would enable the use of alley dwellings for short-term rentals as an accessory use;
- Confirm that the proposal will allow for no more than two stories with no penthouse option, including special exception; and
- Confirm whether parking is allowed.

(Ex. 177.)

ANC 3E – ANC 3E submitted a report stating that at a public and properly noticed public meeting on October 9, 2025, with a quorum of 7 of 7 Commissioners present, ANC 3E voted 7-0-0 to support the OP Setdown Report, if OP removes parking minimums for alley lots. (Ex. 175.)

ANC 4D – ANC 4D submitted a report indicating its support for the OP Setdown Report. ANC 4D asked the Commission to:

- Allow parking flexibility for alley homes;
- Align unit limits with the underlying zone; and
- Align height limits to the underlying zone.

(Ex. 181.)

ANC 6B – ANC 6B submitted a report stating that at a public and properly noticed public meeting on October 15, 2025, with a quorum present, ANC 6B voted to support the OP Setdown Report. ANC 6B asked the Commission to:

- Remove parking mandates for alley dwellings;
- Align unit limits with those of street-facing homes; and
- Ease alley height alignment limits.

(Ex. 182.)

ANC 6C – ANC 6C submitted a report stating that at a public and properly noticed public meeting on September 10, 2025, with a quorum of 7 of 7 Commissioners present, ANC 6C voted 7-0 to support the OP Setdown Report. ANC 6C stated that:

- Reducing the matter of right alley width subdivision width to fifteen feet (15 ft.) would increase the usability of alley lots and that because FEMS is experienced with dealing with ten (10) and twelve feet (12 ft.) wide alley, adding a special exception requirement is an unnecessary barrier to housing;
- Increasing matter of right alley structure height to twenty-two feet (22 ft.) will ease challenges associated with constructing housing; and
- ANC 6C supports allowing two units as a matter of right on alley lots one thousand eight hundred square feet (1,800 sq. ft.) or larger and as a special exception on smaller lots.

(Ex. 231).

Office of the Attorney General – OAG stated its overall support of the OP Reports:

- No objection to return to twenty-four foot (24 ft.) minimum alley width for subdivisions and residential uses, but continues to recommend greater clarity for special exception relief related to reduction in alley width and proximity requirements;
- Supports clarification to minimum lot dimensions in R and RF zones to tie them to the minimum required by the zone, rather than building type;
- Supports special exception relief for allowing additional height;
- Supports clarification that front setback rules do not apply to alley lots;
- Supports clarification to variance types for alley lots;

OAG recommended that OP continue to review development standards to assess potential for greater flexibility and to review special exception requirements and agency reviews to ensure clarity and efficiency. (Ex. 184, 207.) OAG noted its concern that some of the proposed changes impose additional, overly burdensome regulations on alley lots, and OAG provided specific suggestions for amended text. (See OAG proposed language, Ex. 185.)

In addition, the Commission received two letters in opposition to the proposal from the same individual (Ex. 147, 164) and one letter containing general comments (Ex. 228). The opposition letters stated that the proposal would cause congestion and neighborhood disruption, and that District tax dollars should not be used to install water and sewage lines to service new alley dwellings.

PUBLIC HEARING

At the January 12, 2026 public hearing, OP presented its proposal, as revised by the OP Hearing Report (Ex. 187) and the OP First Supplemental Report (Ex. 189). OP noted that its revised proposal was the result of continued review with stakeholders such as ANCs, members of the public, alley lot owners, and government agencies. OP stated that although it could not come up with a firm estimate for the number of housing units that may be produced by the proposal, the lots most likely to develop new housing units are vacant lots, and five hundred eleven (511) of those lots meet the minimum size threshold of four hundred fifty square feet (450 sq. ft.). OP highlighted some of the major proposed amendments and Comprehensive Plan policies identified and described in further detail in the OP Reports. OP also explained that due to life and safety concerns expressed by FEMS, OP now proposes to maintain the existing alley width subdivision requirements but stressed that it continues to propose a special exception for subdivisions, and that the existing special exception for residential use would remain. In response to comments received concerning pervious surface requirements, OP offered to continue to engage stakeholders and come back to the Commission with a new resolution to present. OP also explained that it chose not to eliminate parking requirements because a parking special exception already exists and that case-by-case review was more appropriate. In response to the Commission's questions, OP explained that it proposed a twenty-two foot (22 ft.) matter of right height limit for alley buildings to align the permission to that of accessory buildings (January 12, 2026 Hearing Transcript [Tr.] at 7–14.)

The Commission heard testimony in support of the proposal, primarily citing the proposal's potential to increase housing production and to reduce unnecessary and burdensome regulations. Some proponents advocated for eliminating parking minimums, reducing the alley lot subdivision

matter of right width to fifteen feet (15 ft.), addressing setbacks, increasing matter of right height limits, and reducing the proposed pervious surface requirement (Tr. at 29–102).

The Commission did not hear any testimony in opposition. However, it heard undeclared testimony from the Committee of 100. The Committee of 100 stated that OP's proposal would not meaningfully increase housing availability, and that it supports the proposed twenty-two-foot (22 ft.) height maximum for by-right development with greater height approved through special exception. The Committee of 100 also expressed its support to retain the existing twenty-four-foot (24 ft.) matter of right alley subdivision width. (Tr. 103–107).

At the conclusion of the public hearing, the Commission asked OP to provide a post-hearing submission addressing the following questions and issues identified during the public hearing:

- A response by FEMS on its concerns with reducing the alley lot subdivision matter of right width from twenty-four feet (24 ft.) to fifteen feet (15 ft.);
- Whether parking requirements could be eliminated;
- Whether the pervious surface requirement could be refined based on lot size;
- A response by OP to OAG's recommendations;
- A response by OP to the suggestion to align unit and height limits with what the zone permits;
- Whether the lot area subdivision standards are too restrictive; and
- Whether the new rear yard requirement for alley lots is too restrictive.

OP Second Supplemental Report

In response to the Commission's request for a post-hearing submission, OP filed a second Supplemental Report (OP Second Supplemental Report) on March 2, 2026. (Ex. 234.) Hereinafter, the OP First Supplemental Report and the OP Second Supplemental Report are collectively referred to as the OP Supplemental Reports.

The OP Second Supplemental Report contained six attachments. Attachment 1 is a Comment Response Table containing changes to the proposal that OP made based on feedback from the hearing and further review with OAG, DDOT, DOEE, and the Zoning Administrator's (ZA) office. Attachment 2 is an email from DDOT regarding eliminating parking requirements. DDOT stated that it did not object to OP's proposal to amend Subtitle C § 702.4 regarding eliminating parking requirements applicable on alley lots. DDOT observed that one thousand seven hundred one (1701) of one thousand eight hundred ninety-four (1894), or eighty-nine percent (89.9%) of applicable alley lots fall within one half mile of a Metrorail station and/or quarter mile of a High Frequency MetroBus route, so impacts on the transportation network are expected to be minimal. Attachment 3 contains a table comparing pervious surface requirements. Attachment 4 is an OAG email in support regarding updates to the proposal. Attachment 5 is a FEMS memo regarding alley width subdivision requirements, which explains that a fifteen-foot (15 ft.) matter of right standard could present operational and safety challenges to FEMS. And Attachment 6 is a copy of the draft zoning text amended since the January 12, 2026 public hearing. (Ex. 234).

The OP Second Supplemental Report stated OP made the following changes to the proposed text after the January 12, 2026 public hearing:

- Subtitle C § 702.4 – Eliminate parking requirements for alley lot uses identified in U §§ 600 and 601;
- Subtitle D, E, F, and G § 5100.2; J § 500.1 – Change matter of right alley building height to twenty-five feet (25 ft.) where twenty feet (20 ft.) is the current maximum (in its Setdown and Hearing Reports, OP previously proposed increasing the matter-of-right alley building height from twenty (20) to twenty-two feet (22 ft.));
- Subtitle C § 1501; D, E, F, and G § 5100.2; I § 210.2; J § 500.1 – Clarify penthouse rules to indicate that penthouses are permitted on alley lots, subject to C § 1501.1;
- Subtitle D, E, and F § 5100.2 – Retain existing ten percent (10%) pervious surface minimum for the smallest lots, but require twenty percent (20%) for lots equal to or greater than two thousand square feet (2,000 s.f.);
- Subtitle D § 5100.2 – Require fifteen-foot (15 ft.) and ten-foot (10 ft.) yard requirement in R-1 and R-2 zones, respectively, where they abut the rear yard of a street-facing lot;
- Subtitle C § 306.5; I § 210.5; U § 601.1(f) – Include environmental impacts among items to be considered by the BZA and clarify that the BZA must find that there is no adverse impact to nearby properties;
- Subtitle U § 601.1(f); X § 1001.3 – Clarified language concerning which provisions the BZA can waive by special exception and which additional requirements an applicant would still need to meet. The proposed amendment to Subtitle X reflects the change in section references to Subtitle U;
- Subtitle J § 500.1(f) – Technical correction to the wording of Subtitle J to match proposed and existing language in Subtitles G and I; and
- Subtitle U § 600.1(f) – Technical correction to the text of Subtitle U to be made internally consistent in its structure.

(*Id*.).

"Great Weight" to the Recommendations of OP

The Commission must give "great weight" to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990. ((D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 504.6; *Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

The Commission finds persuasive and concurs with the analyses in the OP Reports and the OP Supplemental Reports. The Commission agrees with the revisions to the proposed amendments that were made in the OP Hearing Report and the OP Supplemental Reports and concurs with OP's recommendation that the Commission take proposed action to adopt the proposed amendments as revised. Specifically, the Commission is persuaded by OP's Attachment 5 to the OP Second Supplemental Report, which explains that the proposed fifteen-foot (15 ft.) matter of right standard could present operational and safety challenges to FEMS therefore retaining the existing twenty-four-foot (24 ft.) matter of right standard, paired with a special exception process, strikes the appropriate balance by permitting development, while considering site-specific safety concerns. Further, the Commission does not agree with eliminating parking requirements altogether for all alley lots as suggested in many comments in the record. Rather the Commission finds OP's proposal to eliminate parking requirements for alley lot uses identified in Subtitle U §§ 600 and 601, along with the existing special exception option still available subject to BZA review of the

criteria of Subtitle C § 703.2, to provide an appropriate balance. Additionally, the Commission agrees that changing matter of right height of alley buildings to twenty-five feet (25 ft.) will permit construction of alley buildings with greater privacy and more energy efficient buildings with crawl spaces without creating new development out of character with existing communities; and finds case-by-case special exception relief of up to thirty-five feet (35 ft.) in residential zones and forty feet (40 ft.) in commercial zones to be appropriate. The Commission also acknowledges the opposition comments to OP's original proposed increase to pervious surface requirements, and finds OP's revised tiered approach to strike the appropriate middle ground between reducing runoff and allowing sufficient development potential. The Commission finds that the proposal would not be inconsistent with the Comprehensive Plan as it would further policies of the Land Use, Housing, and Area Elements (*See* Ex. 2, 187). Further, the Commission is persuaded that the proposal would further Comprehensive Plan racial equity goals. The Commission finds that the OP Reports and OP Supplemental Reports demonstrate that OP conducted community outreach and engagement regarding the proposal with various community organizations and stakeholders, and utilized the input it received in drafting and revising the proposal. The Commission acknowledges that no direct or indirect displacement or other potential Comprehensive Plan inconsistencies have been identified, but finds any potential Comprehensive Plan inconsistencies to be outweighed by the Comprehensive Plan policies that would be advanced by the proposal. Specifically, policies that encourage infill development, efficient land utilization, innovative approaches to housing development, and new development matching the character of existing communities.

"Great Weight" to the Written Report of the ANCs

The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Z § 505.1). 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)).

The Commission finds ANCs 1A, 2E, 3E, 4D, 6B, and 6C expressed the following issues and concerns listed below regarding OP's proposal. The list below is a collective list of all the issues and concerns raised followed by the Commission's response:

- Matter-of-right alley subdivision width standard should be reduced to fifteen feet (15 ft.) – The Commission does not find this advice persuasive for the reasons stated herein and in the OP Supplemental Reports. The Commission instead finds retaining the existing twenty-four-foot (24 ft.) standard, paired with special exception relief, appropriate to provide FEMS with safe alley access;
- Parking mandates should be eliminated for alley buildings – The Commission does not find this advice persuasive for the reasons stated herein and in the OP Supplemental Reports. The Commission instead finds OP's proposed elimination of parking requirements for specific alley lot uses coupled with the option for special exception relief appropriate;

- Unit limits should be aligned with the underlying zone – The Commission does not find this advice persuasive for the reasons stated herein and in the OP Supplemental Reports. Instead, the Commission finds OP's proposal appropriately balances policy guidance for additional housing with policy guidance which seeks to match the character of new development to existing communities;
- Height limits should be aligned with the underlying zone – The Commission does not find this advice persuasive for the reasons stated herein and in the OP Supplemental Reports. The Commission finds that the proposed twenty-five-foot (25 ft.) matter of right standard coupled with the proposed special exception relief of thirty-five feet (35 ft.) and three (3) stories in residential zones and forty feet (40 ft.) and four (4) stories in commercial zones strikes the appropriate balance between reasonable housing development and an opportunity for review of potential impacts on adjacent lots and overall character;
- Two-story height and penthouse prohibition – The Commission does not find this advice persuasive for the reasons stated herein and in the OP Supplemental Reports; and
- Short-term rental clarification – The Commission notes that under Subtitle U § 600.1(g), short-term rental is a permitted accessory use to a principal residential use.

PROPOSED ACTION

At the conclusion of the March 12, 2026 public meeting, the Zoning Commission voted to take **PROPOSED ACTION** to:

- Adopt the Petition, as revised by the OP Hearing Report and the OP Supplemental Reports; and
- Authorize the publication of a Notice of Proposed Rulemaking (NOPR).

VOTE (March 12, 2026): 5-0-0 (Joseph S. Imamura, Anthony J. Hood, Robert E. Miller, Tammy Stidham, and Gwen Wright to **APPROVE**)

Final rulemaking action shall be taken not less than thirty (30) days from the date of publication of this notice of proposed rulemaking in the *District of Columbia Register.*

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at https://app.dcoz.dc.gov/Login.aspx; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted for inquires by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

The complete record in the case can be viewed online at the Office of Zoning's Interactive Zoning Information System (IZIS) at https://app.dcoz.dc.gov/Content/Search/Search.aspx.

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).

I. Amendments to Subtitle B DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES

A. Chapter 3 GENERAL RULES OF MEASUREMENT, § 308, RULES OF MEASUREMENT FOR BUILDING HEIGHT: RESIDENTIAL ZONES AS DEFINED IN SUBTITLE A § 101.9, is amended as follows: Amending § 308.2, deleting § 308.9, and renumbering § 308.10 to § 308.9 to read as follows:

308.2 The building height measuring point (BHMP) shall be established at the adjacent natural or finished grade, whichever is the lower in elevation, at the mid-point of the building façade of the principal building that is closest to a street lot line**, or in the case of an alley lot, that is closest to an alley lot line**. For any excavations projecting from the building's façade other than an exception to grade as defined at Subtitle B § 100.2 the elevation of the midpoint of a building façade shall be the equivalent of the lowest such elevation; excluding existing driveways adjacent to the midpoint(s) directly connecting a garage and public right of way.

…[5]

~~308.9 For Alley Lots, the BHMP shall be established at grade at the mid-point of the Alley Lot Line or, where an Alley Lot abuts more than one alley, the mid-point of the alley lot line that would result in the BHMP with the highest elevation. Building height for Alley Lots shall be measured in accordance with Subtitle B §§ 308.2 through 308.4 and the rules provided in the applicable zone district, with any conflict resolved in favor of the lowest maximum height.~~

308.**9**~~10~~ ....

II. Amendments to Subtitle C GENERAL RULES

A. Chapter 3, SUBDIVISION, § 306, NEW ALLEY RECORD LOTS, is amended as follows: §§ 306.1 and 306.4 are amended and a new § 306.5 is added to read as follows:

306.1 A new Alley Record Lot shall:

(a) Have frontage along a public alley with a minimum alley width of twenty-four feet (24 ft.)**~~, with the alley frontage no less than fourteen feet (14 ft)~~**;

(b) …

[5] The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

(c) Have alley frontage of not less than fourteen feet (14 ft); Minimum lot width standards prescribed in the zone do not apply;

(**d**~~e~~) Meet the lot area standards applicable for non-Alley Lots in the same zone**, except that:**

(1) In any R-2, R-3 and RF zones, the minimum area shall be the minimum required, regardless of building type; and

(2) ~~**;**~~ **i**If no minimum lot area standard is provided in the zone, the Alley Record Lot shall be a minimum of eighteen hundred square feet (1,800 sq. ft.) of lot area; and

(**e**~~d~~) Not be created by subdividing an existing record lot unless the subdivision application includes a statement, supported by a plat depicting the proposed Alley Record Lot and its existing record lot, that establishes to the Zoning Administrator's satisfaction that the remainder of that existing record lot and the new Alley Record Lot each comply with Subtitle C § 302 in addition to all other applicable requirements.

…

306.4 An Alley Tax Lot not meeting the requirements of Subtitle C §§ 306.1 through 306.3 that was recorded with the Office of Tax and Revenue prior to September 6, 2016, may be converted to an Alley Record Lot if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, and subject to the following requirements:

(a) …

(b) The Office of Zoning shall refer the application to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211:

(1) …

(6) Department of Energy and the Environment (DOEE); and

(**7**~~6~~) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

306.5 A proposed subdivision of an alley lot that does not meet the requirements of Subtitle C § 306.1 may be approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, and subject to the following requirements:

(a) The requirements of Subtitle C § 306.1(e) shall still be met;

(b) The lot or lots connect to an improved public street through an improved alley or system of alleys that provides adequate public safety, and infrastructure availability; and

(c) The Office of Zoning shall refer the application to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211:

(1) Department of Transportation (DDOT);

(2) Department of Public Works (DPW);

(3) Metropolitan Police Department (MPD);

(4) Fire and Emergency Medical Services Department (FEMS);

(5) DC Water (WASA);

(6) Department of Energy and the Environment (DOEE); and

(7) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

(d) The Board of Zoning Adjustment shall determine, after considering relevant agency comments concerning transportation and parking, waste management, public safety, water and sewer services, environmental impact, and historic preservation, if applicable, that granting the special exception would not result in undue adverse impacts to nearby properties.

B. Chapter 7, VEHICLE LOCATION, § 702, EXEMPTIONS FROM MINIMUM PARKING REQUIREMENTS, is amended as follows: § 702.4 is amended to read as follows:

702.4 Vehicle parking shall not be required:

(a) …

(e) Within the MU-11 zone; ~~**or**~~

(f) For structures erected on Kingman and Heritage Islands, for which the construction of parking spaces shall be prohibited except for handicap spaces~~.~~**; or**

(g) In all zones, any use on an alley lot listed as a matter of right or special exception use under Subtitle U §§ 600 and 601.

C. Chapter 7, VEHICLE LOCATION, § 710, LOCATION RESTRICTIONS, is amended as follows: § 710.2 is amended to read as follows:

710.2 Vehicle parking spaces shall be located:

(a) …

(c) On an open area of the lot, except:
(1) …;
(2) In any zone other than a PDR zone, surface parking spaces shall not be located between the front façade of a building, as extended for the full width of the front of the lot, and the front lot line; provided that a building used solely as a parking attendant shelter**, or a building on an alley lot,** shall not trigger this restriction;
(3) …

C. Chapter 15, PENTHOUSES AND ROOFTOP STRUCTURES, § 1501, USES, is amended to read as follows: § 1501.1 is amended to read as follows:

1501.1 A penthouse or rooftop structure may house mechanical equipment, or any use permitted within the zone, except that penthouse space shall be restricted as follows:

(a) Within residential zones in which the building is limited to ~~**thirty-five feet (35 ft.) or**~~**a maximum of** forty feet (40 ft.) **or less,** ~~**maximum,**~~the penthouse use shall be limited to penthouse mechanical space and ancillary space associated with a rooftop deck, to a maximum area of twenty percent (20%) of the building roof area dedicated to rooftop unenclosed and uncovered deck, terrace, or recreation space;

(b) Notwithstanding the requirements of paragraph (a), penthouse space shall only be permitted on the roof of a single household dwelling or flat in any zone, or on the roof of an apartment house converted pursuant to Subtitle U § 320.2, if it:
~~**(1) Is not located on an alley lot;**~~
(**1**~~**2**~~) Is located entirely within the matter of right permitted height for the building**, or the special exception permitted height for the building when authorized by the Board of Zoning Adjustment**;
(**2**~~**3**~~) Is a maximum of nine feet (9 ft.) in height and one (1) story; and
(**3**~~**4**~~) Contains only stair or elevator access to the roof plus a maximum of thirty square feet (30 sq. ft.) of space ancillary to a rooftop deck or terrace;

(c) Penthouse space that satisfies the requirements of paragraph (b) of this subsection except that it would **not satisfy Subtitle C § 1501.1(b)(1), ~~be partially or entirely above the matter-of-right permitted height for the building~~** shall only be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9;

(d) …

III. Amendments to Subtitle D, RESIDENTIAL HOUSE (R) ZONES

A. Chapter 51, ALLEY LOT REGULATIONS FOR RESIDENTIAL HOUSE (R) ZONES, § 5100, GENERAL PROVISIONS, is amended as follows: Add a new § 5100.1, amend and renumber § 5100.1 to § 5100.2, and renumber § 5100.2 to § 5100.3, of § 5100 to read as follows:

5100.1 The purposes of this section are to:

(a) Facilitate the re-use of existing alley buildings and the use of vacant or underutilized alley lots;

(b) Ensure that alley buildings are compatible with the surrounding built environment;

(c) Provide for additional housing options and opportunities, and smaller-scale and low-impact non-residential uses; and

(d) In low-density zones, ensure adequate open space consistent with those zones.

5100.**2~~1~~** The following development standards shall apply to buildings **and structures** on Alley Record Lots in the R zones**, and are intended to achieve the purposes of Subtitle D § 5100.1. The base zone development standards shall also apply except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.~~:~~**

TABLE D § 5100.2~~1~~: ALLEY LOT DEVELOPMENT STANDARDS (R)		
(a)	Maximum Height	2**~~5~~0** ft. and 2 stories**~~, including the penthouse~~**
(b)	**Maximum Lot Occupancy – Any R-1 or R-2 zone**	
	Less than 3,000 sq. ft. of lot area	**80%**
	Less than 5,000 sq. ft. of lot area but greater than or equal to 3,000 sq. ft. of lot area	**60%**
	5,000 square feet of lot area or more	**40%**
(**c~~b~~**)	Maximum Lot Occupancy **– Any R-3 zone**	

TABLE D § 5100.2~~1~~: ALLEY LOT DEVELOPMENT STANDARDS (R)			
	Less than 1,800 sq. ft. of lot area		**No maximum~~N/A~~**
	Between 1,800 and 2,000 sq. ft. of lot area		90%
	Over 2,000 sq. ft. of lot area		80%
(**d~~e~~**)	Minimum **~~Rear~~**Yard **Dimensions**	**Any R-1 Zone**	**15 ft. from any lot line that is also the rear lot line of a street-facing lot;** **~~85~~** ft. from any **other** lot line **abutting another lot~~of all abutting non-Alley Lots~~**
		Any R-2 Zone	**10 ft. from any lot line that is also the rear lot line of a street-facing lot;** **5 ft. from any other lot line abutting another lot**
		Any R-3 Zone	**5 ft. from any portion of a lot line that abuts any non-Alley Lot;** **None required for that portion of the Alley Lot that does not abut a non-Alley Lot.**
~~(d)~~	**~~Minimum Side Yard~~**		**~~N/A~~**
(e)	**Front Setback**		**N/A**
(**f~~e~~**)	Minimum Alley Centerline Setback		7.5 ft. from the centerline of all abutting alleys
(**g~~f~~**)	Minimum Pervious Surface	**Less than 2,000 sq. ft. of lot area**	10%
		2,000 sq. ft. of lot area or more	**20%**

5100.**3~~2~~** ...

B. Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR R ZONES, § 5201, SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS, is amended as follows: §§ 5201.3, 5201.6, and 5201.7 are amended to read as follows:

5201.3 For a new or enlarged **~~principal~~** building on an Alley Record Lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) **Height, to a maximum of thirty five feet (35 ft.) and three (3) stories;**

(b) Lot occupancy;

(c) Yards, including alley centerline setback; and

(**d~~b~~**) Pervious surface.

…

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories**,** as a special exception**, except as permitted for alley lots pursuant to D § 5201.3.**

5201.7 Where an application requests relief from the alley centerline setback requirements under this section, **or relief from any alley lot provision of D § 5201.3,** the Office of Zoning shall refer the application to the following agencies for their review and recommendations, to be filed in the case record within the forty- (40) day period established by Subtitle A § 211:

(a) …

(e) Department of Energy and the Environment (DOEE); and

(**fe**) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

IV. Amendments to Subtitle E, RESIDENTIAL FLATS (RF) ZONES

A. Chapter 51, ALLEY LOT REGULATIONS FOR RESIDENTIAL FLAT (RF) ZONES, § 5100, GENERAL PROVISIONS, is amended as follows: Add a new § 5100.1, amend and renumber § 5100.1 to 5100.2, and renumber 5100.2 to 5100.3, of § 5100 to read as follows:

5100.1 The purposes of this section are to:

(a) Facilitate the re-use of existing alley buildings and the use of vacant or underutilized alley lots;

(b) Ensure that alley buildings are compatible with the surrounding built environment; and

(c) Provide for additional housing options and opportunities, and smaller-scale and low-impact non-residential uses.

5100.**2**~~1~~ The following development standards shall apply to buildings **and structures** on Alley Record Lots in the RF zones**, and are intended to achieve the purposes of Subtitle E § 5100.1. The base zone development standards shall also apply except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**~~:~~

TABLE E § 5100.2~~1~~: ALLEY LOT DEVELOPMENT STANDARDS (RF)	
(a) Maximum Height	2**5**~~**0**~~ ft. and 2 stories~~**, including the penthouse**~~

TABLE E § 5100.2~~1~~: ALLEY LOT DEVELOPMENT STANDARDS (RF)			
(b)	Maximum Lot Occupancy		
	Less than 1,800 sq. ft. of lot area		**No maximum~~N/A~~**
	Less than 2,000 sq. ft. of lot area but greater than or equal to 1,800 sq. ft. of lot area~~Between 1,800 and 2,000 sq. ft. of lot area~~		90%
	~~Over~~2,000 sq. ft. of lot area **or more**		80%
(c)	Minimum **~~Rear~~**Yard **Dimensions**		5 ft. from any **portion of a** lot line **that abuts any~~of all abutting~~** non-Alley Lot**~~s~~;** **None required for that portion of the Alley Lot that does not abut a non-Alley Lot.**
~~(d)~~	**~~Minimum Side Yard~~**		**~~5 ft. from any lot line of all abutting non-Alley Lots~~**
(d)	**Front Setback**		**N/A**
(e)	Minimum Alley Centerline Setback		7.5 ft. from the centerline of all abutting alleys
(f)	Minimum Pervious Surface	**Less than 2,000 sq. ft. of lot area**	10%
		2,000 sq. ft. of lot area or more	**20%**

5100.**3~~2~~** ...

B. Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RF-ZONES, is amended as follows: §§ 5201.3, 5201.6, and 5201.7 are amended to read as follows:

5201.3 For a new or enlarged building on an Alley Record Lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) **Height, to a maximum of thirty five feet (35 ft.) and three (3) stories;**

(b) Lot occupancy;

(c) Yards, including alley centerline setback; and

(**d~~b~~**) Pervious surface.

…

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories**,** as a special exception**, except as permitted for alley lots pursuant to E § 5201.3**.

5201.7 Where an application requests relief from the alley centerline setback requirements under this section, **or relief from any alley lot provision of E § 5201.3,** the Office of Zoning shall refer the application to the following agencies for their review and recommendations, to be filed in the case record within the forty- (40) day period established by Subtitle A § 211:

(a) …

(e) Department of Energy and the Environment (DOEE); and

(**fe**) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

V. Amendments to Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES

A. Chapter 51, ALLEY LOT REGULATIONS FOR RESIDENTIAL APARTMENT (RA) ZONES, § 5100, GENERAL PROVISIONS, is amended as follows: Add a new § 5100.1, amend and renumber § 5100.1 to 5100.2, and renumber 5100.2 to 5100.3, of § 5100 to read as follows:

5100.1 The purposes of this section are to:

(a) Facilitate the re-use of existing alley buildings and the use of vacant or underutilized alley lots;

(b) Ensure that alley buildings are compatible with the surrounding built environment; and

(c) Provide for additional housing options and opportunities, and smaller-scale and low-impact non-residential uses.

5100.**2**~~1~~ The following development standards shall apply to buildings **and structures** on Alley Record Lots in RA zones**, and are intended to achieve the purposes of Subtitle F § 5100.1. The base zone development standards shall also apply except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**~~:~~

TABLE F § 5100.1: ALLEY LOT DEVELOPMENT STANDARDS (RA)		
(a)	Maximum Height	2**5**~~0~~ ft. and 2 stories~~, including the penthouse~~
(b)	**Lot Occupancy**	
	Less than 1,800 sq. ft. of lot area	**No maximum**
	Less than 2,000 sq. ft. but greater than or equal to 1,800 sq. ft. of lot area	**90%**
	2,000 sq. ft. of lot area or more	**80%**

TABLE F § 5100.1: ALLEY LOT DEVELOPMENT STANDARDS (RA)			
(**c~~b~~**)	Minimum **~~Rear~~**Yard **Dimensions**		5 ft. from any **portion of a** lot line **that abuts any ~~of all abutting~~** non-Alley Lot**~~s~~;** **None required for that portion of the Alley Lot that does not abut a non-Alley Lot.**
~~(c)~~	**~~Minimum Side Yard~~**		**~~5 ft. from any lot line of all abutting non-Alley Lots~~**
(d)	Minimum Alley Centerline Setback		7.5 ft. from the centerline of all abutting alleys
(e)	Minimum Per vious Surface	**Less than 2,000 sq. ft. of lot area**	10%
		2,000 sq. ft. of lot area or more	**20%**

5100.**3~~2~~** Uses on Alley Lots shall be as permitted in Subtitle U, Chapter 6.

B. Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR RA ZONES, § 5201 SPECIAL EXCEPTION RELIEF FROM CERTAIN REQUIRED DEVELOPMENT STANDARDS, is amended as follows: §§ 5201.3, 5201.6, and 5201.7 are amended to read as follows:

5201.3 For a new or enlarged **~~principal~~** building on an Alley Record Lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) **Height, to a maximum of thirty five feet (35 ft.) and three (3) stories;**

(b) Lot occupancy;

(c) Yards, including alley centerline setback; and

(**d~~b~~**) **~~Green Area Ratio~~Pervious surface**.

…

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories, as a special exception**, except as permitted for alley lots pursuant to F § 5201.3**.

5201.7 Where an application requests relief from the alley centerline setback requirements under this section, **or relief from any alley lot provision of F § 5201.3,** the Office of Zoning shall refer the application to the following agencies for their review and recommendations, to be filed in the case record within the forty- (40) day period established by Subtitle A § 211:

(a) …

(e) Department of Energy and the Environment (DOEE); and

(**fe**) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO).

VI. Amendments to Subtitle G, MIXED-USE (MU) ZONES

A. Chapter 51, ALLEY LOT REGULATIONS FOR MIXED-USE (MU) ZONES, § 5100, GENERAL PROVISIONS, is amended as follows: Add a new § 5100.1, amend and renumber § 5100.1 to 5100.2, and renumber 5100.2 to 5100.3, of § 5100 to read as follows:

5100.1 The purposes of this section are to:

(a) Facilitate the re-use of existing alley buildings and the use of vacant or underutilized alley lots;

(b) Ensure that alley buildings are compatible with the surrounding built environment; and

(c) Provide for additional housing options and opportunities, and commercial uses.

5100.**21** The following development standards shall apply to buildings **and structures** on Alley Record Lots in the MU zones**, and are intended to achieve the purposes of G § 5100.1. The base zone development standards shall also apply except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**:

TABLE G § 5100.21: ALLEY LOT DEVELOPMENT STANDARDS (MU)		
(a)	Maximum Height	
	MU-6. MU-8, MU-9, MU-10, and MU-15 zones	30 ft. and 3 stories**, including a penthouse or rooftop structure**
	All other MU zones	2**5**0 ft. and 2 stories**, including the penthouse or rooftop structure**
(b)	**Maximum Lot Occupancy**	**No Maximum**
(**cb**)	Minimum **Yard Dimensions****Rear Yard**	5 ft. from any **portion of a** lot line **that abuts any** **of all abutting**non-Alley Lot**s;** **None required for that portion of the Alley Lot that does not abut a non-Alley Lot.**
(c)	**Minimum Side Yard**	**5 ft. from any lot line of all abutting non-Alley Lots**
(d)	Minimum Alley Centerline Setback	7.5 ft. from the centerline of all abutting alleys
(e)	Minimum Green Area Ratio	As required by zone

5100.~~32~~ …

B. Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS FOR MIXED-USE (MU) ZONES, § 5200, GENERAL PROVISIONS, is amended by adding a new § 5200.3 to read as follows:

5200.3 Notwithstanding Subtitle G § 5200.1, the Board of Zoning Adjustment may grant as a special exception under Subtitle X, Chapter 9, and subject to the conditions of this subsection, a maximum building height of up to forty feet (40 ft.) and four (4) stories for a new or enlarged building on an Alley Record Lot, subject to the following conditions:

(a) The proposed building shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(1) The light and air available to abutting or adjacent properties shall not be unduly affected;

(2) The privacy of use and enjoyment of abutting or adjacent properties shall not be unduly compromised; and

(3) The proposed building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of nearby buildings to a degree that would substantially adversely effect the use or enjoyment of any abutting or adjacent property;

(b) In demonstrating compliance with paragraph (a), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed building's height to abutting or adjacent buildings and views from public ways; and

(c) The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of the nearby area.

VII. Amendments to Subtitle I, DOWNTOWN (D) ZONES

A. Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES, § 210, ALLEY LOTS, is amended as follows: Add a new § 210.1, amend and renumber §§ 210.1-210.5, and add a new § 210.6 to read as follows:

210.1 The purposes of this section are to:

(a) Facilitate the re-use of existing alley buildings and the use of vacant or underutilized alley lots;

(b) Ensure that alley buildings are compatible with the surrounding built environment; and

(c) Provide for additional housing options and opportunities, and commercial uses.

210.**21** The following development standards shall apply to buildings **and structures** on **Alley Record Lots**~~alley lots~~ in D zones**, and are intended to achieve the purposes of Subtitle I § 210.1. The base zone development standards shall also apply except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**~~:~~

TABLE I § 210.2: ALLEY LOT DEVELOPMENT STANDARDS (D)		
(a)	Maximum Height	30 ft and 3 stories
(b)	Maximum Lot Occupancy	No Maximum
(c)	Minimum Yard Dimensions	5 ft. from any portion of a lot line that abuts any non-Alley Lot; None required for that portion of the Alley Lot that does not abut a non-Alley Lot.
(d)	Minimum Alley Centerline Setback	7.5 ft. from the centerline of all abutting alleys
(e)	Minimum Green Area Ratio	As required by zone

~~**(a) A building or structure shall not exceed the lesser of thirty feet (30 ft.) or three (3) stories, including the penthouse, as measured from the ground level of a building wall fronting on an alley to which the alley building or structure is adjacent;**~~

~~**(b) A building or structure on an alley lot shall be set back at least five feet (5 ft.) from any other lot line of all abutting non-alley lots; and**~~

~~**(c) A building or structure on an alley lot shall be setback at least seven and one-half feet (7.5 ft.) from the centerline of all alleys the alley lot abuts.**~~

210.**32** With the exception of residential uses, a building or structure on an alley lot shall be subject to the same permissions, conditions, and restrictions as matter-of-right, special exception, and prohibited uses as the zone in which the alley lot is located.

210.**43** Residential use is permitted, subject to the following conditions:

(a) A building may not be constructed or converted to a single or multiple dwelling unit unless the lot is an Alley Record Lot and there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area per unit; and

(c) The Alley Lot has access to an improved public street as follows:

(1) Through an improved public alley or alleys with an alley width of not less than twenty-four feet (24 ft.) at any point between the Alley Lot and the street; or

(2) The public street is within three hundred (300) linear feet of the Alley Lot as measured along an improved public alley or alleys with an alley width of not less than fifteen feet (15 ft.) at any point.

~~**210.4 The residential dwelling shall meet all building code requirements for a permanent residential structure.**~~

210.5 **A residential use on an alley lot not meeting the access requirements of Subtitle I § 210.4(b) may be permitted by special exception if approved by the Board of Zoning Adjustment subject to Subtitle X, Chapter 9, and subject to** ~~**If the Zoning Administrator or other authorized building official determines that the access from a proposed dwelling on an alley lot is insufficient to provide the intended public safety, hygiene, or other building code requirement, the application for the residential dwelling shall be referred to the Board of Zoning Adjustment for consideration as a special exception under Subtitle X, Chapter 9 with**~~the following additional criteria:

(a) The Office of Zoning shall refer the application to the following agencies for their review and recommendation if filed to the case record within the forty (40) day period established by Subtitle A § 211:

(1) Department of Transportation (DDOT);

(2) Department of Public Works (DPW);

(3) Metropolitan Police Department (MPD);

(4) Fire and Emergency Medical Services Department (FEMS);

(5) DC Water (WASA);

(6) Department of Energy and the Environment (DOEE); and

(7) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO); and

(**b**~~a~~) The Board of Zoning Adjustment **shall** determine~~s~~, after considering relevant agency comments concerning **transportation and parking, waste management, public safety,** water and sewer services, **environmental impact, and historic preservation, if applicable, that:**~~waste management, traffic and parking, and public safety relating to fire concerns, there is no adverse impact to the adjoining properties; and~~

(1) Adequate public utilities and services can be provided to the alley lot dwelling and nearby properties;

(2) Granting the special exception would not adversely impact the public health and safety of the residents of the alley lot dwelling or nearby properties; and

(3) Granting the special exception would not result in undue adverse impacts to nearby properties.

~~**(b) The Board of Zoning Adjustment determines that adequate public utilities and safety can be provided for the residents of the proposed dwelling and adjoining buildings.**~~

210.6 The Board of Zoning Adjustment may grant as a special exception under Subtitle X, Chapter 9, and subject to the conditions of this subsection, a maximum building height of up to forty feet (40 ft.) and four (4) stories for a new or enlarged building on an Alley Record Lot, subject to the following conditions:

(a) The proposed building shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(1) The light and air available to abutting or adjacent properties shall not be unduly affected;

(2) The privacy of use and enjoyment of abutting or adjacent properties shall not be unduly compromised; and

(3) The proposed building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of nearby buildings to a degree that would substantially adversely affect the use or enjoyment of any abutting or adjacent property;

(b) In demonstrating compliance with paragraph (a), the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the

proposed building's height to abutting or adjacent buildings and views from public ways; and

(c) The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of the nearby area.

VIII. Amendments to Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES

A. Chapter 5, ALLEY LOT REGULATIONS (PDR), § 500, GENERAL PROVISIONS, is amended as follows: Amend § 500.1 to read as follows:

500.1 The following development standards shall apply to buildings on Alley Record Lots in PDR zones**. The base zone development standards shall also apply except as specifically modified by this chapter. In the event of a conflict between the provisions of this chapter and other regulations of this title, the provisions of this chapter shall control.**~~:~~

TABLE J § 500.1: ALLEY LOT DEVELOPMENT STANDARDS (PDR)		
(a)	Maximum Height	
	If the alley lot is located in a square with R or RF zoned properties	2**50** ft.~~, including the penthouse~~
	All other alley lots	30 ft., including the penthouse
(b)	**Maximum Lot Occupancy**	**No Maximum**
(c)	Minimum Yard Dimensions~~Rear Yard~~	5 ft. from any **portion of a** lot line **that abuts any** ~~of all abutting~~non-Alley Lot**s**~~;~~ **None required for that portion of the Alley Lot that does not abut a non-Alley Lot.**
~~(c)~~	Minimum Side Yard	**5 ft. from any lot line of all abutting non-Alley Lots**
(d)	Minimum Alley Centerline Setback	7.5 ft. from the centerline of all abutting alleys
(e)	**Transition setbacks**	**As required by zone**
(f)	**Green Area Ratio**	**As required by zone**

IX. Amendments to Subtitle U, USE PERMISSIONS

A. Chapter 6, USE PERMISSIONS FOR ALLEY LOTS, § 600, MATTER-OF-RIGHT USES ON ALLEY LOTS (R, RF, AND RA), is amended as follows: Amend § 600.1 to read as follows:

600.1 The following uses shall be permitted as a matter-of- right on an alley lot in the R, RF, and RA zones subject to any applicable conditions:

(a) …

(f) Residential use, subject to the following limitations:

~~**(1) The Alley Lot is not wholly or partially within any of the R-1 or R-2 zones;**~~

(**1~~2~~**) A building may not be constructed as or converted to a dwelling unit unless the lot is an Alley Record Lot and there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area;

(2) In any R-1 or R-2 zone, a residential use is permitted only on an alley record lot existing as of [EFFECTIVE DATE OF THE REGULATIONS], or an alley record lot subdivided from an alley lot existing as of [EFFECTIVE DATE OF THE REGULATIONS], or an alley lot existing as of [EFFECTIVE DATE OF THE REGULATIONS] and expanded in land area to form a new alley record lot;

(3) **In any R zone, ~~T~~t**he use shall be limited to one (1) **principal** dwelling unit**, except that one (1) accessory apartment shall be permitted, ~~per lot; accessory apartments are not permitted~~ subject to the conditions of U § 253 and the following lot area minimums:~~;~~**

TABLE U § 600(f)(2): MINIMUM LOT AREA FOR MATTER OF RIGHT ACCESSORY APARTMENT ON AN ALLEY LOT

Zone	Lot Area Minimum (sq. ft.)
Any R-1A zone	7,500
Any R-1B zone	5,000
Any R-2 zone	3,000
Any R-3 zone	2,000

(3) In any RF zone, the use shall be limited to one principal dwelling unit, except that two principal units shall be permitted on lots that have 1,800 square feet of lot area or more;

(4) In any RA zone, the use shall be limited to two principal dwelling units;

(**64**) The Alley Lot has access to an improved public street as follows:

(A) Through an improved public alley or alleys with an alley width of not less than twenty-four feet (24 ft.) at any point between the lot and the public street; or

(B) The public street is within three hundred (300) linear feet of the Alley Lot as measured along an improved public alley no or alleys with an alley width of not less than fifteen feet (15 ft.) at any point; and

(**7~~5~~**) **A~~T~~he** dwelling unit may also contain a parking garage for use by residents of the dwelling.

(g) Short-Term Rental as an accessory use to a principal residential use.

(h) Home occupations, pursuant to U § 251.

B. Chapter 6, USE PERMISSIONS FOR ALLEY LOTS, § 601, SPECIAL EXCEPTION USES ON ALLEY LOTS (R, RF, AND RA), is amended as follows: Amend § 600.1 to read as follows:

601.1 The following uses shall be permitted on an Alley Lot in the R, RF, and RA zones, as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any specific provisions of each section:

(a) …

(f) Residential use not meeting the criteria of Subtitle U § 600.1(f), subject to the following conditions:

(1) ~~The Alley Lot is not wholly or partially within any of the R-1 or R-2 zones;~~ The Board of Zoning Adjustment shall not grant special exception relief from the requirements of Subtitle U § 600.1(f)(1)-(2);

(2) ~~A building may not be constructed or converted for a dwelling unit unless the lot is an Alley Record Lot and there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area;~~ In any R zone, the Board of Zoning Adjustment may grant special exception relief from the lot area minimums of Subtitle U § 600.1(f)(3) required for one (1) accessory apartment per lot; The use shall be limited to a maximum of one (1) principal dwelling unit and one (1) accessory apartment per lot;

~~(3)~~ In any RF zone, ~~T~~the **Board of Zoning Adjustment may grant special exception relief from the lot area minimum of Subtitle U § 600.1(f)(4) required for two (2) principal units per lot; The** use shall be limited **to a maximum of two (2)~~one (1)~~ principal** dwelling unit**s** per lot; **~~accessory apartments are not permitted;~~**

(4) …

(5) The Office of Zoning shall refer to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211:

(A) …

(F) Department of Energy and the Environment (DOEE); and

(**G~~F~~**) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO); and

(6) The Board of Zoning Adjustment shall **determine, after considering relevant agency comments concerning transportation and parking, waste management, public safety, water and sewer services, environmental impact, and historic preservation, if applicable, that:**

(A) ~~Public safety~~ Adequate public utilities and services can be provided to the alley lot dwelling and nearby properties;

(B) ~~Water and sewer services~~ Granting the special exception would not adversely impact the public health and safety of the residents of the alley lot dwelling or nearby properties; and

~~(C) Waste management~~ Granting the special exception would not result in undue adverse impacts to nearby properties.~~consider relevant agency comments concerning:~~

~~(D) Traffic and parking;~~

~~(E) Historic Preservation; and~~

(g) …

X. Amendments to Subtitle X, GENERAL PROCEDURES

A. Chapter 10, VARIANCES, § 1001, VARIANCE TYPES, is amended as follows: Amend § 1001.3 to read as follows:

1001.3 Examples of area variances are requests to deviate from:

(a) …

(d) Limitations on the alteration or conversion of certain structures on alley lots as stated in Subtitle U § 601; **for residential uses specifically, the requirements of Subtitle U §§ 600.1(f)(1)–(2);**

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2026-053
April 27, 2026

SUBJECT: Appointment — Commission on Judicial Disabilities and Tenure

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 in accordance with section 431(d) and (e) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 793, Pub. L. 93-198, D.C. Official Code § 1-204.31(d) and (e), it is hereby **ORDERED** that:

1. **JUANITA FERGUSON** is appointed as a lawyer member of the Commission on Judicial Disabilities and Tenure, filling a vacant seat formerly held by William Lightfoot, for a term to end February 24, 2032.

2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to February 24, 2026.

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 2026-054
April 27, 2026

SUBJECT: Amendment — Designation of Special Event Area — 2026 Federal Railroad Administration Tech Summit at the United States Department of Transportation

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as the 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(11), and pursuant to 19 DCMR § 1301.8, it is hereby **ORDERED** that:

1. Paragraph 2 of Mayor's Order 2026-052, dated April 22, 2026, is amended by striking the phrase "hours of 6:00 a.m." and inserting the phrase "hours of 5:00 a.m." in its place.

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2026-055
April 28, 2026

SUBJECT: Appointment — Medical Director, Fire and Emergency Medical Services Department

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), pursuant to section 3a(a) of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, effective April 15, 2008, D.C. Law 17-147, D.C. Official Code § 5-404.01(a), and pursuant to the Fire and Emergency Medical Services Department Medical Director Dr. Sean Morgan Confirmation Resolution of 2025, effective March 3, 2026, Resolution 26-0353, it is hereby **ORDERED** that:

1. a. **DR. SEAN MORGAN** is appointed Acting Medical Director of the Fire and Emergency Medical Services Department, to serve at the pleasure of the Mayor.

   b. This paragraph shall be effective *nunc pro tunc* to December 3, 2025, and supersedes Mayor's Order 2024-259, dated December 24, 2024.

2. a. **DR. SEAN MORGAN** is appointed as Medical Director of the Fire and Emergency Medical Services Department, to serve at the pleasure of the Mayor.

   b. This paragraph shall be effective *nunc pro tunc* to March 3, 2026, and supersedes paragraph 1.a. of this Order.

3. **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 2026-056
April 28, 2026

SUBJECT: Reappointments — Washington Convention and Sports Authority Board of Directors

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), pursuant to section 205 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994, D.C. Law 10-188, D.C. Official Code § 10-1202.05, pursuant to the Washington Convention and Sports Authority Board of Directors Leif Dormsjo Confirmation Resolution of 2025, effective March 3, 2026, Resolution 26-0344, pursuant to the Washington Convention and Sports Authority Board of Directors Julio Jay Haddock Ortiz Confirmation Resolution of 2025, effective March 3, 2026, Resolution 26-0343, and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01, it is hereby **ORDERED** that:

1. **LEIF DORMSJO** is reappointed as an individual with proven experience in municipal finance public member and chairperson of the Washington Convention and Sports Authority Board of Directors (the "Board"), for a term to end May 16, 2030.

2. **JULIO JAY HADDOCK ORTIZ** is reappointed as an individual with proven experience in tourism public member of the Board, for a term to end May 16, 2030.

3. **EFFECTIVE DATE:** Paragraphs 1 and 2 of this Order shall be effective *nunc pro tunc* March 3, 2026.

MURIEL BOWSER
MAYOR

ATTEST: Kimberly A. Bassett
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

ACADEMY OF HOPE ADULT PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Master Plan and Design-Build Implementation

Academy of Hope Adult Public Charter School ("AoH"), founded in 1985, is a respected nonprofit educational institution in Washington, D.C., committed to empowering adults through high-quality education and workforce training. Serving learners ages 18 and older, AoH offers a variety of free programs, including GED preparation, the National External Diploma Program (NEDP), college and career readiness services, and workforce training in high-demand fields such as healthcare, phlebotomy, medical billing and coding, information technology, and project management. AoH is distinguished by its student-centered approach, featuring small class sizes, flexible scheduling with day and evening options, hybrid learning models, and comprehensive support services, including career development and college counseling. The school's mission is to empower adult learners to transform their lives and communities by creating pathways to economic mobility.

AoH invites you to submit a proposal for Master Planning and Design-Build services as part of a strategy to help AoH modernize and fully leverage its Ward 5 campus located at 2315 18th Place NE, Washington, DC 20018 by tightly aligning a long-term capital strategy with disciplined, phased execution. Construction implementation is anticipated to be phased over 3 years with work scheduled to occur each Summer in 5-week intervals beginning June to mid-July each year. The maximum budget for all project phases is $5.8 million dollars.

Interested parties should review the full RFP on AoH's website for detailed scope, submission requirements, and contract terms.

Responses must be submitted electronically via email to Nadine Belizaire at nadine@fletcherDC.com by **Monday, June 1, 2026, at 5:00 PM.** Please submit any questions regarding this RFP by email to Nadine Belizaire.

The full Request for Proposals and submission instructions are available on AoH's website: https://aohdc.org/get-involved/request-for-proposals/

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, MAY 6, 2026
899 NORTH CAPITOL STREET NE, SUITE 4200 A-B
WASHINGTON, DC 20002

Donovan W. Anderson, Chairperson
Members: Silas Grant, Jr., Teri Janine Quinn, Ryan Jones and David Meadows

Protest Hearing (Status) **10:30 AM**

Case # 26-PRO-00034
798 Maine Grocery Inc. t/a Streets Market
798 Maine Ave SW
License #135013
Retailer B
ANC 6D
Application for a New License

Protest Hearing (Status) **10:30 AM**

Case # 26-PRO-00032
KVIC Restaurant Bar, LLC t/a KVIC Restaurant Bar
4900 Georgia Ave NW
License #134720
Retailer CT
ANC 4E
Application for a New License (total occupancy 250; entertainment endorsement, dancing, and cover charge)

Board's Calendar
May 6, 2026

Protest Hearing (Status) **10:30 AM**

Case # 26-PRO-00030
Icon, LLC t/a Icon DC/Eleven DC
2001 11th Street NW
License #135097
Retailer CX
ANC 1B
Application for a New License (art, performance, and theatrical experiences; seating capacity 285; holiday extension of hours endorsement)

Show Cause Hearing (Status) **10:30 AM**

Case # 25-CMP-00047
Chop Shop DC 1, LLC t/a Chop Shop/Nice N Easy
1120-1124 Congress Street NE
License #124675
Retailer CT
ANC 6C
Substantial Change in Operation Without Board Approval, No ABC Manager on Duty, Failed to Follow Security Plan/Violation of Settlement Agreement

Show Cause Hearing (Status) **10:30 AM**

Case # 25-CMP-00109
Brookly on U, LLC, t/a Tipsy Lounge and Restaurant 1
1212 U Street NW
License #111411
Retailer CR
ANC 1B
Failed to Have Operational Security Cameras, Interfered with an ABRA Investigation

Board's Calendar
May 6, 2026

Show Cause Hearing (Status) **10:30 AM**

Case # 25-CMP-00108
Kitchen + Kocktails by Kevin Kelley DC, LLC t/a Kitchen + Kocktials by Kevin Kelley DC
1300 I Street NW
License #123472
Retailer CR
ANC 1B
No ABC Manager on Duty

Show Cause Hearing (Status) **10:30 AM**

Case # 25-CIT-00563
Across the Pond, LLC t/a Across the Pond Restaurant & Pub
1734 Connecticut Ave NW
License #106099
Retailer CR
ANC 2B
Failed to File Quarterly Statement

Fact Finding Hearing **10:30 AM**

DK Inc., t/a Joe Caplan Liquors
1913 7th Street NW
License #60351
Retailer A
ANC 1B
Request to Extend Safekeeping

Board's Calendar
May 6, 2026

Fact Finding Hearing **10:30 AM**

Sandlot, LLC t/a Sandlot Anacostia
633 Howard Road SE
License #122231
Retailer Caterer
ANC 8A
Review Application for Relocation of Catering License

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA AT 1:00 PM

Protest Hearing **1:30 PM**

Case # 26-PRO-00020
Black's 14th Street, LLC t/a Pearl Dive Oyster Palace/Black Jack
1612 14th Street NW
License #85382
Retailer CR
ANC 8A
Substantial Change (Class Change from CR to CT)

Protest Hearing **1:30 PM**

Case # 25-PRO-00127
Life 1, LLC t/a Cloud One Restaurant & Lounge
1919 North Street NW
License #130269
Retailer CT
ANC 2B
Application to Renew the License

Board's Calendar
May 6, 2026

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*

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

THURSDAY, MAY 7, 2026
899 NORTH CAPITOL STREET NE, SUITE 4200 A-B
WASHINGTON, DC 20002

Donovan W. Anderson, Chairperson
Members: Silas Grant, Jr., Teri Janine Quinn, Ryan Jones and David Meadows

Protest Hearing **10:30 AM**

Case # 26-PRO-00011
1714 C, LLC t/a Rosemarino D'Italia
1714 Connecticut Ave NW
License #109613
Retailer CT
ANC 2B
Application to Renew the License

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA AT 1:00 PM

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*

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

NOTICE OF MEETING
CANCELLATION AGENDA – CATERER LICENSES

WEDNESDAY, MAY 6, 2026 AT 10:30 AM
899 NORTH CAPITOL STREET, N.E., SUITE 4200-B, WASHINGTON, DC 20002

The ABC Board will be issuing Orders to Cancel the following Licensees for the reasons outlined below:

1) ABRA-106464 - **JD Chicken & Ribs** - Caterer - 2800 10TH STREET NE
[Licensee did not pay the second-year annual fee.] Missing filing

---

2) ABRA-114867 - **El Cielo Restaurant by Juan Manuel Barrientos** - Caterer - 1280 4TH STREET NE
[Licensee did not pay the second-year annual fee.] filed, owes $500

---

3) ABRA-120942 - **Green Plate** - Caterer - 11307 Elkin ST Missing filing
[Licensee did not pay the second-year annual fee.]

---

4) ABRA-124662 - **Playa Ocho Cantina** - Caterer - 514 8TH STREET SE
[Licensee did not pay the second-year annual fee.]

---

5) ABRA-128444 - **Drinks for Love** - Caterer - 26 K STREET NE
[Licensee did not pay the second-year annual fee.] filed, owes $500

---

6) ABRA-130283 - **Eat To Live Catering** - Caterer - 2800 10TH STREET NE
[Licensee did not pay the second-year annual fee.] filed, owes $500

---

7) ABRA-132927 - **Dionne's** - Caterer - 1110 OAK DRIVE SE
[Licensee did not pay the second-year annual fee.] missing filing, part 2 due only

---

8) ABRA-133432 - **Charlene's Bar & Grille** - Caterer - 2618 GEORGIA AVENUE NW [Licensee did not pay the second-year annual fee.] too new, no filing due

---

In accordance with the Open Meetings Act (D.C. Official Code §2-571 *et. seq*.) this meeting may be closed to consult with an attorney to obtain legal advice pursuant to §2-575(b)(4)(A). The Board's vote will be held in an open session and the public is permitted to attend. This meeting is governed by the Open Meetings Act. Please address any questions or concerns arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

NOTICE OF MEETING
CANCELLATION AGENDA – CLASS A LICENSES

WEDNESDAY, MAY 6, 2026 AT 10:30 AM
899 NORTH CAPITOL STREET, N.E., SUITE 4200-B, WASHINGTON, DC 20002

The ABC Board will be issuing Orders to Cancel the following Licensees for the reasons outlined below:

1) ABRA-078014 - **Tenley Wine & Liquors** - A - Retail - Liquor Store - 4525 WISCONSIN AVENUE NW
[Licensee did not pay the third-year annual fee.]

---

2) ABRA-095984 - **Bell Wine & Liquor** - A - Retail - Liquor Store - 1821 M STREET NW
[Licensee did not pay the third-year annual fee.]

---

3) ABRA-118369 - **Heights Liquor** - A - Retail - Liquor Store - 547 42ND STREET NE
[Licensee did not pay the third-year annual fee.]

---

4) ABRA-127494 - **Gordon's Fine Wines of DC** - A - Internet - 3521 V STREET NE
[Licensee did not pay the third-year annual fee.]

In accordance with the Open Meetings Act (D.C. Official Code §2-571 *et. seq*.) this meeting may be closed to consult with an attorney to obtain legal advice pursuant to §2-575(b)(4)(A). The Board's vote will be held in an open session and the public is permitted to attend. This meeting is governed by the Open Meetings Act. Please address any questions or concerns arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

NOTICE OF MEETING
CANCELLATION AGENDA – CLASS C AND D LICENSES

WEDNESDAY, MAY 6, 2026 AT 10:30 AM
899 NORTH CAPITOL STREET, N.E., SUITE 4200-B, WASHINGTON, DC 20002

The ABC Board will be issuing Orders to Cancel the following Licensees for the reasons outlined below:

1) ABRA-132951 - **Nanglo** - Retail - C - Restaurant - 1301 H STREET NE
[Licensee did not pay the second-year annual fee.]

---

2) ABRA-001750 - **Decarlos Restaurant** - Retail - C - Restaurant - 4000 CATHEDRAL AVE NW
[Licensee did not pay the second-year annual fee.]

---

3) ABRA-013995 - **Parthenon Restaurant & Chevy Chase Lounge** - Retail - C - Restaurant - 5510 CONNECTICUT AVENUE NW
[Licensee did not pay the second-year annual fee.]

---

4) ABRA-021395 - **La Bise** - Retail - C - Restaurant - 800 CONNECTICUT AVENUE NW
[Licensee did not pay the second-year annual fee.]

---

5) ABRA-071021 - **The Regent Thai Cuisine** - Retail - C - Restaurant - 1910 18TH STREET NW
[Licensee did not pay the second-year annual fee.]

---

6) ABRA-079261 - **Los Cuates Restaurant** - Retail - C - Restaurant - 1564 WISCONSIN AVENUE NW
[Licensee did not pay the second-year annual fee.]

---

7) ABRA-079296 - **Italian Pizza Kitchen** - Retail - C - Restaurant - 4483 CONNECTICUT AVENUE NW
[Licensee did not pay the second-year annual fee.]

---

8) ABRA-086125 - **Lincoln** - Retail - C - Restaurant - 1110 VERMONT AVENUE NW
[Licensee did not pay the second-year annual fee.]

---

9) ABRA-089616 - **Beuchert's Saloon** - Retail - C - Restaurant - 623 PENNSYLVANIA AVENUE SE
[Licensee did not pay the second-year annual fee.]

---

10) ABRA-092731 - **Wagshal's** - Retail - C - Restaurant - 3201 NEW MEXICO AVENUE NW
[Licensee did not pay the second-year annual fee.]

---

11) ABRA-095030 - **India Gate** - Retail - C - Restaurant - 2020 P STREET NW
[Licensee did not pay the second-year annual fee.]

---

12) ABRA-099158 - **Hyatt Place Washington DC/National Mall** - Retail - C - Hotel - 400 E STREET SW
[Licensee did not pay the second-year annual fee.]

---

13) ABRA-100312 - **VILLA TUSCANA** - Retail - C - Restaurant - 1723 COLUMBIA ROAD NW
[Licensee did not pay the second-year annual fee.]

---

14) ABRA-101707 - **Wagshal's/Chef Trini's** - Retail - C - Restaurant - 4857 MASSACHUSETTS AVENUE NW
[Licensee did not pay the second-year annual fee.]

---

15) ABRA-106038 - **Shilling Canning Company** - Retail - C - Restaurant - 1331 4TH STREET SE

[Licensee did not pay the second-year annual fee.]

---

16) ABRA-106099 - **Across The Pond Restaurant & Pub** - Retail - C - Restaurant - 1734 CONNECTICUT AVENUE NW
[Licensee did not pay the second-year annual fee.]

---

17) ABRA-107131 - **Playa Ocho Cantina** - Retail - C - Restaurant - 514 8TH STREET SE
[Licensee did not pay the second-year annual fee.]

---

18) ABRA-107879 - **Georgia Ave Oohh's & Aahh's Restaurant** - Retail - C - Restaurant - 5933 GEORGIA AVENUE NW
[Licensee did not pay the second-year annual fee.]

---

19) ABRA-112800 - **Cranes** - Retail - C - Restaurant - 724 9TH STREET NW
[Licensee did not pay the second-year annual fee.]

---

20) ABRA-116741 - **Petit Monde** - Retail - C - Restaurant - 2653 CONNECTICUT AVENUE NW
[Licensee did not pay the second-year annual fee.]

---

21) ABRA-116798 - **The Strand** - Retail - C - Restaurant - 5131 NANNIE HELEN BURROUGHS AVENUE NE
[Licensee did not pay the second-year annual fee.]

---

22) ABRA-119215 - **Lunas de Buenos Aires- Argentinian Street Food** - Retail - C - Restaurant - 1276 5TH STREET NE
[Licensee did not pay the second-year annual fee.]

---

23) ABRA-120148 - **La Cocina** - Retail - C - Restaurant - 3740 12TH STREET NE
[Licensee did not pay the second-year annual fee.]

---

24) ABRA-120509 - **Le Mont Royal** - Retail - C - Restaurant - 1815 ADAMS MILL ROAD NW
[Licensee did not pay the second-year annual fee.]

---

25) ABRA-120987 - **Fat Fish Rolls & Twists** - Retail - D - Restaurant - 1 MARKET SQUARE SW
[Licensee did not pay the second-year annual fee.]

---

26) ABRA-122804 - **Talea** - Retail - C - Restaurant - 3228 WISCONSIN AVENUE NW
[Licensee did not pay the second-year annual fee.]

---

27) ABRA-124751 - **King Street Oyster Bar** - Retail - C - Restaurant - 7 RIDGE SQUARE NW
[Licensee did not pay the second-year annual fee.]

---

28) ABRA-124934 - **Nile Ethiopian Restaurant and Nile Market** - Retail - C - Restaurant - 7815 GEORGIA AVENUE NW
[Licensee did not pay the second-year annual fee.]

---

29) ABRA-125040 - **Los Molcajetes Mi Casita** - Retail - C - Restaurant - 2307 18TH STREET NW
[Licensee did not pay the second-year annual fee.]

---

30) ABRA-126137 - **Giovannis Trattu** - Retail - C - Restaurant - 1823 JEFFERSON PLACE NW
[Licensee did not pay the second-year annual fee.]

---

31) ABRA-129516 - **IL Supremo Italian Restaurant & Bar II** - Retail - C - Restaurant - 4400 CONNECTICUT AVENUE NW
[Licensee did not pay the second-year annual fee.]

---

32) ABRA-132170 - **Salvi Mex Bar & Grill Restaurant** - Retail - C - Restaurant - 1424 PARK ROAD NW
[Licensee did not pay the second-year annual fee.]

---

33) ABRA-134329 - **Takumi Sushi Izakaya** - Retail - C - Restaurant - 20 M STREET SE
[Licensee did not pay the second-year annual fee.]

---

34) ABRA-000168 - **Trio Rest & Fox & Hounds Lounge** - Retail - C - Restaurant - 1537 17TH STREET NW
[Licensee did not pay the second-year annual fee.]

---

35) ABRA-088623 - **DC Conscious Cafe** - Retail - D - Restaurant - 1413 H STREET NE
[Licensee did not pay the second-year annual fee.]

---

36) ABRA-118901 - **Privilege** - Retail - C - Multipurpose - 1115 U STREET NW
[Licensee did not pay the second-year annual fee.]

---

37) ABRA-126087 - **Thai Love DC** - Retail - C - Restaurant - 3433 CONNECTICUT AVENUE NW
[Licensee did not pay the second-year annual fee.]

---

38) ABRA-128396 - **Fabulous Restaurant** - Retail - C - Restaurant - 2406 18TH STREET NW
[Licensee did not pay the second-year annual fee.]

---

39) ABRA-133225 - **Taku Sushi and Bar** - Retail - C - Restaurant - 517 H STREET NE
[Licensee did not pay the second-year annual fee.]

---

40) ABRA-000168 - **Trio Rest & Fox & Hounds Lounge** - Retail - C - Restaurant - 1537 17TH STREET NW
[Licensee did not pay the second-year annual fee.]

---

41) ABRA-088623 - **DC Conscious Cafe** - Retail - D - Restaurant - 1413 H STREET NE
[Licensee did not pay the second-year annual fee.]

---

42) ABRA-118901 - **Privilege** - Retail - C - Multipurpose - 1115 U STREET NW
[Licensee did not pay the second-year annual fee.]

---

43) ABRA-126087 - **Thai Love DC** - Retail - C - Restaurant - 3433 CONNECTICUT AVENUE NW
[Licensee did not pay the second-year annual fee.]

---

44) ABRA-128396 - **Fabulous Restaurant** - Retail - C - Restaurant - 2406 18TH STREET NW
[Licensee did not pay the second-year annual fee.]

In accordance with the Open Meetings Act (D.C. Official Code §2-571 *et. seq*.) this meeting may be closed to consult with an attorney to obtain legal advice pursuant to §2-575(b)(4)(A). The Board's vote will be held in an open session and the public is permitted to attend. This meeting is governed by the Open Meetings Act. Please address any questions or concerns arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

DC COMMISSION ON THE ARTS AND HUMANITIES

NOTICE OF FUNDING AVAILABILITY

FY 2027 Art Exhibition Grant

The DC Commission on the Arts and Humanities (CAH) announces the availability of grant awards to individual artists and District-based nonprofit art galleries or organizations for the Fiscal Year 2027 Art Exhibition Grant (AEG), which provides support for the development and public presentation of visual art exhibitions by District resident curators within CAH's 200 I (Eye) Street Galleries and on CAH's virtual platform. A total of no more than two (2) grants may be awarded under this announcement.

Eligibility
At the time of application, individuals must demonstrate proof of residency in the District of Columbia for at least one (1) year. Galleries and nonprofit organizations must be incorporated with a federally designated tax exempt status under section 501(c)(3) or 501(c)(6) of the United States Internal Revenue Service (IRS) code, with central offices in the District of Columbia, and be registered as a District of Columbia nonprofit business in good standing with the DC Department of Licensing and Consumer Protection (DLCP), the Office of Tax and Revenue (OTR), the Internal Revenue Service (IRS), and the Department of Employment Services (DOES).

Additional eligibility requirements, evaluation criteria, and application instructions will be available in the forthcoming Request for Applications (RFA), which will be posted online at http://dcarts.dc.gov/

RFA Release Date:	May 4, 2026
RFA Availability:	Posted on CAH's website (dcarts.dc.gov)
Length of Awards:	Fiscal Year 2027 (October 1, 2026 — September 30, 2027)
Number of Awards:	Multiple
Award Amount:	Varies
CAH Contact:	Michelle May-Curry, Curator Michelle.May-Curry@dc.gov
Electronic Submission Deadline:	**5:00 pm, Monday, June 29, 2026**

CAH will not accept applications submitted via hand delivery, mail, or courier service. Late submissions and incomplete applications will not be considered for funding.

All eligible applications are reviewed through a competitive process. All grant-funded activities must occur between October 1, 2025, and September 30, 2027.

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF FUNDING AVAILABILITY

Substance Use Disorder HIV Early Intervention Services

The District of Columbia, Department of Behavioral Health (DBH) is soliciting applications from qualified applicants for services in the program and service areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of the DBH's intent to make funds available for the purpose described herein. The applicable Request for Application (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria, and DBH terms and conditions for applying for and receiving funding.

General Information:

Funding Opportunity Title:	Substance Use Disorder HIV Early Intervention Services
Funding Opportunity Number:	RFA RM0 HIV-EIS050126
Opportunity Category:	Competitive
DBH Branch/Division Unit:	Community Services Division
DBH Administrative Unit	Adult Services
Program Contact:	Tricialand Hilliard Tyrone, Treatment and Recovery Coordinator 202-727-8944 Tricialand.HilliardTyrone@dc.gov
Program Description:	This RFA identifies funding opportunities to support DBH certified Substance Use Disorder providers to conduct HIV early intervention services for individuals seeking substance use disorder treatment and recovery services. Grantees shall focus on the four key areas: education counseling, screening/testing, linkage to care and data for HIV early intervention services.
Eligible Applicants:	1. District of Columbia Department of Behavioral Health (DBH) certified Substance Use Disorder Provider. 2. Possess Clinical Laboratory Improvement Amendment (CLIA) Waiver or be eligible to possess within 30 days of award.
Anticipated Number of Awards:	Twenty (20) awards
Anticipated Amount Available:	$260,000
Floor Award Amount:	N/A
Ceiling Award Amount:	Up to $13,000

Funding Authorization:

Legislative Authorization:	Subparts II&III,B,Title XIX,PHS Act/45 CFR Part96

Assistance Listing#:	93.959
Associated Federal Award ID#:	1B08TI088145
Cost Sharing/Match Required?	No
RFA Release Date:	Friday, May 1, 2026
Pre-Application Conference (Date):	Friday, May 8, 2026
Pre-Application Conference (Time):	12:00 pm ET
Pre-Application Conference (Microsoft Teams Access):	**Pre-Application Conference for RFA RM0 HIV EIS050126**
Letter of Intent Due Date:	Friday, May 22, 2026
Application Deadline Date:	Friday, May 29, 2026
Application Deadline Time:	12:00 pm, ET
Links to Additional Information about this Funding Opportunity:	Serve DC: Mayors Office of Community Affairs DBH RFA Opportunities: DBH - Request to Applications

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.**

D.C. PREPARATORY ACADEMY PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Commissioning Services

D.C Preparatory Academy Public Charter School (DC PREP) is seeking proposals from qualified consultants for **Commissioning Services** for a large-scale renovation at 711 Edgewood Street NE.

Please contact Emily Alexander at eaa@jairlynch.com for a copy of the full Request for Proposals (RFP). All proposals must be submitted by **5:00 PM** on **May 15, 2026**.

D.C. PREPARATORY ACADEMY PUBLIC CHARTER SCHOOL

REQUESTS FOR PROPOSALS

Multiple Products and Services

Accounting and auditing services
Advertising and marketing products and services
Advisory and consulting services
Architectural, environmental, and engineering services
Assessment and instructional data support and services
Background check services
Classroom furniture, fixtures, and equipment
Computer hardware and software
Construction/general contractor services
Copy machine services
Clinical individual and group therapy services
Curriculum materials
Elevator maintenance and repair services
Employee medical benefits
Facility management services
Food services
Instructional support services
IT management services
Janitorial services and supplies
Landscaping services
Legal services
Mechanical services (boiler, HVAC, etc.)
Office Furniture, fixtures and equipment
Office supplies
Painting supplies and services
Playground furniture, fixtures, and equipment, and installation services
Professional development and consulting services
Project management and consulting services
Security services (security guards, cameras, monitoring, alarm systems, etc.)
Special education services
Student data management systems
Student transportation services
Student Uniforms
Talent recruitment and development services
Telecommunications equipment, infrastructure, and services
Waste management services

Please email **bids@dcprep.org** for more details about requirements. Bids are **DUE BY May 8th, 2026 at 5:00PM.**

D.C. PREPARATORY ACADEMY PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Third Party Inspection Services

D.C Preparatory Academy Public Charter School (DC PREP) is seeking proposals from qualified consultants for **Third Party Inspection Services** for a large-scale renovation at 711 Edgewood Street NE.

Please contact Emily Alexander at eaa@jairlynch.com for a copy of the full Request for Proposals (RFP). All proposals must be submitted by **5:00 PM** on **May 15, 2026**.

OFFICE OF DISABILITY RIGHTS

DC COMMISSION ON PERSONS WITH DISABILITIES (DCCPD)
COMMISSION MEETING

Monday, May 11th, 2026, at 12:30 p.m. to 1:30 p.m.

***All Commission Meetings are available and open to the public to attend**

All reasonable accommodation requests must be made at least five (5) business days prior to the scheduled meeting date. Please contact claire.simon@dc.gov or 202-724-5055

Topic: DC Commission on Persons with Disabilities Bi-Monthly Meeting

Time: May 11, 2026, 12:15 PM Eastern Time (US and Canada)

Location: Join Zoom Meeting using the link below:

https://dc-gov.zoom.us/j/84092120044?pwd=TClSlQpTUNFa0wLNSXOS3o9tiPP6Qx.1

Dial in number: +1 309 205 3325

Meeting ID: 840 9212 0044

Passcode: 662071

D.C. STATE BOARD OF EDUCATION

NOTICE OF PUBLIC MEETING

The D.C. State Board of Education's College, Career, and Life-Readiness Committee will hold meetings on the following dates:

- **May 27, 2026 at 5:00 p.m.**
- **June 24, 2026 at 5:00 p.m.**

Meeting materials will be posted on the State Board's meeting DropBox at: https://bit.ly/SBOEMeetingDocs.

The meetings will be conducted remotely via Zoom, and members of the public are invited to join the meeting webinar and observe at: https://dc-gov.zoom.us/j/88541827418**.** A password is not required to attend. Recordings of the meetings will be uploaded to the State Board's YouTube page.

Below is a draft agenda for the meetings.

DRAFT AGENDA

I. Establishment of a Quorum

II. New Topics Referred to Committee

III. Committee Project Updates

IV. New Business

V. Adjournment

Please note: This agenda is subject to change.

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

BOARD OF ELECTIONS

CERTIFICATION OF ANC/SMD VACANCY

The District of Columbia Board of Elections hereby gives notice that there are vacancies in (2) two Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2).

VACANT: 1A07, 2E08

Petition Circulation Period: **Monday, May 4, 2026, through Tuesday, May 26, 2026**
Petition Challenge Period: **Friday, May 29, 2026, through Thursday, June 4, 2026**

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**.

BOARD OF ELECTIONS

CERTIFICATION OF ANC/SMD VACANCY

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in (1) one Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2).

VACANT: 8E09

Petition Circulation Period: **Monday, May 4, 2026, through Tuesday, May 26, 2026**
Petition Challenge Period: **Friday, May 29, 2026, through Thursday, June 4, 2026**

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**.

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	
	OEA Matter No.: 1601-0002-25
EMPLOYEE[1],	
Employee	
	Date of Issuance: March 12, 2026
v.	
	MICHELLE R. HARRIS, ESQ.
D.C. PUBLIC SCHOOLS,	Senior Administrative Judge
Agency	

Employee, *Pro Se*
Gehrrie Bellamy, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On October 3, 2024, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office") contesting the District of Columbia Public Schools' ("Agency" or "DCPS") decision to terminate him from service. Following a letter from OEA dated October 3, 2024, requesting an Answer in this matter, Agency filed its Answer on November 4, 2024. This matter was assigned to the undersigned Senior Administrative Judge ("SAJ") on November 4, 2024. On November 5, 2024, I issued an Order convening a Prehearing Conference for December 10, 2024. Both parties appeared for that conference as required. During the conference the undersigned determined that more time was needed for the parties to complete and submit Prehearing Statements due to delays in mailing/receipt of the November 5, 2024 Order. Accordingly, I issued an Order that same day rescheduling the Prehearing Conference for January 15, 2025. Prehearing Statements were due by or before January 8, 2025. Agency submitted its Prehearing statement by the deadline. Both parties appeared for the Prehearing Conference on January 15, 2025. During the Conference, Employee explained that he encountered challenges which prevented his submission of a Prehearing Statement by January 8, 2025. Upon review of the record, the undersigned determined that more time was needed to allow for Employee to submit his Prehearing Statement.

On January 15, 2025, I issue a Post Prehearing Conference Order requiring Employee to submit his Prehearing Statement by or before January 31, 2025, and scheduled a Prehearing Conference for February 6, 2025. Employee filed his Prehearing Statement by the prescribed

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.

deadline. Both parties appeared for the Prehearing Conference on February 6, 2025, as required. During the conference, the undersigned determined that supplemental information was required. Further, the undersigned advised the parties that an Evidentiary Hearing was likely warranted for this matter. I issued a Post Prehearing Conference on February 6, 2025, which required Agency to submit a complete copy of the Investigative Report related to the adverse action in this matter. Employee was also advised that he could submit the copies of what he had received. Submissions were due by or before February 18, 2025, and a Status Conference was scheduled for February 27, 2025. Agency did not submit the Investigative Report by February 19, 2025. Both parties appeared for the Status Conference on February 27, 2025, wherein Agency noted that the investigator had been on leave and that it had inadvertently failed to convey that information to the undersigned as related to the submission of the Investigative Report. On February 27, 2025, I issued an Order requiring Agency to submit the Investigative Report by or before March 3, 2025, and also scheduled a Status Conference for March 11, 2025. Both parties appeared for the March 11, 2025 Status Conference. During that Conference, the undersigned advised that an Evidentiary Hearing would he held in this matter. Parties were to check with their witnesses to confirm availability to attend the Evidentiary Hearing. The parties confirmed availability via email on March 14, 2025. On March 14, 2025, I issued an Order Convening an Evidentiary Hearing for May 14, 2025.

On April 15, 2025, Agency filed an Agreed Motion for Continuance. Agency cited therein that the parties were engaged in settlement talks that would likely extend beyond the scheduled hearing date. On April 17, 2025, I issued an Order granting the Motion and requested that the parties provide a Status Update by or before May 5, 2025. On May 7, 2025, Agency filed a Joint Statement/Update. It was noted therein that both parties agreed that the settlement negotiations will extend beyond May 14, 2025, and requested that the Evidentiary Hearing be continued. On May 7, 2025, I issued an Order granting the request. The Evidentiary Hearing scheduled for May 14, 2025, was cancelled. Further, the parties were required to submit a join status/update by May 27, 2025. On May 27, 2025, Agency filed a Join Statement/Update citing therein that the parties were still engaged in settlement negotiations. On May 28, 2025, I issued an Order granting the request and required the parties to provide an update by or before June 13, 2025. On June 16, 2025[2], Agency filed a Join Statement/Update citing therein that the parties were still engaged in settlement negotiations and the varied availability of the parties involved required additional time. On June 17, 2025, I issued an Order requiring the parties to provide an update by or before July 3, 2025. The parties complied with this Order. The parties cited in their update that negotiations were ongoing and were taking time given involvement with other entities in the process. There was no date specified regarding an expected resolution. As result, I issued an Order on July 14, 2025, requiring the submission of an update by August 4, 2025.

The parties filed another Joint Status Update on August 5, 2025. Again, the parties noted the complexity of the settlement negotiations and Agency also cited that Employee had agreed to supply documentation that will advance the settlement negotiations forward. A date of completion was not provided. On August 5, 2025, I issued an Order requiring the submission of a Status Update by or before September 15, 2025. Further, that Order noted that if a settlement had not been reached by September 15, 2025, a Status Conference would be held on September 30, 2025. The parties filed the Status Update. The Status Conference was held on September 30, 2025, and

[2] Due to road closures on June 13, 2025, for an event in the District, the undersigned advised that the Status Update could be filed after June 13, 2025.

both parties were present. The parties noted that they still wished to negotiate a settlement and agreed to have participate/be referred to mediation at OEA. Accordingly, I issued an Order on September 30, 2025, noting that the matter would be referred for mediation. That Order also cited that the parties would be contacted by an OEA mediator to schedule mediation sessions as needed. Additionally, the parties were advised that should an update regarding settlement negotiations occur prior to the mediator's outreach, a Status Update should be filed. The parties were also notified that should mediation be unsuccessful, the Evidentiary Hearing in this matter would proceed.

On November 10, 2025, the undersigned was notified that mediation was not successful. On November 12, 2025, I issued an Order scheduling a Status Conference for December 2, 2025, for the purposes of scheduling the Evidentiary Hearing. On November 20, 2025, Agency filed a Motion Requesting a New Date citing a conflict with a previously scheduled OEA matter. On November 25, 2025, I issued an Order granting the request and rescheduled the Status Conference to December 9, 2025, at 11:00am. On December 3, 2025, Agency filed a Motion citing another conflict with an OEA matter at that same time. On December 4, 2025, I issued and Order rescheduling the time to 2:00pm on December 9, 2025. On December 9, 2025, Agency's representative emailed the undersigned citing that she was in an Evidentiary Hearing before another AJ at OEA and could not appear for the scheduled Status Conference. On December 10, 2025, I issued an Order rescheduling the Status Conference for December 16, 2025, at 2:00pm. Both parties appeared on December 16, 2025, as required. Following a brief conversation between the parties, they notified the undersigned that they had reached a settlement in this matter. The undersigned advised the parties that upon the receipt of a withdrawal/motion to dismiss, the matter would be dismissed due to the parties' settlement of the matter. On March 10, 2026, the parties filed a Joint Motion to Dismiss citing that they had settled the matter on January 22, 2026. The record is now closed.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether this appeal should be dismissed based on the parties' settlement of this matter.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

D.C. Official Code § 1-606.06 (b) (2001) states in pertinent part that:

"If the parties agree to a settlement without a decision on the merits of the case, a settlement agreement, prepared and signed by all parties, shall constitute the final and binding resolution of the appeal, and the [Administrative Judge] shall dismiss the appeal with prejudice."

In the instant matter, the parties reached a settlement agreement. Furthermore, on March 10, 2026, the parties filed a Joint Motion to Dismiss noting that a settlement had been reached and

executed. The parties further requested that this matter be dismissed with prejudice before this Office. For these reasons, and pursuant to the aforementioned code provision, I find that Employee's Petition for Appeal should be dismissed.

ORDER

It is hereby **ORDERED** that the Petition for Appeal in this matter is **DISMISSED with PREJUDICE**.

FOR THE OFFICE:

/s/ Michelle R. Harris
MICHELLE R. HARRIS, ESQ.
Senior Administrative Judge

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office of Employee Appeals' Chief Operating Officer of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
HERBERT BAYLOR,	)	
Employee	)	OEA Matter No. 1601-0008-25
	)	
v.	)	Date of Issuance: March 23, 2026
	)	
DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS,	)	
Agency	)	ERIC T. ROBINSON, ESQ.
	)	SENIOR ADMINISTRATIVE JUDGE

Employee, *Pro-Se*
Zita Orji, Esq., Agency Representative

INTIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On November 12, 2024, Employee filed a Petition for Appeal in the above captioned matter contesting the District of Columbia Department of Corrections ("DOC" or the "Agency") action of placing him on Enforced Leave. Later that day, the Office of Employee Appeals ("OEA" or the "Office") sent a notice to DOC requesting that it submit an Answer to Employee's Petition for Appeal. According to this notice, the Agency's Answer was due on or before December 12, 2024. DOC timely filed its Answer on December 5, 2024. This matter was assigned to the Undersigned Senior Administrative Judge on December 6, 2024. After review, a Prehearing/Status Conference was initially set to convene on January 13, 2025. On December 23, 2024, February 21, 2025, and March 3, 2025, Agency made continuing requests for extensions of time in order to conduct and complete discovery in this matter.

Of note, on June 6, 2025, Employee filed another Petition for Appeal in OEA Matter No. 1601-0046-25. In that matter, Employee was removed from service. On July 8, 2025, that matter was initially assigned to my colleague, Administrative Judge Natiya Harris. Thereafter, the removal action was reassigned to the Undersigned. Initially, the Undersigned was wholly unaware that this reassignment occurred. Eventually, the reassignment was brought to the Undersigned's active attention and pursuant to an Order dated January 15, 2026, a Status Conference was set for February 12, 2026. The purpose of this Status Conference was to reassess the adjudication track necessary for an adequate review of both matters. Employee did not appear at this conference, so

on that same date, an Order for Statement of Good Cause was issued wherein Employee was ordered to explain his absence. On February 27, 2026, Employee timely filed a satisfactory response. Accordingly, the Status Conference was rescheduled for March 19, 2026. During this conference, a wide range of topics were discussed. However, in pertinent part, Employee verbally expressed his desire to discontinue prosecuting his Petition for Appeal in the instant matter but wanted to continue to prosecute his Petition for Appeal in the removal action. Employee was instructed that if he wanted to discontinue prosecuting his appeal in this matter that he had to submit a signed letter indicating as much.

On March 19, 2026, Employee submitted an executed notice which indicated in pertinent part as follows "[p]lease know that I agree that the [OEA] grant summary judgment to the [DOC] because there is no genuine dispute of material facts that warrant an employee appeal hearing for (*sic*) and that my employee appeal petition failed as a matter of law." After reviewing the salient documents of record, I have determined that no further proceedings are necessary. The record is now closed.

JURISDICTION

The Office has jurisdiction pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether this matter should be dismissed.

ANALYSIS AND CONCLUSION

I interpret Employee's statement in his notice dated March 19, 2026, as he opting to withdraw his Petition for Appeal. This decision does not affect the pendency of Employee's appeal in his related removal matter (OEA Matter No. 1601-0046-25). Since Employee voluntarily withdrew his Petition for Appeal, I find that Employee's Petition for Appeal, in this matter, should be dismissed.

ORDER

Based on the foregoing, it is hereby ORDERED that the above-captioned Petition for Appeal be dismissed.

FOR THE OFFICE:

/*s*/ Eric T. Robinson
Eric T. Robinson, Esq.
Senior Administrative Judge

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	OEA Matter No.: 1601-0015-25
EMPLOYEE,[1]	)	
Employee	)	
	)	Date of Issuance: March 3, 2026
v.	)	
	)	
D.C. METROPOLITAN POLICE DEPARTMENT,	)	Natiya Curtis, Esq.
Agency	)	Administrative Judge
	)	

Daniel McCartin, Esq., Employee Representative
Jacob Thole, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On December 20, 2024, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office") contesting the District of Columbia Metropolitan Police Department's ("Agency" or "MPD") decision to suspend him from his position as a Police Officer effective November 29, 2024. OEA issued a Request for Agency's Answer to Petition for Appeal on December 20, 2024, and required Agency to submit its Answer by January 19, 2025. Agency submitted its Answer to Employee's Petition for Appeal on January 16, 2025. This matter was assigned to the undersigned Administrative Judge ("AJ") on January 17, 2025.

On January 21, 2025, I issued an Order Scheduling a Prehearing Conference for February 25, 2025. Prehearing Statements were due by February 18, 2025. On February 6, 2025, Agency filed a Motion to Continue the Prehearing Conference to March 4, 2025, and cited that Employee did not oppose a continuance. I granted the Motion in an Order dated February 7, 2025. Prehearing Statements were now due by February 25, 2025, and the Prehearing Conference was rescheduled for March 4, 2025. Agency submitted its Prehearing Statement and a Motion for Dismissal/Summary Disposition on February 24, 2025. Employee submitted his Prehearing Statement on February 26, 2025. On February 28, 2025, Employee submitted a Consent Motion to extend the time to file his opposition Motion to Agency's Motion for Summary Disposition.

The Prehearing Conference was held as scheduled on March 4, 2025. On March 5, 2025, I issued an Order regarding Employee's Consent Motion and granted Employee's Motion. Employee's response to Agency's Motion for Dismissal/Summary Disposition was due by March

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.

18, 2025. Employee submitted his response as required. After reviewing the record and the parties' submissions, on May 7, 2025, I issued an Order Regarding Agency's Motion to Dismiss/Post Prehearing Conference Order. That Order denied Agency's Motion for Summary Disposition and ordered the submission of additional briefs. Agency's brief was due by June 9, 2025, Employee's Brief was due by July 8, 2025, and Agency's sur-reply was due by July 22, 2025.

On July 2, 2025, Employee filed a Consent Motion to Extend Time to file his brief. In an Order dated July 3, 2025, I granted Employee's Consent Motion. Employee's brief was now due by July 22, 2025, and Agency's sur-reply was due by August 12, 2025. The parties submitted their briefs as required. The record is now closed.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUES

1. Whether Agency had cause to take adverse action against Employee; and
2. If so, whether the penalty of suspension for thirty (30) days with ten (10) days held in abeyance was appropriate under the circumstances and administered in accordance with all applicable laws, rules and regulations.

BURDEN OF PROOF

OEA Rule § 631.1, 6-B District of Columbia Municipal Regulations ("DCMR") Ch. 600, et seq (December 27, 2021) states:

> The burden of proof for material issues of fact shall be by a preponderance of the evidence. "Preponderance of the evidence" shall mean:
>
> > the degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue.[2]

OEA Rule § 631.2 *id.* states:

> For appeals filed under § 604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

[2] OEA Rule § 699.1.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

Employee is a Police Officer with Agency, who was initially suspended for thirty-five (35) workdays in a proposed Notice of Adverse Action on July 8, 2024, and charged with the following:[3]

Charge No. 1: "Violation of General Order Series 120.21, Attachment A, Part A-6, which states, *"Engaging in conduct that constitutes a crime."*

Specification No. 1: In that, on November 30, 2023, you drove your privately owned vehicle (POV) to a gas station in Ruckersville, Virginia, while under the influence of alcohol. You subsequently pled guilty on March 3, 2024, to one count of Virginia Code § 18.2-266, Driving a Motor Vehicle, Engine, etc., while intoxicated, and you conceded you were under the influence of alcohol with a BAC of less than .15.

Charge No. 2: Violation of General Order Series 120.21, Attachment A, Part A-1, which states, "*Alcohol: Off-duty — drinking while in uniform and/or under the influence."*

Specification No. 1: In that, on November 30, 2023, you were in a public gas station under the influence of alcohol and unable to walk or speak coherently.

Charge No. 3: Violation of General Order Series 120.21, Attachment A, Part A-24, which states, "*Any conduct not specifically set forth in the order, which is detrimental to the reputation and good order of the police force, or involving failure to obey, or properly observe any of the rules, regulations, and orders relating to the discipline and performance of the force."*

Specification No. 1: In that, on November 30, 2023, while intoxicated and operating your privately owned vehicle in Greene County, Virginia, you were identified as an officer with the Metropolitan Police Department (MPD), which brought discredit not only to yourself, but also to the agency.

Specification No. 2: In that, on March 6, 2024, you were issued a twelve (12) month driver license restriction requiring the use of an ignition interlock device on any vehicle you operated, with no exemption for employer-owned vehicles. Therefore, you cannot operate an MPD vehicle and cannot fully perform the duties of an MPD officer until the conclusion of the period of restriction.

Employee appealed these charges to the Chief of Police Pamela A. Smith ("Chief Smith") on November 6, 2024.[4] In a final letter dated November 29, 2024, Chief Smith reconsidered the charges and penalty assessed against Employee.[5] Chief Smith revised the adverse action against

[3] Employee's Petition for Appeal, Exhibit 1, p. 10 (December 20, 2024) (This Notice was issued by Director Hobie Hong of Agency's Disciplinary Review Division ("DRD").
[4] Agency's Answer, Tab 5, p. 30 (January 16, 2025) (page numbers not in the original but included for ease of reference).
[5] *Id.* at Tab 4, pp. 81-84.

Employee accordingly: Charge 3, specifications 1 and 2, were dismissed. *Douglas* factor 4 was reduced to mitigating.[6] *Douglas* factor 5 was reclassified to neutral. *Douglas* factor 12 was reduced to mitigating. Chief Smith noted that "[g]iven the dismissal of Charge 3 and recharacterization of Douglas factors, I am reducing the penalty to be imposed in this case to a 30-day suspension. In addition, given my consideration of the record as a whole, I am holding ten of those suspension days in abeyance for one year."[7]

In support of Employee's reduced charges and penalty, Chief Smith acknowledged that Employee provided evidence that he is able to operate Department vehicles without the installation of an ignition interlock device,[8] accepted responsibility for driving while under the influence, has not lost his supervisors' confidence in his ability to perform his duties, and experienced medical limitations that were outside of his control.[9] Thus, Employee's charges were revised as follows:

Charge No. 1: "Violation of General Order Series 120.21, Attachment A, Part A-6, which states, *"Engaging in conduct that constitutes a crime."*

Specification No. 1: In that, on November 30, 2023, you drove your privately owned vehicle (POV) to a gas station in Ruckersville, Virginia, while under the influence of alcohol. You subsequently pled guilty on March 3, 2024, to one count of Virginia Code §18.2-266, Driving a Motor Vehicle, Engine, etc., while intoxicated, and you conceded you were under the influence of alcohol with a BAC of less than .15.

Charge No. 2: Violation of General Order Series 120.21, Attachment A, Part A-1, which states, "*Alcohol: Off-duty — drinking while in uniform and/or under the influence."*

---

[6] *Douglas v. Veterans Administration,* 5 M.S.P.R. 313 (1981). The *Douglas* factors provide that an agency should consider the following when determining the penalty of adverse action matters:

1) the nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;
2) the employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
3) the employee's past disciplinary record;
4) the employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;
5) the effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in employee's ability to perform assigned duties;
6) consistency of the penalty with those imposed upon other employees for the same or similar offenses;
7) consistency of the penalty with any applicable agency table of penalties;
8) the notoriety of the offense or its impact upon the reputation of the agency;
9) the clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;
10) potential for the employee's rehabilitation;
11) mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and

the adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

[7] Agency's Answer, Tab 4, p. 83 (January 16, 2025).

[8] Employee's license restriction was amended to allow him to operate an Agency-owned vehicle without an ignition interlock system, while working (*See* Employee's Petition for Appeal, p. 25-Attachment 1 to the DC Police Union's Appeal letter) (page numbers are not in the original but included for ease of reference).

[9] Agency's Answer, Tab 4, p. 83 (January 16, 2025).

Specification No. 1: In that, on November 30, 2023, you were in a public gas station under the influence of alcohol and unable to walk or speak coherently.

Employee's final penalty was a thirty-day suspension with ten (10) days held in abeyance.[10]

Jurisdiction

This Office's jurisdiction is conferred upon it by law and was initially established by the District of Columbia Comprehensive Merit Personnel Act of 1978 ("CMPA"), D.C. Official Code §1-601-01, *et seq.* (2001). It was amended by the Omnibus Personnel Reform Amendment Act of 1998 ("OPRAA"), D.C. Law 12-124, which took effect on October 21, 1998. Both the CMPA and OPRAA confer jurisdiction on this Office to hear appeals, with some exceptions. According to 6-B of the District of Columbia Municipal Regulation ("DCMR") § 604.1,[11] this Office has jurisdiction in matters involving District government employees appealing a final agency decision affecting:

(a) A performance rating resulting in removal;
(b) An adverse action for cause that results in removal, reduction in grade, or *suspension for 10 days or more;* or
(c) A reduction-in-force; or
(d) A placement on indefinite suspension for ten (10) days or more. (Emphasis added).

Agency's Position

Agency asserts that its action of suspending Employee for thirty days (30), with ten (10) days held in abeyance for one year was an appropriate penalty for Employee's misconduct.[12] Agency maintains that Employee engaged in prohibited conduct when he drove his vehicle over 75 miles while intoxicated.[13] Agency notes that after driving while intoxicated, Employee then fell asleep inside his vehicle while parked at a gas station and was so inebriated that he could not speak when awoken by a Virginia sheriff.[14] Agency cites that a search of Employee's vehicle at the time he was detained revealed three (3) bottles of alcohol: two empty 750 milliliter bottles and a third pint-sized bottle that was approximately thirty-percent full.[15] Agency also asserts that Employee registered a .40 Blood Alcohol Content ("BAC").[16]

Agency avers that there is no dispute that Employee's misconduct was criminal in nature, as Employee pled guilty to one (1) count of Driving a Motor Vehicle while Intoxicated and was sentenced to ninety (90) days incarceration, with ninety (90) days suspended pending one (1) year

[10] *Id*.

[11] *See also.* Chapter 6, §604.1 of the District Personnel Manual ("DPM") and OEA Rules.
[12] Agency's Brief, p. 10 (June 9, 2025).
[13] Agency's Prehearing Statement, p. 5 (February 24, 2025).
[14] Agency's Brief, p. 13 (June 9, 2025).
[15] Agency's Prehearing Statement, p. 2 (February 24, 2025).
[16] Agency's Brief, p. 13 (June 9, 2025).

of good behavior.[17] Agency further notes that Employee admitted to the charged misconduct. Agency argues that based on Employee's documented misconduct and his own admissions, Agency had sufficient evidence to support the adverse action in this matter because Employee engaged in conduct that is prohibited by Agency's General Order 120.21, Part IV, Attachment A, Part A-1, which prohibits off duty drinking while in uniform or under the influence, and Attachment A, Part A-6, which prohibits engaging in conduct that constitutes a crime.[18] Agency argues that the penalty assessed is within the allowable range established by Agency's Table of Penalties, which sets a suspension range of eleven (11) to thirty days for off duty drinking and under the influence, and termination for conduct that constitutes a crime. Thus, Agency asserts that Employee's suspension was within the allowable range and also a mitigated penalty because he was not recommended for termination.[19]

Agency further asserts that OEA lacks jurisdiction over Employee's request to remain eligible for promotion to the rank of Detective Grade 3 and/or Sergeant. Agency avers that Employee's request to remain eligible for promotion is a supplemental issue that is not within the purview of OEA's jurisdiction. Agency further notes that Article 47 of the parties' Collective Bargaining Agreement ("CBA") specifies that "a member shall be ineligible to participate in a promotional process if that member has sustained an adverse action resulting in a penalty of…a suspension of fifteen or more days within one year of the announced administration date of the first phase of the exam." Agency asserts that "Phase 1 of the Detective Grade 3 promotional process began on August 17, 2024. This was within one year of the final agency action suspending Employee for 30 days on November 29, 2024" and thus Employee was not eligible for that promotion round.[20]

Employee's Position

Employee maintains that his suspension was based on insufficient evidence because Agency did not consider mitigating factors and the extenuating circumstances that he asserts caused him to self-medicate with alcohol.[21] Employee notes that he sustained an on-the-job injury while in active pursuit of a suspect, resulting in fractures to his left leg and ankle. Employee avers that he required two immediate surgeries but continued to experience pain and mobility limitations, and a prolonged recovery. Employee cites that he was required to attend follow-up appointments every thirty (30) days at the Police and Fire Clinic ("PFC") but was not progressing in his recovery. He maintains that the PFC doctors dismissed his concerns about his condition and continued pain. Employee avers that he did not want to take narcotics for the pain, considering MPD's drug-testing policy.[22]

Employee notes that in September of 2023, he was placed on limited duty status and detailed to the Telephone Reporting Unit where he worked forty (40)-hours per week. Employee asserts that he suffered mental and physical anguish due to his prolonged pain and physical deterioration and that "out of desperation" he began "to self-medicate with alcohol in order to

[17] Agency's Prehearing Statement, p. 3 (February 24, 2025); *See also* Agency's Brief, p. 10 (June 9, 2025).
[18] Agency's Prehearing Statement, p. 5 (February 24, 2025).
[19] Agency's Brief, p. 16 (June 9, 2025).
[20] *Id*. at p. 21.
[21] Employee's Prehearing Statement, pp. 1-3, 5-7 (February 26, 2025).
[22] *Id*. at p. 2.

alleviate the pain he was experiencing from his severe leg injury, which was exacerbated by his new work duties."[23] Employee notes that on November 30, 2023, while off duty and in route to visit his father, he drove his personal vehicle to a gas station and fell asleep in the driver's seat. Employee asserts that he awoke to a welfare check by Sergeant Gresham of the Greene County Sheriff's Office in Virginia. Employee avers that Sergeant Gresham detected an odor of alcohol and called an ambulance to transport Employee to the hospital, where he was admitted for alcohol consumption.[24]

Employee asserts that in 2024, approximately four (4) months since his last visit, an x-ray confirmed that Employee's leg was still broken, requiring a third surgery. Employee cites that approximately eight weeks after this surgery, he was finally able to "resume the normalcy he had prior to his on-duty injury."[25]

Employee avers that he appealed the Agency's proposed suspension, which was initially thirty-five (35) workdays to Chief Smith. Employee cites that Chief Smith granted Employee's appeal in part and revised Employee's suspension to thirty workdays, with ten (10) of those days held in abeyance for one year. Employee argues that Agency's action was improper because there is insufficient evidence to support a finding that Employee is guilty of the charges levied against him and medical circumstances outside of Employee's control played a part in this matter. Employee specifically asserts that the Department's negligence in failing to properly treat Employee played a significant part in this matter, as his symptoms of pain were not taken seriously, which led to him not receiving proper care and treatment. He notes that instead his workload increased while his leg was still broken. Employee maintains that Agency's action exacerbated his pain, leading him to self-medicate with alcohol. Employee asserts that this matter highlights the consequences of negligent medical care because had he been properly treated for his severe workplace injury, he would not have engaged in the conduct underlying the disciplinary charges.[26]

ANALYSIS[27]

Whether Agency's action was for cause and in accordance with law or applicable regulation

For the reasons that will be explained below, the undersigned finds that Agency's action of suspending Employee was in accordance with MPD's internal policy and General Orders and Agency had cause for the adverse action.

Employee was charged with:

Charge No. 1: "Violation of General Order Series 120.21, Attachment A, Part A-6, which states, *"Engaging in conduct that constitutes a crime."* and **Charge No. 2**: Violation of General Order

[23] *Id*. at p. 3
[24] *Id*.
[25] *Id*. at pp. 1, 3.
[26] *Id*. at pp. 4-5.
[27] Although I may not discuss every aspect of the evidence in the analysis of this case, I have carefully considered the entire record. *See Antelope Coal Co./Rio Tino Energy America v. Goodin*, 743 F.3d 1331, 1350 (10th Cir. 2014) (citing *Clifton v. Chater*, 79 F.3d 1007, 1009-10 (10th Cir. 1996)) ("The record must demonstrate that the ALJ considered all of the evidence, but an ALJ is not required to discuss every piece of evidence").

Series 120.21, Attachment A, Part A-1, which states, "*Alcohol: Off-duty — drinking while in uniform and/or under the influence."*

The record supports and Employee does not dispute that on November 30, 2023, he was detained by the Greene County Sheriff's Department. The record reflects that Seargent Gresham located Employee in his car at a gas station. Employee was intoxicated to a level where he could not stand, walk, or communicate. Sergeant Gresham also noted that he observed the video footage from the gas station and Employee was visibly intoxicated upon arrival and while pumping gas, often leaning on the gas pump for support.[28] Employee was first detained but ultimately not arrested due to "GCSO "manpower" considerations and their inability to staff a guard detail at the hospital. Sergeant Gresham instead applied for an arrest warrant and Employee was transported by ambulance to the hospital.[29] Sergeant Gresham noted that Employee's hospital records revealed a BAC level of 0.40 with a Final diagnosis of Alcohol intoxication with delirium.[30]

Employee does not dispute that he pled guilty to one count of Driving while Intoxicated and was sentenced to twelve (12) months' probation with a restricted license.[31] Employee, by his own admission, noted that on November 30, 2023, he "regrettably turned to alcohol as a temporary relief and escape from everything [he] endured over the last six plus months."[32] Employee further noted in his appeal to Chief Smith that he "fully acknowledge[d] and [took] responsibility for his decisions, and subsequent actions which were undeniably out of character and unacceptable" and also noted that he was not trying to make excuses for "the event that unfolded" in appealing to Chief Smith.[33]

In spite of his admitted misconduct, Employee asserts that Agency's action was improper because Agency did not properly weigh the medical circumstances outside of Employee's control that contributed to his misconduct. I find that Employee's argument is misguided and unsupported by the record. Employee was charged with a violation of General Order Series 120.21, Attachment A, Part A-1 and 6. While Agency *may* in its discretion consider Employee's rationale for engaging in the charged misconduct, the actual language of the General Order under which Employee was charged does not require a finding of intent. (Emphasis added). Thus, in determining that Employee's conduct violated Agency's policy, Agency need not establish *why* Employee committed the criminal misconduct, only that it was committed, and in violation of Agency's General Orders. (Emphasis added).

Agency's General Orders are clear. The Table of Penalties expressly states that off duty drinking while under the influence and engaging in conduct that constitutes a crime is prohibited conduct and "shall serve as the basis for discipline."[34] Employee pled guilty to driving under the influence, which is criminal misconduct. Thus, Employee's argument that Agency did not properly consider the circumstances that motivated his misconduct has no bearing on whether Agency had

[28] Agency's Answer to Employee's Petition for Appeal, pp. 149-150, Tab, 1 (MPD's Final Investigative Report dated June 14, 2024, Attachment 10) (January 16, 2025).
[29] *Id*. at p. 98.
[30] *Id*. at p. 149, (attachment 10).
[31] *Id*. at pp. 166 and 174 (attachment 15 and attachment 18, respectively).
[32] Employee's Petition for Appeal p. 21(December 20, 2024).
[33] *Id*. at p. 22.
[34] Agency's Brief, p. 90 (June 9, 2025) (*citing* General Order Series 120.21, Attachment A, Part A-1 and 6).

cause for the adverse action. Further, while I do not doubt that Employee experienced continued pain exacerbations, his choice to *drive* while impaired was his choice alone and has no logical nexus to the standard of care he received by Agency's appointed physicians. (Emphasis added). Accordingly, Agency has supported that it had cause for the adverse action and acted in accordance with its internal policies.

Whether the penalty of suspension is appropriate

Agency asserts that the penalty in this matter met the standard in *Stokes v. District of Columbia*, 502 A.2d 1006 (D.C. 1985). It cites that Chief Smith reassessed the *Douglas* factors and recharacterized some of these factors, in favor of Employee. Agency asserts that Employee's suspension was a reasonable exercise of managerial discretion because he engaged in conduct that violates Agency's General Orders and his suspension was within the range provided by the Table of Penalties. Agency further notes that Employee received a mitigated penalty because he was not recommended for termination.[35] Employee conversely asserts that Agency misapplied or misunderstood some of the *Douglas* factors and that the resulting penalty was beyond the tolerable limits of reasonableness.[36]

In determining the appropriateness of an agency's penalty, OEA has consistently relied on *Stokes v. District of Columbia*.[37] According to the Court in *Stokes,* OEA must determine whether the penalty was within the range allowed by law, regulation, and any applicable Table of Penalty; whether the penalty is based on a consideration of the relevant factors; and whether there is a clear error of judgment by Agency. An agency's decision will not be reversed unless it fails to consider relevant factors or the penalty imposed constitutes an abuse of discretion.[38]

As noted in *Douglas v. Veterans Administration,* 5 M.S.P.R. 313 (1981), the question is whether "managerial judgment has been properly exercised within the tolerable limits of reasonableness."[39] It must be clear that agency "conscientiously consider[ed] the relevant factors and did strike a responsible balance within tolerable limits of reasonableness."[40] Here, Agency presented evidence that it considered relevant factors as outlined in *Douglas* in reaching the decision to suspend Employee and provided thorough analysis of the assessed factors. Further, Employee had the benefit of a second-look at the *Douglas* Factor analysis in this matter through his Agency appeal, which resulted in a reduced penalty. Further, while Agency's Table of Penalties classifies a conviction for engaging in conduct that constitutes a crime (other than misdemeanor traffic) as a termination offense, Agency only suspended Employee. Thus, the undersigned finds that Employee's suspension was less punitive than the Table of Penalties

[35] *Id*. at pp. 9, 13, 15.
[36] Employee's Brief p. 13 (July 22, 2025).
[37] *See also Monica Fenton v. D.C. Public Schools,* OEA Matter No. 1601-0013-05, *Opinion and Order on Petition for Review* (April 3, 2009); *Robert Atcheson v. D.C. Metropolitan Police Department,* OEA Matter No. 1601-0055-06, *Opinion and Order on Petition for Review* (October 25, 2010); and *Christopher Scurlock v. Alcoholic Beverage Regulation Administration*, OEA Matter No. 1601-0055-09, *Opinion and Order on Petition for Review* (October 3, 2011).
[38] *Butler v. Department of Motor Vehicles,* OEA Matter No. 1601-0199-09 (February 10, 2011) citing *Employee v. Agency*, OEA Matter No. 1601-0012-82, *Opinion and Order on Petition for Review*, 30 D.C.Reg. 352 (1985).
[39] *Douglas v. Veterans Administration,* 5 M.S.P.R. at 329.
[40] *See*. *Alphonso Bryant v. Office of Employee Appeals*, Memorandum Opinion and Order, Civil Action No.: 2009 CA 006180, citing *Stokes v. District of Columbia*, 502 A.2d 1006, 1010 (D.C. 1985) (quoting *Douglas v. Veterans Administration*, 5 M.S.P.R. at 332-33).

prescribes and therefore a reasonable exercise of managerial judgment. While Employee may not agree with all the findings related to the *Douglas* factors, that is insufficient to suggest that Agency failed to properly weigh the *Douglas* factors or that the resulting penalty was beyond the bounds of reasonableness.

Further, while Employee argues that the adverse action was "arbitrary and capricious" because Agency did not consider that Employee's pain contributed to his misconduct, the record shows that Chief Smith considered Employee's circumstances and mitigated the *Douglas* Factors accordingly. Notably, Chief Smith agreed "that Douglas factor 12 should be classified as mitigating. When taking into account the totality of the circumstances, it is clear that medical circumstances outside of your control played a part in this matter."[41] Thus Employee's assertion that Agency did not consider Employee's extenuating medical circumstances is not consistent with the record.

Ancillary Claims

Employee asserts that this Office maintains jurisdiction over Employee's request to remain eligible for the Detective Grade 3 and/or Sergeant Promotional Process because his suspension made him ineligible for promotion consideration and thus, "is inextricably intertwined with MPD's decision to suspend [Employee]."[42] Employee additionally asserts that Agency failed to provide appropriate accommodation for his on-duty injury as required by the American with Disabilities Act.[43]

Agency cites that OEA has no jurisdiction over supplemental matters.[44] Agency further cites that article 47 of the parties' CBA dictates that a member should be ineligible to participate in a promotional process if that member has a sustained adverse action resulting in a penalty of a suspension of fifteen or more days within one year of the announced administration date of the first phase of the exam.[45]

The undersigned finds that these ancillary arguments are best characterized as grievances and outside of OEA's jurisdiction to adjudicate at this time. The undersigned further finds that Employee's ineligibility to be considered for a promotion is an internal administrative matter that was the result of Employee's suspension, and not an adverse action, such as a demotion for cause. Further, it is an established matter of public law that as of October 21, 1998, pursuant OPRAA, D.C. Law 12-124, that OEA no longer has jurisdiction over grievance appeals. That is not to say that Employee may not press his claims elsewhere, but rather that OEA currently lacks the jurisdiction to hear them.

Based on the aforementioned, the undersigned finds that Agency had cause to take adverse action against Employee, administered the adverse action in accordance with all applicable laws,

[41] Employee's Petition for Appeal, p. 64 (December 20, 2024).
[42] Employee's Opposition Brief to Agency's Motion to Dismiss p. 11 (March 18, 2025).
[43] Employee's Brief, p. 8 (July 22, 2025).
[44] Agency's Sur Reply, p. 3 (August 12, 2025).
[45] Agency's Brief, p. 21 (June 9, 2025).

rules and regulations, and applied an appropriate penalty under the circumstances. Consequently, the undersigned concludes that the Agency's action should be upheld.

ORDER

Based on the foregoing, it is **ORDERED** that Agency's action of suspending Employee from service is hereby **UPHELD**.

FOR THE OFFICE:

/s/ Natiya Curtis
Natiya Curtis Esq.
Administrative Judge

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	
	OEA Matter No.: 1601-0020-25
EMPLOYEE[1],	
Employee	
	Date of Issuance: March 26, 2026
v.	
	MICHELLE R. HARRIS, ESQ.
D.C. OFFICE OF UNIFIED COMMUNICATIONS,	Senior Administrative Judge
Agency	

Employee, *Pro Se*
Jeremy Greenberg, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On January 22, 2025, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office") contesting the District of Columbia Office of Unified Communications' ("Agency" or "OUC") decision to terminate him from his position as an Electronics Engineer. The effective date of Employee's separation from service was November 26, 2024. Following a letter from OEA dated January 22, 2025, requesting an Agency Answer, Agency filed requests for an Extension of Time to File its Answer on February 20, 2025, and March 7, 2025.[2] Agency filed its Answer on March 14, 2025. This matter was initially assigned to Administrative Judge Lois Hochauser ("AJ Hochhauser") on or about March 15, 2025. On March 25, 2025, AJ Hochhauser issued an Order requiring the parties to submit briefs regarding the jurisdiction issues raised by Agency in this matter. Specifically, Agency cited that Employee failed to file his appeal within the 30-day timeline, and as a result, Employee's appeal was untimely and should be dismissed. Employee's brief was due by or before April 17, 2025, Agency's response was due by May 1, 2025. The parties submitted their briefs as required by AJ Hochhauser.

On June 24, 2025, the undersigned Senior Administrative Judge (SAJ") issued an Order notifying the parties that this matter had been reassigned to me. That Order also convened a Status Conference for July 8, 2025. Both parties appeared for the Status Conference as required. During the Conference, the undersigned determined that outstanding jurisdictional issues needed to be addressed. Specifically, the undersigned noted that Employee was classified as a "term" employee

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.
[2] These requests were granted by OEA Executive Director, Sheila Barfield, Esq.

at the time of his separation from Agency. Agency cited during the conference that it believed Employee's status as a term employee did not divest this tribunal of its jurisdiction and reiterated its position that Employee's Petition for Appeal was untimely filed and that OEA did not have jurisdiction. The undersigned advised that this should be in writing for the purposes of the record. Employee noted during the Status Conference that he would rely upon the filings he had already submitted for the record for consideration of the jurisdictional matter. On July 8, 2025, I issued a Post Status Conference Order requiring Agency to file its response by or before July 25, 2025. On July 9, 2025, Employee sent an email addressing the jurisdiction issues in this matter. The undersigned advised Employee that email was not appropriate and that all submissions must be sent in accordance with the OEA rules of service. As a result, the undersigned advised that an Order would be issued providing Employee with a date to file his submissions. I issued a Supplemental Post Status Conference Order on July 9, 2025, requiring Employee to submit his response by July 18, 2025, and Agency's response was still due by or before July 25, 2025.

Both parties filed their respective briefs as required. Further, Agency filed a Notice of Authority on August 7, 2025, citing a recent decision from the District of Columbia Court of Appeals. On August 13, 2025, Employee sent email correspondence citing Agency's recent submission and other matters. Employee was advised that any such communications must be submitted in writing pursuant to OEA rules of service. On November 19, 2025, I issued an Order Regarding Jurisdiction and an Order for Briefs in this matter. Regarding the Agency's claim that this matter should be dismissed because Employee filed his Petition for Appeal beyond the 30 day timeline, I found that pursuant to recent OEA Board and D.C. Court of Appeals rulings, despite the fact that Employee filed his appeal 57 days from the effective date of his termination – making it 26 days past due, that this Office still retained jurisdiction over his matter. The undersigned noted that in consideration of the applicable D.C. Court of Appeals and OEA Board rulings, that the "26-day delay was not significant or egregious to amount to any prejudice or injustice upon the other party." Further, that Order also found that pursuant to the provisions in District Personnel Manual ("DPM") § 209.11, that because Employee had completed his probationary period, and because his termination was effectuated prior to the expiration of his term, he was subject to separation "effectuated in accordance with Chapter 16." Accordingly, I determined that the parties should submit briefs addressing whether Agency had cause to terminate Employee from service. Agency's brief was due by or before December 15, 2025, Employee's brief was due by or before January 9, 2026, and Agency had the option to submit a sur-reply brief by or before January 20, 2026.

On December 4, 2025, Agency filed a Motion to Modify the Briefing Schedule. Agency cited therein that it received the undersigned Order on November 26, 2025, and due to its caseload and holiday schedule, additional time was needed to submit its required brief. Agency also noted that it had contacted Employee via email regarding its request but had not received a response by the time it filed its Motion. Upon consideration of the request, I issued an Order on December 5, 2025, granting the Motion. Agency's brief was now due by or before January 15, 2026, Employee's brief was due by or before February 13, 2026, and Agency had the option to submit a sur-reply brief by or before February 25, 2026. On December 8, 2025, Employee filed a Response to Agency's Motion to Modify the Briefing Schedule.

On January 12, 2026, Agency filed a Motion to Dismiss, citing therein that it had fully rescinded the termination action of Employee. Agency cited that on December 25, 2025, "OUC rescinded its Final Agency Decision which terminated Employee." Further, Agency noted that "[i[nstead, pursuant to his term appointment, Employee's official last day of employment was December 1, 2024." Agency also noted that at the time of the submission of its Motion to Dismiss, that it was "in the process of remitting payment to Employee for owed back pay based on its recission of Employee's discipline." As a result, Agency asserts that because it rescinded the termination and Employee's term had expired that OEA did not have jurisdiction over this matter and it should be dismissed. On January 13, 2026, I issued an Order scheduling a Status Conference for January 20, 2026. Both parties appeared for the Status Conference as required. The undersigned advised that because Agency had raised a jurisdiction issue, it must be addressed prior to any further actions on the merits of the matter. As such, Employee was advised he would have to submit a response regarding the Motion to Dismiss. On January 20, 2026, I issued a Post Status Conference Order requiring Employee to submit his response by or before February 13, 2026. Employee filed his response as required. On March 23, 2026, Agency filed a Notice of Payment, citing therein that the backpay owed to Employee had been remitted to him on March 11, 2026. Upon review of the record and submissions of the parties, I have determined that an Evidentiary Hearing is not warranted. The record is now closed.

JURISDICTION

For the reasons that will be explained below, this Office lacks jurisdiction over this matter.

ISSUES

Whether this appeal should be dismissed for lack of jurisdiction.

BURDEN OF PROOF

OEA Rule 631.1, 6-B DCMR Ch. 600 (December 27, 2021) states:

The burden of proof for material issues of fact shall be by a preponderance of the evidence. "Preponderance of the evidence" shall mean:

That degree of relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to find a contested fact more probably true than untrue.

OEA Rule 631.2 *id.* states:

For appeals filed under §604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

FINDINGS OF FACT, ANAYSIS AND CONCLUSIONS OF LAW

Agency's Position

Agency asserts this Office lacks jurisdiction over this matter. Agency avers that Employee began his tenure with OUC in a Career Temporary Appointment on June 8, 2020, which was to expire on September 30, 2020. Agency notes that Employee was later converted to a non-competitive Term Appointment on August 21, 2021, which had an initial expiration of October 1, 2022. Agency cites that Employee's term was extended on September 22, 2022, and October 19, 2023. Agency avers that Employee's October 19, 2023, extension "advised him that his term would not exceed December 1, 2024."[3] Agency further cites that on November 26, 2024, it issued a Final Decision terminating Employee for cause. Agency notes that "[o]n January 22, 2025, OEA docketed Employee's [Petition for Appeal]." Further, Agency avers that on November 19, 2025, OEA ruled that it would consider Employee's Petition for Appeal. Agency asserts that on December 25, 2025, it "rescinded its Final Agency Decision which terminated Employee." Instead, Agency maintains that "pursuant to his term appointment, Employee's official last day of employment was December 1, 2024." Agency also noted it was remitting backpay owed to Employee based on its recession of the disciplinary action.[4]

Agency argues that because it has rescinded the final notice/disciplinary action against Employee, that this Office has no jurisdiction over this matter. Agency asserts that pursuant to OEA rulings, this Office "has no jurisdiction over a separation via expiration of a term appointment."[5] Agency contends that "without an operative adverse action which resulted in a removal, OEA now lacks jurisdiction over Employee's challenge to his separation."[6] Agency further argues that "pursuant to 6B DCMR §209.6, a term employee does not acquire permanent status based on his appointment(s)." Agency further cites that when a term employee has served over four years, like Employee, there are three "mandatory options it must take." These mandatory options are: "*1) convert the appointment into a permanent position if the employee was appointed through open competition; 2) hire the employee into another position through open competition or 3) not appoint the employee to another term*."[7] (Emphasis added in submission). Agency argues that Employee's term ended December 1, 2024, and it has elected not to appoint him to another term. Further, Agency asserts that it "cannot convert Employee into a permanent position, even if it desired to, because Employee was not hired through open competition." Agency also argues that OEA has no jurisdiction over non-conversion and also lacks jurisdiction to "direct OUC to hire him through open competition." Agency reiterates that because there is "no longer a final decision at issue over which OEA has jurisdiction, the tribunal should dismiss the [Petition for Appeal.]"[8]

Employee's Position

Employee avers the jurisdiction of this Office was "already established on November 25, 2025 [sic], after briefings and hearings before this tribunal…"[9] Employee also asserts that the

[3] Agency's Motion to Dismiss (January 12, 2026).
[4] *Id* at Page 2.
[5] *Id*. citing to *Brooks v D.C. Pub Schs*., OEA Matter No. J-0136-08, Opinion and Order, at 4 (July 30, 2010).
[6] *Id*. at Page 3.
[7] *Id*.
[8] *Id*.
[9] Employee's Opposition to Agency's Motion to Dismiss (February 6, 2026).

Agency has already stipulated that "the terms of employment of a "TERM" employee does not remove the jurisdiction of OEA."[10] Employee argues that Agency requested and was granted an extension of a deadline to file a brief addressing the merits of this matter, but instead "chose to challenge the jurisdiction of the OEA through an unclear action that would have made more sense through a mediation or settlement rather than a unilateral tactic to delay the proceeding."[11] Employee further avers that "[o]n the advisement of the OAG, an OUC Agency action-event occurred on or shortly before December 23, 2025, which resulted in an Agency recission letter being emailed to the Employee less than 24 hours before a hearing before a separate tribunal, the Office of Administrative Hearings, OAH, which occurred on December 24, 2025."[12] Employee asserts that those hearings addressed a denial of unemployment benefits. Employee also avers that "the rescinded action proscribed in the recission letter was not entered into evidence but was considered in the Judge's final order to reverse the denial of employment benefits."

Employee also argues that the "Agency's action to rescind the adverse termination from more than a year ago cannot restore my employment for three or four days until term expires…[t]his action violates every article in the CBA (Articles 1-8) and is not defined in the DPM as a remedy to an appeal nor a settlement for a grievance."[13] Employee cites that an OEA matter determined that "a unilateral action (an Agency recission) cannot be used as basis for denying jurisdiction."[14] Employee disagrees with Agency's argument that "had everything occurred normally [his] employment would have normally expired." Employee contends that he still "would have cause to challenge because of the various promotions and new hires [he] witnessed before [he] he was forced out of his position." Further, Employee asserts that before he was forced out, there were "two new hires that would assume the role [he] performed."[15] Employee avers that the "allegations [he] put forth in the original petition to appeal cover workplace discrimination, whistleblower violations and equal employment rights violations which have all been triggered and uncovered by Agency's final decision and the actions that result in an illegal termination from employment."[16] Employee also avers that he has not received the backpay Agency asserts was to be sent to him for backpay owed.

Employee avers that Agency's actions in the recission were improper and that jurisdiction should be retained. Employee also argues that "without the truthful reason for the rescission or even the truth in the final agency decision discovered [he] continues to experience the effects of the negative aspects of the Agency's action in [his] life." Employee avers that OEA retains jurisdiction on this matter.

ANALYSIS[17]

[10] *Id*.
[11] *Id*.
[12] *Id.*
[13] *Id.*
[14] *Id*. citing to OEA Matter No. 1601-0072-22.
[15] *Id*.
[16] *Id.*
[17] Although I may not discuss every aspect of the evidence in the analysis of this case, I have carefully considered the entire record. *See. Antelope Coal Co./Rio Tino Energy America v. Goodin*, 743 F.3d 1331, 1350 (10th Cir. 2014) (citing *Clifton v. Chater*, 79 F.3d 1007, 1009-10 (10th Cir. 1996)) ("The record must demonstrate that the ALJ considered all of the evidence, but an ALJ is not required to discuss every piece of evidence").

This Office's jurisdiction is conferred upon it by law and was initially established by the District of Columbia Comprehensive Merit Personnel Act of 1978 ("CMPA"), D.C. Official Code §1-601-01, *et seq.* (2001). It was amended by the Omnibus Personnel Reform Amendment Act of 1998 ("OPRAA"), D.C. Law 12-124, which took effect on October 21, 1998. Both the CMPA and OPRAA confer jurisdiction on this Office to hear appeals, with some exceptions. According to 6-B of the District of Columbia Municipal Regulation ("DCMR") § 604.1,[18] this Office has jurisdiction in matters involving District government employees appealing a final agency decision affecting:

(a) A performance rating resulting in removal;
(b) An adverse action for cause that results in removal, reduction in grade, or suspension for 10 days or more; or
(c) A reduction-in-force; or
(d) A placement on enforced leave for ten (10) days or more.

OEA Rule § 631.2, 6-B District of Columbia Municipal Regulations ("DCMR") Ch. 600, et seq (December 27, 2021) states that "[t]he employee shall have the burden of proof as to issues of jurisdiction..." Further, pursuant to this OEA Rule 631.1, the burden of proof is by a preponderance of the evidence which is defined as "[t]hat degree of relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to find a contested fact more probably true than untrue." This Office has no authority to review issues beyond its jurisdiction.[19] Therefore, issues regarding jurisdiction may be raised at any time during the course of the proceeding.[20]

As was noted in the aforementioned procedural history, following an Order issued on November 19, 2025, the undersigned found that this Office had jurisdiction over the Petition for Appeal. In that same Order, the parties were required to submit briefs addressing the Agency's action of terminating Employee from service. Following the receipt of an extension of time to file its brief, Agency filed a Motion to Dismiss on January 12, 2026, citing therein that on December 25, 2025, it "rescinded its Final Agency Decision which terminated Employee." Instead, Agency maintains that "pursuant to his term appointment, Employee's official last day of employment was December 1, 2024." Agency also noted it was remitting backpay owed to Employee based on its recession of the disciplinary action.[21] Agency asserted that because it had fully rescinded the adverse action of terminating Employee from service, this Office lacks jurisdiction and Employee's Petition for Appeal should be dismissed. Agency also asserted it was already processing the backpay for the pay missed between the effective date of termination on November 26, 2024, and the effective date of the expiration of the Employee's term appointment which was December 1, 2024.

[18] *See also*, Chapter 6, §604.1 of the District Personnel Manual ("DPM") and OEA Rules.
[19] *See. Banks v. District of Columbia Public Schools*, OEA Matter No. 1602-0030-90, Opinion and Order on Petition for Review (September 30, 1992).
[20] *See. Brown v. District of Columbia Public Schools*, OEA Matter No. 1601-0027-87, Opinion and Order on Petition for Review (July 29, 1993); *Jordan v. Department of Human Services*, OEA Matter No. 1601-0110-90, Opinion and Order on Petition for Review (January 22, 1993); *Maradi v. District of Columbia Gen. Hosp.*, OEA Matter No. J-0371-94, *Opinion and Order on Petition for Review* (July 7, 1995).
[21] *Id*. at Page 2.

Employee opposes the Agency's Motion to Dismiss and filed his Opposition on February 6, 2026, arguing that Agency's action of rescinding the termination were not made in good faith. Employee asserted that the previous determination of jurisdiction over his matter should be upheld. Further, Employee asserts that Agency's actions impacted his life and that Agency's decision to rescind the termination could have been better managed through mediation or otherwise. Employee does not deny the receipt of the rescission letter but asserted at the time of the filing of his Opposition that he had not yet received the backpay for the missed days between November 26, 2024, and December 1, 2024. However, on March 23, 2026, Agency filed notice that the backpay had been remitted to Employee on March 11, 2026.

This Office has consistently held that the jurisdiction of OEA is determined by the penalty imposed by an agency *at the time the appeal is filed*.[22] (Emphasis added). Once jurisdiction of this Office has attached, it cannot be divested by an agency's decision to unilaterally amend an imposed penalty, *unless* the employee consents to such divestiture *or unless the agency completely rescinds the action being appealed*.[23] (Emphasis added). In the instant matter, while the undersigned agrees with Employee that Agency's decision/action to rescind the termination would have been better managed through mediation earlier in the disposition of this appeal, because the adverse action has been completely rescinded, I must find that OEA is divested from its jurisdiction over this matter. Further, OEA has also consistently maintained that this tribunal lacks jurisdiction over the expiration of term appointments.[24] Because Agency has fully rescinded the termination action against Employee, there is no adverse action as defined in 6-B DCMR § 604.1 for which this Office has jurisdiction. Accordingly, this matter must be dismissed for lack of jurisdiction.

ORDER

It is hereby **ORDERED** that Employee's Petition for Appeal is this matter is **DISMISSED** for lack of jurisdiction.

FOR THE OFFICE:

/s/ Michelle R. Harris
Michelle R. Harris, Esq.
Senior Administrative Judge

[22] *See*. *Royal v. Metropolitan Police Department*, Office of Employee Appeals Initial Decision, OEA # 1601-0003-10 (March 28, 2013); *See also Hagan v. Department of the Army*, 99 M.S.P.R. 313 (2005).
[23] *See. Tina Davis v DMV*, OEA Matter No, 1601-0124-15 (January 31, 2017), *Himmel v. Department of Justice*, 6 M.S.P.R. 484 (June 2, 1981).
[24] *See. Carolynn Brooks v. D.C. Public Schools*, OEA Matter No. J-0136-08, *Opinion and Order on Petition for Review* (July 30, 2010); *Roxanne Smith v. D.C. Department of Parks and Recreation*, OEA Matter No. J-0103-08, *Opinion and Order on Petition for Review (May 23, 2011).*

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE[1],	)	OEA Matter No. 1601-0021-25
Employee	)	
v.	)	Date of Issuance: March 23, 2026
	)	
D.C. DEPARTMENT OF TRANSPORTATION,	)	MONICA DOHNJI, Esq.
Agency	)	Senior Administrative Judge
	)	

Tameka Garner-Barry, Employee Representative
Nana Bailey-Thomas, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On January 27, 2025, Employee filed a Petition for Appeal with the D.C. Office of Employee Appeals ("OEA" or "Office") contesting the D.C. Department of Transportation's ("DDOT" or "Agency") decision to terminate him from his position as a Traffic Control Officer ("TCO"), effective January 3, 2025. Employee was terminated pursuant to District Personnel Manual ("DPM") for the following charges (1) DPM §§ 1605.4(a) and 1607.2(a)(15);[2] and (2) DPM §§1605.4(a) and 1607.2(a)(16).[3] On January 28, 2025, OEA issued a Request for Agency Answer to Employee's Petition for Appeal. Agency filed its Answer to Employee's Petition for Appeal on February 28, 2025. This matter was assigned to the undersigned Senior Administrative Judge ("SAJ") on February 28, 2025.

Thereafter, the undersigned issued an Order on March 10, 2025, convening a Status/Prehearing Conference for April 1, 2025. Both parties were present at the scheduled conference. Thereafter, on April 4, 2025, the undersigned issued an Order Scheduling a Prehearing Conference for May 8, 2025, with Prehearing Statements due on April 28, 2025. Both parties appeared for the Prehearing Conference. Because the parties did not submit their respective Prehearing Statements as required, the May 8, 2025, Prehearing Conference was continued to May 28, 2025, with Prehearing Statements due by May 16, 2025. Both parties submitted their

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.
[2] Assaulting, fighting, threatening, attempting to inflict or inflicting bodily harm while on District property or while on duty.
[3] Use of abusive, offensive, unprofessional, distracting, or otherwise unacceptable language, gestures, or other conduct; quarreling; creating a disturbance or disruption; or inappropriate horseplay.

Prehearing Statements and attended the scheduled conference as required. During the Prehearing Conference, Employee asserted that Agency violated the 90-day rule. Accordingly, on May 28, 2025, the undersigned issued a Post Status/Prehearing Conference Order requiring the parties to submit briefs addressing whether Agency complied with the service requirements of DPM §§1618.6-8 and the 90-day rule as provided in DPM § 1602.3. Agency's brief was due on June 12, 2025, and Employee's brief was due on June 26, 2025. Both parties submitted their respective briefs.

Upon review of the record, the undersigned determined that an Evidentiary Hearing was warranted in this matter. As such, the undersigned issued an Order dated July 8, 2025, scheduling an Evidentiary Hearing for July 21, 2025. The parties requested via email that the Evidentiary Hearing be rescheduled to a date in October. The undersigned required the parties to submit a Motion to Continue the Evidentiary Hearing in compliance with OEA rules. Subsequently, on July 24, 2025, Agency filed a Consent Motion to Reschedule Evidentiary Hearing. This Motion was granted in an Order dated July 31, 2025, and the Evidentiary Hearing was rescheduled for October 29, 2025. The Evidentiary Hearing proceeded on October 29, 2025, with both parties and their witnesses present. Following the receipt of the transcript for the Evidentiary Hearing, on November 20, 2025, the undersigned issued an Order requiring the parties to submit written closing arguments by December 19, 2025. Both parties have submitted their closing arguments as required. The record is now closed.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUES

1) Whether Agency complied with DPM § 1602.3 which provides that adverse actions shall commence no more than ninety (90) business days after the agency or personnel authority knew or should have known of the conduct supporting the action.

2) Whether Agency complied with the service requirements of DPM §§1618.6-8 when it issued the Notice of Proposed action.

3) Whether Employee's actions constituted cause for adverse action.

4) Whether the penalty of removal was appropriate under the circumstances and within the range allowed by applicable law, rules, or regulations.

SUMMARY OF MATERIAL TESTIMONY

The following represents a summary of the relevant testimony given during the Evidentiary Hearing on October 29, 2025, as provided in the transcript (hereinafter denoted as "Tr.") which was generated following the conclusion of the proceeding.

Agency's Case in Chief

James Strange ("Mr. Strange") Tr. pgs. 12- 49

Mr. Strange is the Associate Director of Roadway Operation and Safety Division at Agency. His duties include "the management of approximately four (4) programs, which are the Traffic Control Officer program, Safety Technician, Roadway Operations, and the Traffic Management Center." He is also responsible for "ensuring the safe and efficient operation of all of those programs." He has been employed with Agency for approximately 19 years. Mr. Strange stated that he was the final decision-maker in this matter. He affirmed that the proposing official in Employee's matter was Morena Lancaster ("Ms. Lancaster"), who is his direct report. Mr. Strange confirmed that he reviewed the proposed action and agreed with Ms. Lancaster's decision to propose termination. Tr. pgs. 12-14.

Mr. Strange cited that based on the information presented to him, which included Ms. Lancaster's proposal, the Hearing Officer's response and the Union's response, he found that the proposed termination action was justified. When asked what he considered in determining that termination was appropriate in this matter in terms of the *Douglas* Factors, Mr. Strange testified that he relied on Employee's persistent aggressive language and behavior "regarding intimidation to employees on how they were to respond or interact or response to management about this matter. And then, as a whole, this was just not how we, as district government employees, interact especially not in public. These factors were just building one on top of the other and it just did not get any better, for lack of a better explanation. So, you know, these elements made it seem that the employee had made a decision on which way he was going." Tr. pgs. 15 – 17.

Mr. Strange asserted that he rated *Douglas* Factor No. 1 as 'aggravating' because Employee's conduct was continuous and not just a one-time incident.[4] He explained that the threatening remarks regarding the supervisor, workplace bullying and things that were going to be done to the supervisor, or opinions about the supervisor were continuous over a couple of days. Mr. Strange testified that around May 9th, 2024, DDOT management was made aware via email from other employees of threats made by Employee towards a supervisor. He asserted that DDOT management was also notified of incidents with employees "that were related to this matter and them receiving threats or interactions with [Employee]." Mr. Strange stated that there were other incidents involving other employees during the same time period of May 7, 2024, to May 9, 2024, that impacted his decision to rate *Douglas* factor No. 1 as aggravating. Tr. pgs. 17 – 23, 49.

Mr. Strange noted that he rated *Douglas* Factor No. 2[5] as 'aggravating' citing the interaction with the public as the greatest concern of that factor for him. He noted that the "escalating measures happened within the public's eye." Mr. Strange stated that these incidents happened on the streets and between government employees that were in uniform. He testified that this conduct "puts a certain taint on us, as a unit, on how we conduct ourselves and how we conduct ourselves as government employees." Mr. Strange confirmed that Employee was in uniform when the incident occurred. Tr. pgs. 23 – 24. Mr. Strange testified that he rated *Douglas* Factors Nos. 3

[4] Nature and seriousness of the misconduct or performance to fact and its relationship to the employee's duties, position, responsibilities, including whether the offense was intentional, technical, or inadvertent, was committed maliciously or for gain, or was frequently repeated, how did you rate that factor.

[5] The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public and prominence of the position.

and 4, as 'neutral'. He explained that Employee did not have any past disciplinary record; he had only been with Agency for a short time and "there wasn't anything else to base it upon."[6] Tr. pgs. 24-25.

Mr. Strange rated *Douglas* Factor No. 5[7] as 'aggravating.' He cited that the current matter started off as a very simple matter and it quickly escalated; as such, he did not know what would aggravate Employee. Mr. Strange stated that he also considered the threats and other elements that came with it. He asserted that it was difficult to predict how Employee was going to act in a professional environment Tr. pgs. 25- 26, 28-29.

Mr. Strange rated *Douglas* Factors Nos. 6 and 7[8] as 'neutral.' He cited that he did not have information on how other employees were disciplined for similar offenses. Mr. Strange also stated that he relied on the Table of Penalties to make his determination. Tr. pg. 29. Mr. Strange testified that he rated *Douglas* factor No. 8[9] as 'aggravating' because the incidents occurred while in the public eye and in uniform, making it challenging and detrimental to the district government. Mr. Strange rated *Douglas* factor No. 9[10] as 'neutral', as there was no ability to warn outside of normal methods. Tr. pgs. 29-31.

Mr. Strange testified that he rated *Douglas* factor No. 10[11] as 'aggravating' because "there was no element of the employee having any apologetic tone or wanting to apologize and de-escalate the matter." He noted that Employee did not show any potential for rehabilitation. He affirmed that he considered Employee's workplace misconduct and that this was a persistent matter of workplace violence as the threats continued between different employees. Mr. Strange affirmed that TCOs are trained and oriented in how to de-escalate situations. He also confirmed that TCOs are trained to act in professional manner while on duty and while in uniform, and to not display any bullying or aggressive behavior toward the public. Tr. pgs. 31-33.

Mr. Strange rated *Douglas* factor No. 11[12] as 'neutral', citing that there were no mitigating circumstances. He rated *Douglas* factor No. 12[13] as 'aggravating'. Mr. Strange explained that "in my mindset in my evaluation, there was no way to consider alternative sanctions or other actions to mitigate this matter." Tr. pgs. 33-34. Mr. Strange testified that Employee made derogatory comments towards his supervisor, Ms. Sylver. He affirmed that he considered these statements in his final decision to remove Employee. Tr. pgs. 36-37.

---

[6] The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
[7] The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in employee's ability to perform assigned duties.
[8] Consistency of the penalty with those imposed upon other employees for the same or similar offenses and consistency of the penalty with any applicable agency table of penalties.
[9] The notoriety of the offense or its impact upon the reputation of the agency.
[10] The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question
[11] Potential for the employee's rehabilitation.
[12] Mitigating circumstances surrounding the offense.
[13] The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

Mr. Strange testified that Employee's supervisor was Ms. Sylver. Mr. Strange noted that he did not interview Employee about the current incident. He stated that the proposing official, Ms. Morena Lancaster ("Ms. Lancaster") would have been responsible for interviewing Employee. Mr. Strange asserted that generally, once Agency receives any proposed threats and associated abusive language of that nature, they have the person reporting the incident document the statement. They also determined whether there are additional witnesses and take their statements. He cited that if the person who allegedly made these statements was represented by the union, the union person is brought in for their statement. The person who allegedly made the statement is also asked to provide a statement. Once all that information has been gathered, it is presented to Agency's Human Resources Department to commence an investigation and to determine whether there's any validity behind these matters. The Human Resources Department then provides them with the next steps. Tr. pgs. 40-42.

Mr. Strange further testified that, after the investigative meeting, Employee was placed on administrative leave and provided notice of the administrative leave and any items the Agency provided to him were retrieved. Tr. pg. 43. Mr. Strange cited that because Employee was not his direct report, he could not testify about his performance. He noted that "I don't directly engage with the [E]mployee on a day-to-day basis." Tr. pgs. 44-45.

Mr. Strange indicated that Employee's direct supervisor was Supervisor Traffic Control Officer, Mario Johnson ("Mr. Johnson"). He explained that as Mr. Johnson, Ms. Sylver, and "other supervisory Traffic Control Officers work the same shift, they do provide support to one another. So, if they are observing something that is inaccurate … they don't tell the employee, hold on, wait, let me get your supervisor. They address the matter that is in front of them. Now, they will share what they've addressed with the employee with their respective supervisor, but it is not the responsibility of each and every supervisor to deal with each and every employee, you know. If something happened to the employee in the field and a supervisor observes it, you don't tell the employee, time out, let me get your supervisor here so that they can deal with this matter, you know. If you're hurt, that supervisor has a responsibility to deal with that matter." Tr. pgs. 46-48.

Mr. Strange testified that not all employees' training courses are written. He confirmed that during the training, employees are reminded on how to behave while interacting with the public and on duty. He cited that employees also go through possible scenarios during the training. Tr. pgs. 48-49.

Calvin Beecham ("Mr. Beecham") Tr. pgs. 51-75

Mr. Beecham was a Traffic Control Officer at Agency, where he worked with Employee. Tr. pgs. 51-52. Mr. Beecham testified that between May 7, 2024, and May 9, 2024, while they were out at a gas station, Employee "… was parking his car and was kind of like hostile and upset about a situation that happened with our supervisor Ms. Sylver." Mr. Beecham further stated that Employee was "[j]ust calling Ms. Sylver B-words and saying he was going to pull up on her and …our director Mr. Strange … something about he had turned his keys in early and got caught. And then Ms. Sylver … didn't say anything at the time, but I guess she wrote him up or something like that. That's why he was really upset." Tr. pgs. 53 – 54.

According to Mr. Beecham, "At that moment, I didn't fear for my safety. It was more so concern about Ms. Sylver because, again, he said he was going to smack her. He also stated that he has a gun that could put down a horse that he was going to pull up on her, and those are like, you know, threatening words to where we come from, you know, in D.C., or just, you know, in our generation, period." Mr. Beecham explained that "pull up, like, if [Employee] sees her, like, onsite, he's just going to pull up, like, to hit her or to harm her. Like, oh, I'm going to pull up on you whenever I see you. It's like an onsite slang that we use to, like, cause, like, threat to a person." He affirmed that he took Employee's words as a threat. Tr. pg. 55. Mr. Beecham cited that he did not call the police immediately because Employee "didn't say, oh, I'm going to go kill her right now in this moment." Tr. pgs. 63, 67.

Mr. Beecham testified that he understood Employee's reference to the term 'Street Nigga' to mean "like, some guy to go hard like, you know, like I'm not nobody to play with. It's kind of like aggressive tone like, oh, you know, I'm a real street nigga. … But if you're a street nigga, you know, that means that you're some type of, like, you know, bully, some type of real guy to fear." He reiterated that he "took that as a threat and I thought he was approaching me at the same time that he was saying that. So, I'm starting to back up. And then you go, oh, I'm a real nigga, I'm a real street nigga. And then you grabbing, like, stuff in your pocket as well. But, again, I don't know what was in his pocket. Could have been keys, a knife or anything like that." Tr. pgs. 61-62.

Mr. Beecham asserted that he reported the incident to management the next day via email. Tr. pgs. 56. He stated that because they had to work together and, in public, he was concerned about workplace violence, and he wanted everyone to be safe. Mr. Beecham affirmed that he was bullied and harassed by Employee after the incident. He confirmed that Employee was not assigned to the same post as him, but Employee came to his post making threatening statements to him. Mr. Beecham explained that Employee came looking for him at his post stating that "I'm a real nigga and I don't play those type[s] of games. And then he kept digging in his pocket. So, I kept asking him, like, kind of like to back up, back up. And then that's when I felt threatened." Mr. Beecham could not recall if his conversation with Employee was recorded. He testified that Employee used "threatening words and threatening gestures that I … felt threatened…" Mr. Beecham testified that when Employee arrived at Mr. Beecham's assigned post, Employee had a conversation with Mr. Beecham's co-worker and partner for the shift, Tracie Cole ("Ms. Cole"), before engaging with Mr. Beecham. He testified that he contacted his supervisor who could hear Employee yelling in the background, and the supervisor advised him to file a police report, which he did on the same day. Mr. Beecham also explained that another supervisor by the name of Al "just hopped out the car and, like, he grabbed [Employee] away and told him that he wasn't supposed to be over there and then to go back to his assigned assignment." He stated that he did not follow up with the police after he filed the report because Employee had been removed from the area. Mr. Beecham also asserted that he had an interview with Agency's management after he reported the incident to the police. He confirmed that he provided a statement to Agency's Human Resources Department after the interview. Tr. pgs. 57-60, 68-74.

Franchesca Sylver ("Ms. Sylver") Tr. pgs. 76-94

Ms. Sylver works for Agency as a Supervisory Traffic Control Officer. In this role, her duties include ensuring that the Traffic Control Officers ("TCOs") are at their assigned post,

making sure that the traffic isn't gridlocking, ensuring that the TCOs are issuing citations as needed, approving time, and approving leave. She confirmed that her duties also included instructing and directing TCOs. Tr. pg. 77.

Ms. Sylver affirmed that she had a colleague named Mario Johnson. She confirmed that on or about April 6, 2024, she had an encounter with Employee. Ms. Sylver explained that "the supervisory office was on the eighth floor of the Reeves Building at the time, but the tracker box, which is the box where the TCOs get their keys for the vehicles, was still located on the second floor." She stated that she was on her way to the restroom on the second floor around 1:30 p.m. when she noticed a group of TCOs, including Employee, near the elevator. Ms. Sylver stated that the TCOs were trying to return their keys back to the tracker box, but she told them that it was too early for them to do so because they didn't get off until 2:30 p.m. Ms. Sylver cited that she then continued to the restroom as all the TCOs left. She testified that as she was coming out of the restroom, she saw Employee coming out of the "double doors which leads to the tracker box where they put the keys." Ms. Sylver said she asked Employee if he put his keys back and Employee said 'yes'. She then told Employee that he was not supposed to put his keys back that early, to which Employee stated to her that Mr. Strange opened the door for him. Ms. Sylver asserted that she explained to Employee that although Mr. Strange opened the door for Employee, Employee knew they were not supposed to turn in their keys that early, to which Employee responded that Mr. Strange did not say anything about Employee leaving early. Tr. pgs. 78 -80.

Ms. Sylver stated that when she got to the supervisor's office after speaking with Employee, the other supervisors were talking about Employee and some other incident he was involved in. Ms. Sylver cited that she told Mr. Johnson, Employee's direct supervisor, about the incident that she just encountered with Employee putting his keys in early. Ms. Sylver noted that Mr. Johnson said he would have a conversation with Employee, and she assumed he did. She stated that that was her last interaction with Employee. Tr. pgs. 80 - 81.

Ms. Sylver testified that around May 7, 2024, or May 9, 2024, she received a call from Mr. Beecham stating that Employee "had approached him on his post in reference to, like, hearsay, you know, like that Beecham had basically came to management and told things that [Employee] supposedly said to him. And I, like, could hear [Employee] in the background or who I think was [Employee]. He said … something on the lines of, like, I'm from the streets, or something. It was becoming hostile. And Beecham was like, you know, Ms. Sylver, should I leave my post? Like, I don't want to go back and forth with him. And he sounded like he was afraid, Mr. Beecham. So, I told Mr. Beecham, yes, to leave his post, and I told him to go to the police station to make a report." Ms. Sylver affirmed that Mr. Beecham filed a police report, and she informed Mr. Jermont Graves, as well as the Branch Manager, Ms. Lancaster, of what happened. Ms. Sylver asserted that she was not sure if Employee was the one in the background because she was on the phone and not physically present on the scene to see who it was. Tr. pgs. 81-82, 87, 91-93.

Ms. Sylver affirmed that she was made aware that threats were made towards her. She explained that she had received a phone call from Mr. Beecham around the same time informing her that he was concerned about her safety. She cited that Mr. Beecham stated that "… ever since you said something to [Employee] about putting his key back, he's been, you know, saying that you're a snitch and a hot A-word B-word… He was saying you're a hot-ass bitch, and you're a

snitch, and that he was going to get somebody to smack me… he told me that he ran into [Employee] at a gas station. And [Employee] told him that he has a gun as big as a horse and he'll do what he need to do or whatever." Ms. Sylver asserted that Mr. Beecham told her he was tired of the threats Employee was making and that he would file a report to which she told him he could go ahead and file the complaint. Ms. Sylver stated that she was later contacted by Mr. Strange who inquired if she was aware of what Mr. Beecham reported, and she said 'yes.' Ms. Sylver cited that Mr. Strange asked her to write a statement, which she did. She noted that she was later interviewed by Agency's Human Resources department for a workplace violence investigation. Tr. pgs. 82-85.

Ms. Sylver affirmed that she felt threatened, but she did not report to the police that she felt threatened. She explained that she did not understand how the incident spiraled and that it was unnecessary because Employee was not disciplined for putting his keys back early, all she did was bring it to his attention and report the incident to Employee's supervisor. She asserted that she was a little confused as to why Employee got so upset to the point where he wanted to harm her. Ms. Sylver also stated that apart from the fact that Employee was male, she did not know his mindset at that point, and the threats were continuous. She stated that they were not only made to Mr. Beecham, but they were made to other TCOs, who all approached her about the incident. Tr. pgs. 85-86, 88.

Tracie Cole ("Ms. Cole") Tr. pgs. 96 - 114

Ms. Cole is a Traffic Control Officer with Agency and has been with Agency for three (3) years. She started training with Employee in October 2022, and they have been assigned to the same location. Ms. Cole recalled the incident that occurred on or about May 7, 2024 or May 9, 2024, regarding Employee. Ms. Cole testified that another employee informed her that Employee was talking about her and that Employee called her "hot, in all intents and purposes, like a snitch." She stated that she was upset because she does not bother anyone at work. Ms. Cole said she went to Employee to find out why he called her 'hot' when she doesn't bother anyone. Ms. Cole asserted that Employee said he heard it from someone else. She stated that she told Employee to keep her name out of his stuff. Ms. Cole said she provided a statement regarding Employee's behavior "because I was bothered. And then my partner was Calvin Beecham at the time." She noted that it was tense and hostile between Employee and Mr. Beecham, and she was caught in the middle. Tr. pgs. 96-100, 106-107.

Ms. Cole testified that she was sitting in her work car on May 9, 2024, when Employee approached Mr. Beecham. She noted that Employee and Mr. Beecham were standing not far away from her. Ms. Coles explained that Employee was "frantic and frustrated because I believe he just had came (sic) out of a meeting. So, he addressed Calvin, trying to ask Calvin why he said what he said" regarding the situation with Ms. Sylver. Ms. Cole asserted that Employee asked Mr. Beecham why he filed a report stating that he was going to harm Ms. Sylver. Ms. Cole also noted Mr. Beecham wasn't really engaging with Employee, but they kept going back and forth, threatening each other. She cited that "[Mr. Beecham] was more so defending himself and …[Employee] was like, look, I ain't trying to take you down. I'm just trying to figure out what you trying to say. Then it wind up going left and it got a little heated." She states that she told Employee that he should not have come to their location since that's not where he was supposed to be. When asked if it seemed Employee was threatening Mr. Beecham, Ms. Cole stated that "It seemed as

though it could have been, yeah." She stated that Employee was angry and frustrated. Ms. Cole noted that Mr. Beecham recorded his exchange with Employee. Ms. Cole cited that one of the leads, named Alvin, pulled up and asked Employee why he was at that post, which was not his post, and Employee left. Tr. pgs. 101-105, 107-110. Ms. Cole identified Employee on the video recorded on May 9, 2024, as the individual outside of the vehicle. Tr. pgs. 113-114.

Raymon Pettis ("Mr. Pettis") Tr. pgs. 115 - 125

Mr. Pettis is a Traffic Control Officer at Agency. He stated that on or about May 2, 2024, he heard Employee make threatening statements toward Ms. Sylver. Mr. Pettis testified that Employee told him what took place with him and his supervisor, Ms. Sylver. Mr. Pettis stated that Employee said "he turned a key in and [Ms. Sylver] told on him. And she's a hot bitch. He going to get her fucked up… That's what he was saying. And I tried to tell him, you know, like, man, go ahead with that, man. Like, you at work and all this stuff. So, like, can't be doing that…this particular day he was like, man, after I talked to him, he was like, you right. Man, I'm glad I talked to you. And he, like, after that the next couple days, like, when I saw him, he was back to the same thing again." Mr. Pettis stated that Employee made reckless statements about him as well. He cited that he reported the threats towards Ms. Sylver between May 3 and May 8, 2024, and he submitted a witness statement to Agency management on these threats. Tr. pgs. 116-124.

Angelique Brewer ("Ms. Brewer") Tr. pgs. 126 -137

Ms. Brewer works at Agency's Human Resources ("HR") Division, Employee Relations, and is responsible for conducting investigations, and assisting management with enforcing the District's policies and procedures. She affirmed that she worked for Agency in July of 2024, and recalled investigating threats made by Employee. Ms. Brewer confirmed that she wrote an investigative report that was presented to management. She confirmed that she interviewed Ms. Sylver, Ms. Cole and Mr. Pettis as part of the investigation. Ms. Brewer also confirmed that she interviewed Employee with his Union representative present. Tr. pgs. 126-128, 134-137.

Ms. Brewer acknowledged that she reviewed a recording of Employee speaking to Ms. Cole, outside a vehicle as part of her investigation. Ms. Brewer testified that Employee was defensive, but polite when she interviewed him. She cited that "he did emphasize that he did not know Ms. Sylver personally because that was not his supervisor. The entire interview he wanted to talk about his work ethics. He was very defensive. He found humor to a lot of the comments that were alleged when I was asking him those questions. And then at the end, he talked about his reliability, his professionalism, and just stated that those allegations were not like him." Ms. Brewer stated that Employee denied making the alleged statements about Ms. Sylver. Ms. Brewer stated that she concluded based on "multiple witness accounts of the incident that occurred on April 6, that it was likely to be true that the allegations were true because he himself, [Employee], stated that there were no witnesses around on the encounter with Ms. Sylver." She cited that all the witnesses she interviewed noted that Employee was one to spread rumors and he was very upset about the April 6, 2024, incident involving turning in the key early. Tr. pgs. 129-131, 134-136.

Ms. Brewer also testified that she investigated the May 7, 2024, and My 9, 2024, incidents involving threats made to Ms. Sylver and other employees. She stated that she did not find Employee to be trustworthy because he asserted that he was at Virginia Avenue vacuuming out his car and that he never spoke to Mr. Beecham, but Mr. Beecham had too much information about the April 6, 2024, incident. Ms. Brewer also noted that on May 9, 2024, Employee alleged that he never spoke to Mr. Beecham at all, but Mr. Beecham was the one recording the video, which proves he was in proximity. Ms. Brewer also asserted that Employee stated that the conversation with Ms. Cole while she was in the vehicle was about cupcakes, but that was not true because the conversation was about Employee referring to Ms. Cole as 'hot' and why he started the rumors that Ms. Cole was 'hot' or a 'snitch'. She testified that she did not find Employee credible. Tr. pgs. 131 – 132.

Employee's Case in Chief

Employee Tr. pgs. 139-159

Employee was a Traffic Control Officer with Agency for approximately three (3) years before his termination. He stated that his direct supervisor was Mario Johnson. Employee stated that April 6, 2024, was a Saturday, and he did not work Saturdays. He testified that the incident involving returning his key early, happened on a Tuesday or Wednesday, and not on a Saturday. Tr. pgs. 139-141.

Employee explained that "So, I actually was walking, leaving out the bathroom and I seen Mr. Strange. I didn't even see Ms. Sylver at first. I saw Mr. Strange. When they opened the door, end up talking to him and I told him I was going to, you know, put the keys back and I was going to go back and sit in the waiting room … So, I told him, you know, it's cool, I put my keys … and I went to sit in the waiting room with other coworkers… but in the midst of that I seen Ms. Sylver and she asked me what was I doing. I said, I just put my keys in. I'm about to go, you know, sit down. I ain't leaving… ·So, from that conversation, it's probably … less than a three-minute walk to get to the actual sitting waiting room where other TCOs was at. So, in the midst of getting there, I get a call from Mario and I got a call from … one more officer, but it was a back-to-back call and they was like I put the keys back and I was about to leave, trying to make sure I wasn't going nowhere or anything. I was like, no, I just put the keys back and I went and sat down. I said, we ain't got no more work and the line about minutes for 60 people to turn the key in and put it back in the box. I'm like literally going to sit back in… And all of a sudden I just hear, oh, man, Sylver say she caught you this. I'm like, well, I didn't do nothing wrong. I didn't get discipline for it. So, what is the problem? And everything seemed like it escalated from there." Tr. pgs. 141-144.

Employee testified that thereafter, "[p]eople I never even would go talk to in years that I worked there, now all of a sudden they saying I'm talking to them. People I actually known as my friends, as so-called Raymond Pettis, it was like I couldn't believe the whole situation I was getting myself put in. It was very frustrating for sure." He cited that he was a hard worker, and he felt like he was being framed for something he did not do. Tr. pg. 44.

According to Employee, his interaction with Mr. Pettis did not occur as described by Mr. Pettis. Employee asserted that Mr. Pettis was "looking a little down." He asked Mr. Pettis what

was going on, and he explained that his wife, who also worked at Agency found a message on Mr. Pettis' phone between Mr. Pettis and Ms. Sylver. Employee stated that Mr. Pettis "was more worried about what Ms. Sylver might do to him and I'm like, man, you know, just continue doing your job…. And next thing you know is people telling me they see them going to lunch together. And it escalated from there because I tell him, oh, you need to chill, you know. it's going to get back to your wife, you know…" Employee stated that "[b]esides me telling [Mr. Pettis] he need to leave [Ms. Sylver] alone or either switch his supervisor to Mario…" he did not make any comments to Mr. Pettis about Ms. Sylver. Employee cited that he had a decent relationship with Mr. Pettis prior to this incident. Tr. pgs. 145 -146, 157-158.

Employee asserted that he had never had a problem with Ms. Cole. He cited that he bought cupcakes from Ms. Cole and that she was a good, respectable woman. Employee stated that was the reason when Ms. Cole came to him about the rumors, he was highly disturbed and frustrated. Employee noted that he has never been a verbally abusive guy or even abusive at all to any of his coworkers. Tr. pgs. 147, 157.

Employee testified that on May 9, 2024, he was driving a 15-passenger van, and his assigned location was across the street, so he had to find somewhere to park it. He cited that he ended up parking the van right where Ms. Cole was. He explained that "[w]e have a coworker … and his mother works in there. So, we all would go there to use the bathroom sometimes in that…building. And I didn't put [down] bathroom, but I also just popped and just was going to run up and come back down and I seen [Ms. Cole] and I seen [Mr. Beecham]. I got to talking to [Ms. Cole] for a minute … trying my best to explain the situation to her and letting her know I ain't got nothing to do with it, it's wrong, I'm more upset that my name is in it because I don't … condone that and I'm truthful and honest with everybody here, so why is my name in these situations." Tr. pg. 148.

Employee cited that as he was talking to Ms. Cole, he noticed Mr. Beecham was recording him. He stated that as he approached Mr. Beecham, he was backing up and Employee got a little upset especially because he heard Mr. Beecham's name was in the situation. Employee asserted that before anything happened, the lead supervisor, Mr. Alvin, pulled up and told him Mr. Strange wanted to see him in the office. Employee said he went to the office to see Mr. Strange, and he took his phone and badge and placed him on administrative leave without telling him the reason he was placed on administrative leave. Tr. pgs. 149.

Employee asserted that he did not threaten Mr. Beecham. He stated that they are not supposed to be recording each other and that he felt "[l]ike, are you trying to frame me or what are you putting this all together for? And then right after that, I get picked up by Alvin. Alvin pulls up, tells me to go to the office and Strange is right there already with my papers." Employee testified that he never had a situation where he was disrespectful to Ms. Sylver. He stated that if Ms. Sylver asked him to go anywhere or complete a task, he did. Employee testified that ever since Ms. Sylver tried to ask him some personal questions about his finances, "it seemed like everything kind of escalated." Tr. pgs. 150-151.

When asked if he made disparaging comments to any of his colleagues about his personal feelings about Ms. Sylver, Employee stated that "[n]ot one, because I had no personal feelings. …

The situation supposed to have been over with. I'm trying to go about my day and yet my name keep getting brought up in situations." Employee said he did not bring this issue to the attention of management because he was hoping the situation would die down. He noted that he never knew emails were sent out regarding the situation and management did not address these issues with him. Tr. pgs. 152 – 154.

Employee affirmed that he is the one seen in the May 9, 2024, video recording. He cited that he got his administrative leave papers on that same day. Employee affirmed that he said in the video that he was a 'real street nigga.' He noted that he did not feel threatened by Mr. Beecham on May 9, 2024, and he did not file a police report on that day. Tr. pgs. 155-157, 159.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW[14]

Pursuant to OEA 631.2, 6-B District of Columbia Municipal Regulations ("DCMR") Ch. 600, et seq (December 27, 2021), Agency has the burden of proving by a preponderance of the evidence that the proposed disciplinary action was taken for cause. Furthermore, the District Personnel Manual ("DPM") regulates the manner in which agencies in the District of Columbia administer adverse and corrective actions. DPM § 1602.1 provides that disciplinary action against an employee may only be taken for cause. According to the Notice of Final Decision for Proposed Removal, Agency terminated Employee pursuant to: (1) DPM § 1605.4(a) and § 1607.2(a)(15); and (2) DPM §1605.4(a) and § 1607.2(a)(16).

1) ***Whether Agency complied with DPM § 1602.3 which provides that adverse action shall commence no more than ninety (90) business days after the agency or personnel authority knew or should have known of the conduct supporting the action***; ***and Whether Agency complied with the service requirements of DPM §§1618.6-8 when it issued the Notice of Proposed action***.

At issue here is whether Agency, in administering the instant adverse action, adhered to applicable provisions of law, specifically DPM § 1602.3(a) and DPM §§1618.6-8.[15] DPM § 1602.3(a) provides that a "corrective or adverse action shall be commenced no more than ninety (90) business days after the agency or personnel authority knew or should have known of the performance or conduct supporting the action." The OEA Board has held that the legislative intent of the ninety-day rule ("90-Day-Rule") provision found in DPM §1602.3(a) is to "establish a disciplinary system that included *inter alia*, that agencies provide prior written notice of the grounds on which the action is proposed to be taken."[16] The Board noted that prior to this revision, the "courts have ruled on matters pertaining to the ninety-day rule as it related to D.C. Code § 5-1031...[t]his statutory language is only applicable to those employed by the Metropolitan Police

[14] Although I may not discuss every aspect of the evidence in the analysis of this case, I have carefully considered the entire record. *See Antelope Coal Co./Rio Tino Energy America v. Goodin*, 743 F.3d 1331, 1350 (10th Cir. 2014) (citing *Clifton v. Chater*, 79 F.3d 1007, 1009-10 (10th Cir. 1996)) ("The record must demonstrate that the ALJ considered all of the evidence, but an ALJ is not required to discuss every piece of evidence").

[15] 6-B DCMR 1602.3 and DPM 1602.3 will be used interchangeably throughout this decision.

[16] *Keith Bickford v Department of General Service*, OEA Matter No.1601-0053-17, Opinion and Order on Petition for Review (January 14, 2020).

Department or the D.C. Fire and Emergency Medical Service agencies."[17] That noted, the Board further held that while the intent for the 1602.3 (a) provision was not "spelled out in the DPM, it is reasonable to believe that the intent was similar to that provided by the D.C. Council when establishing the language of the ninety-day rule." The Board referenced a D.C. Court of Appeals decision[18] wherein the Court found that "the deadline was intended to bring certainty to employees of an adverse action that may otherwise linger indefinitely."[19] The Board also held that this provision of the DPM 1602.3(a) like its counterpart found in D.C. Code §5-1031, is mandatory in nature.[20]

Here, Employee argues that he was placed on administrative leave on May 9, 2024, and that he received two (2) Notices of Proposed Removal in the mail, *at the same time*, with one dated August 27, 2024, and the other dated October 1, 2024.[21] (Emphasis added). Employee cites that the notices were delivered to him on October 4, 2024, and as such, Agency violated the 90-day rule. Agency argues that it did not violate the 90-day rule. It explains that May 9, 2024, is considered the incident date for purposes of § 1602.3, and because it issued the Advance Written Notice of Proposed Removal ("NOP") on August 27, 2024, 75 business days from May 9, 2024, it was still well within the requirements of the 90-Day Rule.

Pursuant to the record, Mr. Strange was notified via email on May 7, 2024, of Employee's alleged threats against Ms. Sylver. Employee was placed on administrative leave on May 9, 2024, following another incident with Mr. Beecham on the same day. Both parties acknowledge that the 90-day clock was triggered on May 9, 2024. Therefore, I find that Agency knew of the conduct supporting the current action on May 9, 2024. The NOP addressed to Employee is dated August 27, 2024; however, Employee argues that he was only made aware of the adverse action on October 4, 2024, when he received the NOP in the mail.

DPM § 1602.3(a) is silent on whether and how the agency is required to communicate its decision to commence adverse action to the employees. This notwithstanding, as previously noted, the OEA Board has held that the legislative intent of the 90-Day Rule provision found in DPM §1602.3(a) is to "establish a disciplinary system that included inter alia, that agencies provide prior

---

[17] *Id*.
[18] *Id*. citing to *District of Columbia Fire and Medical Services Department v D.C. Office of Employee Appeals*, 986 A.2d 419,425 (2010).
[19] *Id*. The Board also cited the Court of Appeals as noting that the "D.C. Council, in establishing the ninety-day rule, was motivated by the exorbitant amount of time that the [adverse action] process was taking, such that...employees had to wait months or even years to see the conclusion of an investigation against them."
[20] *Id*. at pgs. 9-10. *See also District of Columbia Department of General Services v. Office of Employee Appeals*, 2020 CA 001096 P(MPA) (February 3, 2021).
[21] It should be noted that the October 1, 2024, Notice Employee referred to as a second NOP is the Hearing Officer's first Report and Recommended Decision. Upon receipt of the NOP and the October 1, 2024, Hearing Officer's Report and Recommended Decision, Employee's representative contacted Agency and the Hearing Officer to request a five (5) day extension to respond on behalf of Employee. The Hearing Officer informed Employee's representative that "My review of this Proposed Action is completed, and the Hearing Officer's Report has been issued. This matter is now closed, an extension is not granted." Thereafter, on October 23, 2024, the Hearing Officer emailed Employee's representative stating that "Upon further review the Agency will allow the Union to file a response on behalf of the employee. The response is due on or before the close of business on November 4, 2024." *See*. Employee's Brief on Service of Administrative Action at Exhibits A-D (June 13, 2025). The Hearing Officer issued another Report and Recommended Decision on November 27, 2024. *See*. Agency's Answer at Exhibit 1.

written notice of the grounds on which the action is proposed to be taken." (Emphasis added). Here, Agency commenced the adverse action by issuing an NOP to Employee.[22] Pursuant to DPM §§1618.6-8:

> **1618.6:** The notice of proposed actions and supporting materials *shall be served upon the employee*. Service *shall be accomplished by delivering the notice and materials* to the employee in person, or *to the employee's address of record by a commercial courier that provides delivery tracking and confirmation information*. However, service *shall* also be deemed proper upon a showing that the *employee actually received delivery of the notice*, irrespective of delivery method. (Emphasis added).
>
> **1618.7**: For notices of proposed actions delivered in person, the employee to whom the notice is issued shall be asked to certify its receipt in writing. If the employee refuses to certify receipt, a brief descriptive written statement, signed by a witness to the refusal, may be used as evidence of service.
>
> **1618.8:** For purposes of §§ *1618.6* and 1618.7, *service shall be deemed effective when the employee has actual notice of the proposed actions*. (Emphasis added).

In this matter, Agency argues that the tracking information provided by the United States Postal Service ("USPS") shows that the NOP to Employee was delivered to the front desk/reception/mail room of Employee's apartment complex on August 29, 2024. Citing to *Kolker v. Hurwitz*[23], Agency explains that "either the front desk, reception, or mail room is presumably sufficient as someone/something with an obligation to relay information because these employees frequently sort packages and mail that couriers deliver throughout the day." In an email dated October 14, 2024, from Employee to his representative, Agency's representative and other Agency officials, Employee cited that "these are the packages I received and the date is on them where my building concierge had signed for them to leave it." The email included attachments of two (2) USPS documents citing that "Sorry we missed you while you were out". These documents have Employee's name, and the date on them is October 4, 2024. It also noted that the items were sent by "DC/DDOT/ASD".[24] Agency has the burden of proof in this matter, and I find that Agency has failed to provide any credible evidence to rebut Employee's assertion that the NOP was received by the concierge at his apartment complex on October 4, 2024, and not on August 29, 2024.

Additionally, Agency argues that it mailed the NOP to Employee via USPS Certified mail.[25] Agency provided a Certificate of Service dated August 27, 2024, with Employee's name, and signed by Steven Messam, Agency's Supervisory Administrative Officer, citing that the August 27, 2024, NOP was mailed to Employee via USPS Certified mail. Agency also provided a

---

[22] *See*. *Employee v. D.C. Department of Fire and Emergency Medical Services*, OEA Matter No. 1601-0056-22, Opinion and Order on Petition for Review at pgs. 23-25 (November 16, 2023). Here, the OEA relied on when the Notice of Proposed Action ("NPA") was *served* on Employee to determine when the adverse action commenced regarding the 90-day rule. (Emphasis added).
[23] 269 F.R.D. 119 (D.P.R. 2010).
[24] *See*. Employee's Brief on Service of Administrative Action, *supra*, at Exhibit D.
[25] *See*. Agency's Brief on Service of Administrative Action at Exhibit 3 (June 13, 2025).

copy of a USPS certified mail receipt, with a date stamp of August 27, 2024, and a copy of a 'Return Receipt' form, indicating that Agency also selected the 'Return Receipt' service.[26] However, but for the tracking information, Agency did not provide *any confirmation of receipt information* such as the actual Return Receipt document with the signature of the person that received the mail. According to the USPS website, when certified mail is used, a signature is required from the addressee, and when certified mail is combined with Return Receipt Service, the sender is notified that a delivery attempt was made and *gets the signature of the person who accepts the mailing.*[27] (Emphasis added). Agency did not provide any of this confirmation information. It is illogical that Agency would send the NOP via certified mail with Return Receipt Service and in the same breath argue that it was not required to get the signature of the addressee or the person that received the mail.

Moreover, DPM §§1618.6 provides in part that "…*Service shall be accomplished by delivering the notice and materials* to the employee in person*,* or *to the employee's address of record by a commercial courier that provides delivery tracking and confirmation information."* (Emphasis added). Here, Agency acknowledged that Employee's address was incorrect by one (1) digit on the NOP. It further states that no evidence has been proffered that the August 27, 2024, NOP was returned to DDOT due to it not being deliverable. Agency claims that its proof of delivery by USPS and eventual discovery by Employee of the mailing shows that initial delivery was made to Employee's correct address on August 29, 2024.[28] I find this argument to be misguided. The USPS tracking information provided by Agency only proves that the NOP was delivered on August 29, 2024, to the address Agency provided to the USPS, not necessarily to Employee's address on file.[29] Therefore, I cannot rely on the USPS tracking information provided by Agency as proof that Employee received the NOP on August 29, 2024, because that tracking information was for mail delivered to an address other than Employee's address on record. Further, while it is true that Employee eventually received the NOP, he has asserted that he did not receive the NOP on August 29, 2024, as Agency asserts, but rather, that he received it on October 4, 2024, and Agency has not rebutted this argument.[30]

Additionally, DPM §1618.6, provides that service is deemed proper when "the *employee actually received delivery of the notice."* Therefore, I find that the service of the NOP was deemed proper when Employee *actually received* delivery of the NOP on October 4, 2024. (Emphasis added). Besides, Agency did not submit a 'return receipt requested' document from the USPS after the mail was delivered to Employee. I find that a dated cover letter, by itself, is insufficient evidence of proof of receipt.[31] As such, I conclude that the August 27, 2024, date on the NOP and the outgoing 'date stamp' on the certified mail form is not sufficient evidence that Employee

[26] *Id*.
[27] https://faq.usps.com/s/article/Certified-Mail-The-Basics (Retrieved on February 24, 2026).
[28] Agency's Brief on Service of Administrative Action at pg. 5 (June 13, 2024).
[29] Employee's street address on file is: 5661. Agency mailed the NOP to 56611.
[30] Agency contends that it mailed the NOP via certified mail with return receipt services, which means Agency should have received the proof of signature of the person that received the NOP on August 29, 2024, however, the record is void of this information.
[31] Agency also argues that as "a general rule, a document is deemed to be "filed" or "sent" on the date of the postmark stamped on the envelope or piece of mail, which in this case would be August 27, 2024." I find that even if this was true, because Agency did not "file" or "send" the NOP document to Employee's address on file, this argument is irrelevant.

received the NOP. Based on the evidence in the record, I further find that Employee actually received delivery of the NOP on October 4, 2024. DPM §1618.8 cites that **"***service shall be deemed effective when the employee has actual notice of the proposed actions*." (Emphasis added).

As previously noted, the legislative intent of the ninety-day rule is to "establish a disciplinary system … that agencies provide prior *written notice* of the grounds on which the action is proposed to be taken."[32] I find that this written notice refers to the NOP and pursuant to DPM §1618.6-8, the NOP is deemed effective when Employee has *actual notice* or *they actually receive delivery of the notice.* Based on the record, Employee received the NOP on October 4, 2024, which is 102 business days from the trigger date of May 9, 2024, and twelve (12) business days beyond the deadline pursuant to the 90-Day Rule provision.[33] Likewise, the D.C. Court of Appeals[34] has found that "the [90-Day] deadline was intended to bring certainty to employees of an adverse action that may otherwise linger indefinitely." Here, Employee testified that on May 9, 2024, Mr. Strange took his phone, badge and placed him on administrative leave without telling him the reason he was placed on administrative leave.[35] Tr. pgs. 149. This adverse action lingered over Employee for more than the required ninety business days. Consequently, I conclude that Agency violated DPM § 1602.3 by failing to issue the NOP within ninety (90) business days from when Agency knew or should have known of his alleged misconduct. Therefore, I find that the NOP did not comply with the ninety-day rule. As such, I further conclude that Agency violated DPM § 1602.3(a) and DPM §§1618.6-8 in the instant matter.[36]

The OEA Board has also held that this provision of the DPM 1602.3(a) like its counterpart found in D.C. Code §5-1031, is mandatory in nature. The OEA Board in *Bickford*, *supra*, cited that "… there is a logical assumption that *an agency is barred from issuing a notice of adverse action, if it was not done by the mandated ninety-day deadline of when the agency knew or should have known of Employee's conduct*." (Emphasis added). Additionally, OEA has held that missing the ninety-day deadline is neither *de minimus* nor harmless. This Office has consistently held that the ninety-day deadline is viewed as mandatory, and a violation of this provision is grounds for reversal.[37] Additionally, the Superior Court for the District of Columbia has ruled that OEA's 90-

---

[32] *Keith Bickford v Department of General Service*, OEA Matter No.1601-0053-17, Opinion and Order on Petition for Review (January 14, 2020).

[33] In *Bickford*, *supra*, this Office found that Agency violated the 90-Day Rule when it issued the NOP two (2) days beyond the deadline pursuant to the 90-Day Rule provision.

[34] *District of Columbia Fire and Medical Services Department v D.C. Office of Employee Appeals*, 986 A.2d 419,425 (2010).

[35] *See also*. Agency's Answer to Employee's Petition for Appeal at Exhibit 1 – Placement on administrative leave pending investigation (February 28, 2025).

[36] *See*. *Employee v. D.C. Department of Fire and Emergency Medical Services*, *supra*. In this matter, the OEA Board held that because "the [Notice of Proposed Action] in this case *was served to Employee* … less than ninety days after Agency became aware … we agree with the AJ's conclusion that Agency did not violate D.C. Code § 5-1031(a). (Emphasis added). I find that unlike in *Employee v. D.C. Department of Fire and Emergency Medical Services,* where the employee was served/received the NOP within the 90-day period, in the current matter, Employee was served/received the NOP 102 business days after Agency became aware of the conduct supporting the action, in violation of the 90-Day Rule.

[37] *See e.g. D.C. Fire and Medical Services Dept. v. D.C. Office of Employee Appeals*, 986 A.2d 419 (2010); *See Employee v. D.C. Dept. of Youth Rehabilitation Service*, OEA Matter No. 1601-0037-20, Opinion and Order on Petition for Review at 9 (February 24, 2022); *Keith Bickford v. D.C. Dept. of General Services*, OEA Matter No. 1601-0053-17, Opinion and Order on Petition for Review at 7 (January 14, 2020).

Day Rule findings are not arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. Based on the foregoing, I find that because Agency violated the mandatory ninety-day deadline, it is barred from bringing the current adverse action against Employee. Wherefore, I further find that Employee's removal should be reversed.

2) ***Whether Employee's actions constituted cause for adverse action and if so, whether the penalty of removal was appropriate in the circumstances and within the range allowed by applicable law, rules, or regulations.***

Because I find that Agency violated DPM §1602.3(a) and DPM §1618.6-8, I will not address whether Agency, in administering this adverse action, had cause to do so or any other issues raised by the parties during the course of this appeal. As such, I will also not address whether the penalty of removal was appropriate and within the range allowed by applicable law, rules, and regulations.

ORDER

Based on the foregoing, it is hereby **ORDERED** that:

1. Agency's action of removing Employee from service is **REVERSED**.
2. Agency shall reinstate Employee to the same or comparable position prior to his removal from service.
3. Agency shall reimburse Employee all back-pay and benefits lost as a result of his removal.

4. Agency shall file with this Office, within thirty (30) calendar days from the date on which this decision becomes final, documents evidencing compliance with the terms of this Order.

FOR THE OFFICE:

/s/ Monica N. Dohnji__
MONICA DOHNJI, Esq.
Senior Administrative Judge

Notice: This decision is subject to formal revision before publication in the District of Columbia Register and OEA Website. Parties are requested to notify the Office Manager of any formal errors in order that corrections may be made prior to publication. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)
	)
EMPLOYEE,	) OEA Matter No. 1601-0040-20AF24
Employee	)
	) Date of Issuance: March 24, 2026
v.	)
	) JOSEPH E. LIM, ESQ.
DEPARTMENT OF FOR-HIRE VEHICLES,	) Senior Administrative Judge
Agency	)

Ann-Kathryn So, Esq., Employee Representative
Connor Finch, Esq., Agency Representative

ADDENDUM DECISION ON ATTORNEY FEES

INTRODUCTION AND PROCEDURAL HISTORY

Employee, a Human Resources Specialist[1] in the Department of For-Hire Vehicles ("Agency" or "DFHV"), filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office") on April 9, 2020, appealing Agency's decision to terminate her from service effective March 13, 2020. Employee was terminated for: 1) Unauthorized absence of one (1) workday or more, but less than five (5) days; (2) Any on-duty or employment related reason for corrective or adverse action that is not arbitrary or capricious; (3) Knowing submission (or causing or allowing the submission) of falsely stated time logs, leave forms, travel or purchase vouchers, payroll, loan, or other fiscal documents; and (4) Knowingly and willfully reporting false or misleading material information to a superior.[2] On June 16, 2020, OEA requested that Agency submit an Answer to Employee's Petition for Appeal. Agency submitted its Answer on or about August 28, 2020.

After Agency declined mediation on March 26, 2021, this matter was assigned to the undersigned on March 30, 2021. I held a Prehearing Conference on May 3, 2021, and a virtual Evidentiary Hearing via WebEx[3] on July 7 and 8, 2022. On October 3, 2022, I issued an Initial Decision ("ID") reversing Agency's removal of Employee after I found that none of Agency's charges against Employee were warranted.[4] On December 7, 2022, Agency filed a Petition for

[1] Employee Exhibit 27.
[2] Agency Exhibit 14.
[3] WebEx is a software program that enables participants to engage in a hearing or meeting remotely via an electronic device.
[4] *Employee v. District of Columbia Dep't For Hire Vehicles*, OEA Matter 1601-0040-20 (Oct. 3, 2022).

Review to the Superior Court of the District of Columbia ("Superior Court") seeking review of the reversal of the termination.[5]

On December 7, 2022, Employee filed a Motion for Attorney Fees in the amount of $135,223.70 in attorney's fees and costs. Agency submitted its response to the fee petition on December 29, 2022. On April 4, 2023, I issued an Addendum Decision on Attorney Fees wherein I dismissed the Motion for Attorney Fees without Prejudice as the matter was still pending before the D.C. Superior Court.[6]

On June 27, 2024, the D.C. Superior Court denied Agency's Petition for Review and upheld the ID.[7] On August 15, 2024, Employee filed a Petition for Compliance, alleging that despite the ID becoming final, Agency had failed to comply with the ID. On September 19, 2024, I ordered Agency to submit status reports on compliance. Starting from October 18, 2024, Agency submitted periodic reports on its efforts towards full compliance with the ID.

On August 26, 2024, Employee submitted a second Motion for Attorney Fees in the amount of $203,919.90 in attorney fees and $3,558.66 in costs. After Agency objected, Employee amended her fee petition to $188, 631.90 in attorney's fees and $5077.29 in costs. On October 14, 2025, Employee agreed that Agency had fully complied with the October 3, 2022, ID. Accordingly, on October 21, 2025, I dismissed Employee's Motion for Compliance.[8]

On October 24, 2025, Employee submitted her final revised Motion for Attorney Fees in the amount of $199,848.80 in attorney's fees and in costs. On November 24, 2025, Agency submitted its final Opposition to Employee's Fourth Fee Petition. The record is closed.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether an attorney fee award is warranted, and if so, whether the amount requested is reasonable.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

D.C. Official Code § 1-606.8 provides that: "[An Administrative Judge of this Office] may require payment by the agency of reasonable attorney fees if the appellant is the prevailing party and payment is warranted in the interest of justice." *See also* OEA Rule 639.1, 68 DCR 012473 (December 27, 2021), 6-B DCMR Ch. 600.

[5] *Dept. of For Hire Vehicles v. DC OEA & Eileen Perry*, Case Number 2022 CAB 005771.
[6] *Employee v. District of Columbia Dep't For Hire Vehicles*, OEA Matter 1601-0040-20A23 (Apr. 4, 2023).
[7] Memorandum Opinion and Order, *Employee v. District of Columbia Dep't For Hire Vehicles*, D.C. Super. Ct. Case No. 2022-CAB-005771 (June 27, 2024).
[8] *Employee v. District of Columbia Dep't For Hire Vehicles*, OEA Matter 1601-0040-20C24 (Oct. 21, 2025).

1. Prevailing Party

"[F]or an employee to be a prevailing party, he must obtain all or a significant part of the relief sought. . . ." *Zervas v. D.C. Office of Personnel*, OEA Matter No. 1602-0138-88AF92 (May 14, 1993). *See also Hodnick v. Federal Mediation and Conciliation Service*, 4 M.S.P.R. 371, 375 (1980). Employee filed an appeal seeking reinstatement to her position and recovery of all benefits lost due to Agency's termination of her employment. Agency has accepted the Initial Decision and has reinstated Employee to her prior position and restored any benefits she has lost as a result of its adverse action. Based on the record of this case, I conclude that Employee is a prevailing party.

2. Interest of Justice

In *Allen v. United States Postal Service,* 2 M.S.P.R. 420 (1980), the Merit Systems Protection Board ("MSPB)", this Office's federal counterpart set out several circumstances to serve as "directional markers toward the 'interest of justice' (the "Allen Factors") - a destination which, at best, can only be approximate." *Id*. at 435. The circumstances to be considered are:

1. Where the agency engaged in a "prohibited personnel practice";

2. Where the agency's action was "clearly without merit" or was "wholly unfounded", or the employee is "substantially innocent" of the charges brought by the agency;

3. Where the agency initiated the action against the employee in "bad faith", including:

    a. Where the agency's action was brought to "harass" the employee;

    b. Where the agency's action was brought to "exert pressure on the employee to act in certain ways";

4. Where the agency committed a "gross procedural error" which "prolonged the proceeding" or "severely prejudiced the employee";

5. Where the agency "knew or should have known that it would not prevail on the merits", when it brought the proceeding, *Id.* at 434-35.

This matter began when Agency terminated Employee for 1) Unauthorized absence of one (1) workday or more, but less than five (5) days; (2) Any on-duty or employment related reason for corrective or adverse action that is not arbitrary or capricious; (3) Knowing submission (or causing or allowing the submission of) falsely stated time logs, leave forms, travel or purchase vouchers, payroll, loan, or other fiscal documents; and (4) knowingly and willfully reported false

or misleading material information to a superior.[9] After Employee filed her appeal with this Office, I found that none of Agency's charges against Employee were warranted and ordered Employee's reinstatement to her position.[10]

Therefore, Agency committed a "gross procedural error" which "severely prejudiced the employee." The prejudice suffered by Employee was the loss of her job. Another ground that applies here is that the agency "knew or should have known that it would not prevail on the merits", when it brought the proceeding. In this matter, Agency not only brought the proceeding against Employee, it went on to appeal the ID with the Superior Court even though my fact findings were supported by substantial evidence. This further unnecessarily prolonged and increased the costs of litigation for Employee. Therefore, I further conclude that an award of reasonable attorney fees is warranted in the interest of justice.

REASONABLENESS OF ATTORNEY FEES

Employee's Attorney Fee Request

The party seeking an award of attorney fees bears the burden of proving that the requested fees are reasonable. *Joyce v. Department of the Air Force*, 74 M.S.P.R. 112 (1997). Employee's submission was detailed and included the specifics of the services provided on Employee's behalf. Employee's final Attorney Fee Petition requested an award of $199,848.80 in attorney fees and costs for services performed from the beginning of her appeal through October 24, 2025. This covered legal services provided before this Office and before the D.C. Superior Court. Employee claims that her counsel expended approximately 494.50 hours at the hourly rates based on the Fitzpatrick Matrix.[11]

Although Agency did not dispute that Employee was the prevailing party, and that an award of a reasonable attorney's fee and costs was warranted, Agency argued that this fee request amount is excessive and unreasonable and should be dramatically reduced. While Agency does not contest the use of the Fitzpatrick Matrix for attorney hourly rates, Agency asserts that the hours claimed for a case that was not complex should be reduced as the hours are excessive, especially those associated with Employee's filing of multiple fee petitions.

Hourly Rate

The burden is on the fee applicant to produce satisfactory evidence that the requested rates are in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience, or reputation.[12] The reasonableness of a fee request may be assessed by considering two objective variables, those being the customary billing rate of the attorney and the number of hours reasonably devoted to the case.[13] An attorney's customary billing rate may be

[9] Agency Exhibit 14.
[10] *Employee v. District of Columbia Dep't For Hire Vehicles*, OEA Matter 1601-0040-20 (Oct. 3, 2022).
[11] A fee schedule used by many United States courts since 2023 for determining the reasonable hourly rates in the District of Columbia for attorneys' fee awards under federal fee-shifting statutes.
[12] *Blum v. Stenson,* 465 U.S. 886 (1984).
[13] *Casali v. Department of Treasury*, 81 M.S.P.R. 347 (1999).

established by showing the hourly rate at which the attorney actually billed other clients for similar work during the period for which the attorney fees are requested, or, if the attorney has insufficient billings to establish a customary billing rate, then by affidavits from other attorneys in the community with similar experience stating their rate for similar clients.[14] The best evidence of the prevailing hourly rate is ordinarily the hourly rate customarily charged in the community in which the attorney whose rate is in question practices.[15]

The OEA Board had determined that the Administrative Judges of this Office may consider the so-called "*Laffey* Matrix" in determining the reasonableness of a claimed hourly rate. The *Laffey* Matrix, used to compute reasonable attorney fees in the Washington, D.C.-Baltimore Metropolitan Area, was initially proposed in *Laffey v. Northwest Airlines, Inc.*, 572 F.Supp. 354 (D.D.C. 1983), *aff'd in part, rev'd in part on other grounds*, 746 F.2d 4 (D.C. Cir. 1984), *cert. denied*, 472 U.S. 1021 (1985). It is an "x-y" matrix, with the x-axis being the years (from June 1 of year one to May 31 of year two, *e.g*, 92-93, 93-94, etc.) during which the legal services were performed; and the y-axis being the attorney's years of experience. The axes are cross-referenced, yielding a figure that is a reasonable hourly rate. The matrix also contains rates for paralegals and law clerks.

However, the *Laffey* Matrix has been criticized as outdated. Thus, sometime in 2023, civil litigation involving the Federal Government in the District of Columbia began using the *Fitzpatrick* Matrix.[16] It also uses the "x-y" matrix, with the x-axis being the years during which the legal services were performed; and the y-axis being the attorney's years of experience. The axes are cross-referenced, yielding a figure that is a reasonable hourly rate.

Because Agency does not object to Employee's use of the *Fitzpatrick* Matrix, this Office will adopt its attorney hourly rates claimed by Employee as reasonable. Employee backs up her hourly rate request with an affidavit from her attorneys at Crowley So, LLP, enumerating their legal education and experience.[17] The affidavit shows that Employee's attorneys have years of legal experience in the field of employment law ranging from one (1) to 18 years.

Employee is asking that her attorneys be compensated depending on experience at an hourly rate ranging from $200/hour to $707/hour for services rendered.[18] The U.S. District Court in the District of Columbia has held that the court has the discretion to determine whether or not attorney hourly rates are warranted, and whether or not the hours claimed are reasonable.[19] Since Agency does not dispute the attorney's claimed years of experience in employment law, Employee's claimed hourly rates are accepted.

Number of hours expended

[14] *Id.* at 352.
[15] *Save Our Cumberland Mountains v. Hodel,* 857 F.2d 1516 (D.C. Cir. 1988).
[16] Employee Fee Petition, Exhibit 6.
[17] Employee Fee Petition, Exhibit C. Hannon Law Group, LLP became Crowley So, LLP in April 2024.
[18] *Id*, Exhibit 5, Exhibit B.
[19] See *Harvey v. Mohammed*, 951 F.Supp.2d 47 (2013).

Employee's counsel lists the hours and the type of work performed by month and year. Agency registers its opposition to the amounts claimed before and after Employee's filing of her second and third fee petition. While the Agency did not deny that Employee was entitled to some attorney's fees for time expended incidental to this matter, Agency challenged the number of claimed hours of legal service time as excessive.

This Office's determination of whether Employee's attorney fees request is reasonable is based upon a consideration of the number of hours reasonably expended on the litigation, multiplied by a reasonable hourly rate.[20] Although it is not necessary to know the exact number of minutes spent nor the precise activity to which each hour was devoted, the fee application must contain sufficient detail to permit an informed appraisal of the merits of the application.[21] The number of hours reasonably expended is calculated by determining the total number of hours and *subtracting nonproductive, duplicative, and excessive hours.* [emphasis added][22] An attorney's fee request is to be reduced as necessary to disallow duplication or padding.[23] Thus, the amount of fees claimed is to be reduced where the record does not show that the expenditure of the claimed hours was necessary.[24] The number of hours claimed may be reduced even where those hours are not outrageous or unprecedented, but where there is insufficient evidence to establish that they are reasonable.[25]

As noted above, Employee filed a Petition for Compliance on August 15, 2024, alleging that despite the ID becoming final, Agency has failed to comply with the ID. Considering that the Superior Court had upheld the ID on June 27, 2024, it was reasonable for Employee to expect Agency to comply with the Initial Decision. Thus, Employee was justified in filing the Petition for Enforcement a month and a half after the ID became final. Thus, after examining the fee petition, I find that the hours claimed for the Enforcement/Compliance Petition are justified.

However, Agency decries Employee's filing of a second Enforcement Petition on May 7, 2025, and its attendant attorney hours despite its good faith efforts to achieve compliance. Employee justified its second Enforcement Petition to the extraordinary length of time it has taken the Agency to comply with the ID. Agency explained that administrative difficulties arose based largely on the fact that Employee worked for multiple other District government agencies after her removal by Agency in 2020. Because of this, Agency had worked closely with Employee, the District of Columbia Department of Human Resources ("DCHR"), and the Office of Pay and Retirement Services ("OPRS") to undertake all steps necessary to achieve compliance.

Agency also objects to the attorney hours Employee undertook to prepare her August 26, 2024, second and third Motion for Attorney Fees, especially since Employee was aware that Agency had not yet fully complied with the ID. Agency asserts that the fee motion was premature and thus unnecessarily duplicative, as Employee should have waited until full compliance before

[20] *Copeland v. Marshall,* 641 F.2d 880 (D.C. Cir. 1980). *See also Hensley v. Eckerhart,* 461 U.S. 424 (1983); *National Association of Concerned Veterans v. Secretary of Defense*, 675 F.2d 1319 (D.C. Cir. 1982).
[21] *Copeland, supra.*
[22] *Henderson v. District of Columbia*, 493 A.2d 982 (D.C. 1985).
[23] *Hooks v. United States Postal Service*, 42 M.S.P.R. 225, 228 (M.S.P.B 1989).
[24] *Wright v. Dep't of Transp.*, BN0752860058A1, 1992 WL 63180 (M.S.P.B. Mar. 25, 1992).
[25] *Rose v. Department of the Navy,* 47 M.S.P.R. 5, 13 (1991).

filing her attorney fee petition. It asserts that the 126 hours claimed by Employee's attorneys for administrative tasks or vaguely defined services like "status update," "strategize," "coordinate," "consider," or "email" and 66.5 hours of time spent billing for requesting attorney's fees before filing the Second Fee Petition are excessive and should be disallowed or sharply reduced. Agency also decried the hours claimed by Employee for drafting a Motion for Compliance and an unnecessary third Attorney Fee petition while her Motion for Compliance was still outstanding.

As the U.S. District Court in the District of Columbia noted, "When claims for attorney's fees are brought against the government, courts should exercise special caution in scrutinizing the fee petition. This is because of the incentive which the [agency's] deep pocket offers to attorneys to inflate their billing charges and to claim far more as reimbursement [than] would be sought or could reasonably be recovered from most private parties."[26] The Court in *Harvey* held that "[f]or purposes of fee award…, it is inadequate to merely state in billing documentation that a meeting occurred without specifying the subject-matter or purpose."[27]

Agency's arguments are well-founded. However, Agency failed to delineate the excessive attorney hours that it alleges Employee undertook in preparing and filing her second Enforcement Petition or her second attorney fee request. A review of Employee's billing sheets would indicate that Employee spent about 15 attorney hours with a total of $31,320 for these tasks. Thus, I have determined that $31,320 in attorney fees should be denied. However, all costs associated with the parties' communication with the undersigned are allowed. This is not to cast any aspersion on the attorney's billing practice. I simply conclude that Employee has not sufficiently met her burden of proving that all her claimed hours is reasonable as required under D.C. Official Code § 1-606.08.[28]

Lastly, Agency objects to about $2,000 in additional costs above what was requested through the Second Fee Petition. However, Agency fails to specify what it is about these additional costs that it finds objectionable. Thus, all costs that Employee claims in this matter are allowed.

In conclusion, I find that of the $199,848.80 in attorney's fees and in costs claimed by Employee, $31,320 in attorney fees are disallowed with the balance of attorney fees and costs substantiated.

ORDER

It is hereby ORDERED that Agency pay Employee, within thirty (30) days from the date on which this addendum decision becomes final, **one hundred and sixty-eight thousand, five hundred twenty-eight dollars and eighty cents ($168,528.80) in attorney fees and costs**.

[26] *Eureka Inv. Corp., N.V. v. Chicago Title Ins. Co.,* 743 F.2d 932, 941 (D.C.Cir.1984) (internal citation omitted).
[27] *Supra*, Harvey at headnote 32.
[28] *See, e.g., Copeland v. Marshall,* 641 F.2d 880, 903 (D.C.Cir.1980) (en banc) ("[T]he District Court Judge in this case—recognizing, as he did, that some duplication or waste of effort had occurred—did not err in simply reducing the proposed ... fee by a reasonable amount without performing an item-by-item accounting."); *see also Okla. Aerotronics,* 943 F.2d at 1347 (affirming the district court's flat forty percent reduction in allowable hours).

FOR THE OFFICE: /*s/ Joseph Lim*_____
JOSEPH E. LIM, ESQ.
Senior Administrative Judge

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE[1],	)	
Employee	)	OEA Matter No. 1601-0057-24
	)	
v.	)	Date of Issuance: March 31, 2026
	)	
D.C. PUBLIC SCHOOLS,	)	Michelle R. Harris, Esq.
Agency.	)	Senior Administrative Judge
	)	
	)	

Yaida O. Ford, Esq., Employee Representative
Angel Cox, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On June 20, 2024, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office") contesting the D.C. Public Schools' ("DCPS" or "Agency") decision to terminate him from service effective May 20, 2024. Following a request from OEA dated June 21, 2024, Agency filed its Answer on July 30, 2024. Agency also filed a Statement regarding the late filing of its Answer. This matter was assigned to the undersigned on July 23, 2024. On August 8, 2024, I issued an Order Convening a Prehearing Conference in this matter for September 4, 2024. On August 26, 2024, Employee's representative filed a notice of Designation of Representation in this matter. That same day, Employee, by and through his counsel, filed a Consent Motion to Continue to Prehearing Conference and Extend Deadlines. It was requested that the Prehearing Conference be extended for 45 days and that the deadline for Prehearing Statements be extended to September 28, 2024. Employee's representative cited therein that she had recently been retained in this matter and needed additional time to prepare.[2] I issued an Order on August 27, 2024, granting Employee's Motion, with the Prehearing Conference rescheduled to October 9, 2024, and Prehearing Statements now due by or before October 1, 2024.

Both parties appeared for the Prehearing Conference on October 9, 2024, as required. During that conference, the parties indicated that discovery had not yet been completed and as a result, on October 9, 2024, I issued a Post Prehearing Conference Order requiring discovery to be

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.
[2] Agency consented to this request.

completed by or before November 12, 2024, and Amended Prehearing Statements by or before November 18, 2024. Additionally, that Order scheduled a Status/Prehearing Conference for November 26, 2024, and the parties appeared on November 26, 2024, as directed. During that time, it was determined that there was still outstanding discovery between the parties. The undersigned advised the parties to file Motions for the undersigned to address any pending discovery issues. Thereafter, I issued a Post Prehearing Conference Order wherein, I scheduled a Status Conference for December 12, 2024. Agency filed a Consent Motion for a Continuance of Time on December 10, 2024. The parties citied to remaining issues regarding the completion of discovery, due to technical errors in the receipt of documents. Further, Agency requested that the Status Conference be continued until January 3, 2025, because DCPS was entering winter break, and it needed more time to contact school-based employees to complete the discovery.

On December 12, 2024, I issued an Order granting the Motion for Continuance. That Order required that discovery be complete by or before January 17, 2025, and scheduled a Status Conference for January 23, 2025. Both parties appeared as required on January 23, 2025. During that time, the undersigned determined that an Evidentiary Hearing was warranted in this matter. On January 23, 2025, I issued an Order which scheduled a virtual Evidentiary Hearing for Thursday, March 20, 2025. An Evidentiary Hearing was held over three (3) days in this matter, including March 20, 2025, April 10, 2025, and May 13, 2025.

During the Evidentiary Hearing, both parties presented testimonial and documentary evidence. Following the Evidentiary Hearing and the receipt of the transcript in this matter, I issued an Order on May 28, 2025, requiring both parties to submit their written closing arguments on or before July 14, 2025. On June 20, 2025, Employee filed a Consent Motion to Extend the Deadline for closing arguments. Employee's counsel cited therein that unexpected schedule conflicts regarding a jury trial precluded the submission by the deadline. Agency consented to this request. On June 24, 2025, I issued an Order granting the Motion. The parties were required to submit their written closing arguments by or before August 15, 2025. The parties have submitted their closing arguments. The record is now closed.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUES

1. Whether Agency had cause to take adverse action against Employee; and
2. Whether Agency followed all applicable rules, and regulations in its administration of the adverse action; and
3. If so, whether termination was the appropriate penalty under the circumstances.

BURDEN OF PROOF

OEA Rule § 631.1, 6-B District of Columbia Municipal Regulations ("DCMR") Ch. 600, et seq (December 27, 2021) states:

The burden of proof for material issues of fact shall be by a preponderance of the evidence. "Preponderance of the evidence" shall mean:

> that degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue.[3]

OEA Rule § 631.2 *id.* states:

For appeals filed under § 604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

SUMMARY OF TESTIMONY

On March 20, 2025, April 10, 2025, and May 13, 2025, an Evidentiary Hearing was held before this Office.[4] The following represents a summary of the relevant testimony given during the hearing as provided in the transcript (hereinafter denoted as "Tr.") which was generated following the conclusion of the proceeding. Both Employee and Agency presented testimonial and documentary evidence during the Evidentiary Hearing to support their positions.

Agency's Case-In-Chief

Dion Senn ("Senn") Tr. Vol. 1. Pp 18 – 123

Senn is currently a special police officer at the capital Hilton Hotel and has been in that role for almost a year. He testified that he is an alumnus of Coolidge High School and was a volunteer coach for the football team. Tr. 20. He began as a volunteer coach around March or April of 2023. He explained that he was a volunteer coach until the incident occurred with Employee and he was told to stay away until the investigation was over. Tr. 21. He cited that one of his old coworkers told him about volunteer coaching at the high school. He cited that "Coach Kevin" was the head coach of the football team. Tr. 22. Senn testified that he was referred to as "Coach Smurf" while there. Tr. 22. He cited that as a volunteer, he worked as a running back coach, and he would show the members how to prepare for games. He also noted that he played football in high school. Tr. 22. Senn further explained that when he joined the football staff, he was at the high school every day, Monday through Fridays. Tr. 22. He also explained that when Coach Kevin scheduled practice for Saturdays, Coach Kevin would communicate that to him and if he wasn't working, he would go to the school on Saturdays as well. Tr. 23.

Senn testified that when he came to the school, he would enter the tunnel if it were open. Otherwise, he would walk around and enter through "Door 16." Tr. 23. He explained that the tunnel was the football tunnel that leads out to the football field from where the coaches' lounge

[3] OEA Rule § 699.1.

[4] Vol. 1 denotes the first day of the Evidentiary Hearing, Vol. 2 represents the second day, and Vol 3 represents the third day of the Evidentiary hearing in this matter.

is located. Tr. 23. He also explained that Door 16 is by the parking lot closest to the Frank R. Williams Center, which he referred to as the "big gym." Tr. 24. Senn testified that while at Coolidge, he worked with other coaches including Employee, Maurice Woody, Mike Harley and the entire coaching staff. Tr. 25. He stated that Employee's nickname was "Coach H""[5] Tr. 26. He first met Employee a few weeks after he started working at the high school. He testified that his relationship with Employee was "we would speak, handshake each other..." etc. Tr. 26.

Senn noted that prior to the April 2024 incident, he did not have any issues with Employee. Tr. 27. He noted that at one time, Employee told him he had lost his wallet and asked Senn for $30 stating that he would pay him back. Senn cited that he never received that money back. Tr. 28. Senn recalled that this happened around June. Tr. 29. Senn testified that he asked Employee about the money and Employee said he would not pay it back. He asserted that Employee also owed someone else money. Tr. 30. Senn explained that he did not have any ill will toward Employee and that their interactions after that were "fine". Tr. 31. They also went to camp and worked together while there.

Senn testified that in April of 2024, he and Employee had an altercation. He explained that Coach Kevin had called and asked him to help with the girls' flag football team, specifically to ride on the bus. Tr. 32. Senn explained that when he arrived, Coach Kevin was distributing jerseys to the girls' team. He asked Coach Kevin if he could get a soda and chips from the teacher's lounge to which Coach Kevin agreed. Tr. 33. Senn cited that he asked a student to show/take him to the teacher's lounge. Senn said he encountered Employee and he heard Employee say "Hey Smurf, he can't go into the teacher's lounge" – referring to the student who was with Senn. Tr. 33. Senn stated that he responded to Employee and said the student was only showing him where the lounge was. He then went inside the lounge. He got items for himself and a honey bun for the student. Tr. 34. Senn explained that he found his way back to the atrium and sat down as the flag football team was getting ready. Tr. 34. Senn cited that he was eating his snack when Employee approached him and said, "I know you're alumni, you got your Coolidge stuff on, but you don't walk in the building like you own it…" Tr. 35. Senn said he replied to Employee that "nah you're talking to me like that" and that Employee turned and said, "lets step downstairs." Tr. 35. Senn said they walked to the elevator and Employee stated that people think he's a sucker, but he's not scared. Tr. 35. Senn asserted that once downstairs, he said that Employee took off his jacket and walked out the door first. Senn explained that he walked out with his hands in his pocket, with his soda in his right hand. Tr. 36. Senn said that he saw Employee pull out a knife and Employee said, "I poke niggas like you." Employee hit Senn in the face twice and then they started "tussling." Tr. 36. Senn explained that some people came and broke them up, but the knife had hit him on his forearm. Senn testified that he didn't know he was bleeding until he got back in the building. Tr. 36.

Senn testified that on the day of the incident, he entered through Door 16. Tr. 38. He said the security guard (female) opened the door and he went downstairs to the coach's football locker room. Tr. 38. Senn explained that his conversation with Coach Kevin prior to going to the lounge to get snacks took place in the atrium. Tr. 40. He reiterated that Employee was the person who told him that students weren't allowed in the teacher's lounge. Tr. 41. Senn asserted that the student

[5] Name has been abbreviated and will be referred to as "Coach H" to reflect Employee's coaching nickname for the purposes of this decision.

did not enter the teacher's lounge with him. He also explained he got a Cherry Coke which was in a plastic bottle, a bag of Cheetos and a honey bun in the lounge. Tr. 42. Senn cited that Employee has a loud deep voice, but when he spoke to him it came across aggressive which is why he responded, "who you talking to." Tr. 42. Senn said his own tone of voice in responding to Employee was with a "little smirk." Tr. 43. He cited that his tone was normal, and that he was just minding his business. Tr. 44. Senn further explained when he and Employee left the atrium, they both went to the elevator. While they were waiting for the elevator Senn cites that Employee was going "back and forth." Tr. 45. Senn believed that they were going downstairs to talk.

Senn testified that Employee did not make any threats while they were waiting for the elevator. Tr. 46. Senn reiterated that Employee went outside first. Tr. 47. Senn explained that Employee pulled out a knife and when Employee said he "pokes niggas like you" that he took that to mean stab. Senn said after that Employee punched him in the face twice and they grabbed each other. Tr. 48. Senn cited that he did not strike Employee but grabbed his shirt close to the collar and they were tussling. Tr. 48-49. Senn also testified that Employee had told him he was going to "smoke him" and that Senn felt that meant Employee was going to kill him. Tr. 49. [Agency Exhibit 1 -VIDEO - was played.]

While reviewing the video, Senn identified Employee and stated at the 15:47:22 mark that he saw Employee with a knife in his hand. Tr. 53. Senn noted that the video showed his hand was still in his pocket. Tr. 54. Senn identified at the 15:47:24 mark that Employee hit him twice in the face and that with his other hand he was holding the knife and poked him in the arm. Tr. 54-55. Senn also identified at the 15:47:27 mark that his soda bottle fell to the ground and that Employee's hands were at his collar and that Senn had one hand on Employee's hoodie and one on his side. Tr. 55. Senn did not recognize the woman who appeared at Door 16 at the 15:47:43 mark. Tr. 57. Senn also testified that Employee was calling him a bitch and was saying that he hoped Senn's mother died. Tr. 58. At that time, the people who broke them up had pushed Senn back into the school. Tr. 58. Senn testified that when he went inside, he got on the elevator with Marcus Nesbitt, and that Malcom Hillard was already in the elevator when it opened. Tr. 59-60.

Senn noted that in the elevator, one of the other people there told him that he was bleeding. Tr. 60. Senn said he looked down and he saw blood dripping from his left hand. Tr. 60. He said that he went down to the trainer's office to get help with the bleeding. He said the trainer, (who he thought was named Jay) had him remove his hoodie and he noticed that his white thermal was bloody. Tr. 61. He identified Agency's Exhibit 2 as a picture from his left hand that was taken at an urgent care. Tr. 63. He identified a cut near one of his fingernails, one by the knuckle and one on the side. Tr. 63. Senn identified Agency's Exhibit 3 as a picture of a puncture on his forearm near his elbow. Tr. 65. He also noted that this picture was taken at an urgent care. Tr. 65. Senn identified Agency's Exhibit 4 as a picture of the left sleeve of his thermal as it appeared on April 3, 2024. Tr. 66. Senn testified after the trainer wrapped him up, he went to Ballou to watch the flag football game. Tr. 69. Senn cited that he did return to Coolidge to get the thermal that Jay cut. Tr. 69. Senn explained that Jay had put it in a bag and put it in the hazard trash. The trainer Jay was still there when he got back and after he left school, he went to the urgent care. Tr. 70.

Senn explained that his wound was stitched using "glue" at the urgent care facility. Tr. 70. Following the incident, Senn explained that he talked to Ms. Bright, the school principal, the same

day of the altercation and that she asked him if he saw a knife, and he told her "Yes." Tr. 71. He also told Ms. Bright he went to urgent care. Tr. 72. Senn cited that he had returned to Coolidge after the incident and saw Employee but there was no interaction or conversation. Tr. 74. Senn testified that he did not report this incident to the police because he was going to handle it himself/ "dog him" to which he explained that meant that "I was just going to beat the shit out of him." Tr. 75. Senn said he did not do that, but Employee has had people contact him to have a conversation. Tr. 75. Senn explained that a neighbor who knows Employee said Employee wanted to talk to him about testifying. Tr. 77.

On cross examination, Senn reiterated that he was a running back coach and that when he came to the school, he came through the tunnel. Tr. 80. Senn cited that he would go through the tunnel if it were open, but if not, he would go to Door 16. Tr. 80. He said the security guard would open Door 16 for him. Tr. 80. Senn testified that he had a background check which revealed a misdemeanor charge. Tr. 82. Senn testified that he was not cleared by the athletic associations for background check. Tr. 83. Senn testified that on April 3, 2024, Coach Kevin had asked him to help with the girls' flag football team and that he was to ride with them on the bus to Ballou High School. Tr. 84. Senn noted that on that day, he entered through Door 16 and that a security guard had let him in. Tr. 87. Senn explained that he thought this occurred around 3pm prior to dismissal. Tr. 88. He said he went straight to the football area/coaches' lounge and was in Coach Kevin's office. Tr. 89.

Senn testified that when he and Employee were outside of Door 16, that he had his left hand in his pocket and his soda bottle in his right hand. Tr. 90. Senn affirmed that he purchased the soda in the teacher's lounge, and he saw Employee when he got there. Tr. 93. He also cited that a student was with him because he did not know where the teachers' lounge was located. Tr. 93. He said he heard Employee say, "don't let them go in the teachers' lounge Smurf." T. 93. Senn affirmed that he did not allow any students to be in the teachers' lounge. Tr. 94. Senn also noted that he gave the honey bun to the student and walked by himself back to the atrium. Tr. 95. Senn explained that Employee walked over to him in the atrium and said to him that he "can't walk around the building like your own it." Tr. 96. Senn again stated that he didn't let anyone in the teachers' lounge. Senn denied that Employee told him that he [Employee] would be reprimanded for students in the lounge because the teachers' lounge was his duty post. Tr. 97. Senn affirmed that Employee never told him anything about his job being in jeopardy for students in the teachers' lounge. Tr. 99. Senn explained that he was sitting in a highchair in the atrium when Employee approached him. Tr. 100. Senn testified that he did not get up until Employee said, "let's step downstairs." Tr. 101. Senn further testified that he did not threaten Employee until after the altercation was broken up. Tr. 101.

Senn confirmed that he followed Employee outside. Tr. 102. He testified that Employee never told him not to follow him and if he did, he would have left. Tr. 102. Senn denied ever telling Employee that he was going to "blow him" as in shoot him. Tr. 103. Senn testified that Employee told him that he would "smoke him." Tr. 104. Senn cited that he did not say anything to Employee and once downstairs, Employee took off his jacket and said "yall niggas going to stop playing with me." Tr. 104. Senn said that he still thought that it would be a conversation and not an altercation. Tr. 105. Senn affirmed that he was not threatening or baiting Employee. Tr. 106. Senn affirmed that Employee pulled out a knife and cut him with it. Tr. 106. Senn demonstrated how Employee

cut him while saying "I poke niggas like you." Tr. 107. He affirmed grabbing Employee by the collar. Tr. 108. Senn cited that they both called each other bitches. Tr. 108. Senn cited that the medical documentation showed he got stitches. Tr. 109. Senn testified that he was not sure how he got the cut on his ring finger. T. 112. Senn affirmed that he went to the trainer's office, and he cut off his thermal sleeve because it was bloody. Tr. 113. Senn explained that he did not know the location where he had been stabbed. Tr. 113. Senn noted that he was in the trainer's office for about 15 minutes and the trainer cleaned and wrapped up his arm. Tr. 114. Senn affirmed that afterward he went to the football game.

Senn also affirmed that he rode the bus back to Coolidge. Tr. 116. He also noted that Coach Kevin was also on the bus. Tr. 117. Once he arrived at Coolidge, Senn explained that he went and retrieved his thermal from the hazard bin and then went to an urgent care located in Capitol Hill. Tr. 117. Senn affirmed that he spoke to Principal Bright over the phone after the game, and that she was on the phone with Coach Kevin. Tr. 118. Senn did not meet with Principal Bright in person. He cited that Principal Bright asked him what happened, and he told her. He did not provide her with a written statement. Tr. 119. Senn also affirmed that he did not contact MPD. Tr. 119. Senn affirmed that his neighbor said that "they want me to holler at you about testifying…. [Employee] wanted me to talk to you about, he wanted to see where your head, wanted me to see where you head was at about testifying." Tr. 121. Senn explained that he didn't know what his neighbor was referring to, as this was before he knew anything about the hearing. Tr. 121. On redirect, Senn explained that he did not have a cut on his finger prior to the altercation with Employee.

Anthony Johns ("Johns") Tr. Vol. 1. Pp 128 – 146

Johns testified that he is a security officer with Security Assurance Management. Tr. 129. He affirmed that he was previously assigned to Coolidge high school where his duties included weapons screening and patrol. Tr. 129. Johns testified that he witnessed an altercation on April 3, 2024, between Employee and Senn. Tr. 130. He cited that Employee was an employee and that it was his first time seeing Senn, so he was not sure if he was an employee at Coolidge. Tr. 131. Johns explained that he first saw them by the elevator where it appeared they were having a heated discussion or argument. Tr. 131. Johns said he heard Employee say, "fuck it lets go outside." Tr. 131. Johns said that the two men then walked outside toward the parking lot. He saw Employee strike Senn in the face. Johns testified that he called for other officers to let them know that there was a physical altercation and he walked out to break up the fight. Tr. 132. Johns said that the other man struck Employee by hitting him and grabbing his collar. Tr. 133. Johns could not recall seeing anything in Employee's hand. Johns cited that he did not recall if Senn said anything to Employee while they were by the elevator, nor did he see Senn make any threatening motions toward Employee. Tr. 133. Johns affirmed that he saw Senn walking behind Employee and that it seemed like it was a mutual agreement to walk outside. Tr. 133-134.

Johns further testified that both men were holding each other when he went outside to break up the fight. Johns did not recall what hand Senn struck Employee with. Tr. 137. Johns cited that he got in between them and separated them. Johns did not remember what they were saying to each other. Tr. 139. He also stated that one of his coworkers came and he told them the men were in an altercation. He also noted that a teacher or staff member escorted Senn away. Johns noted

that Employee was being calmed down, as he was still amped up. Johns noted that Employee was still trying to get at the other individual. Tr. 139. Johns testified that he had to do a report on what he witnessed. He identified Agency's Exhibit 6 as the report he completed regarding the incident. Tr. 140. Johns testified that he made a notification to MPD and spoke to someone on the phone but did not fill out any paperwork or report with MPD. Tr. 142.

On cross examination, Johns noted that volunteers are not allowed to enter through Door 16. Tr. 143. He did not know if Senn went through metal detectors on the day of the incident. Tr. 143. Johns affirmed that his statement did not mention Employee had a knife.Tr.144. Johns testified that he was asked to modify his statement to say that Employee had a knife, but he did not because he did not see it. He said the person who asked him to change it was Sgt. Milton. Tr. 145. On redirect, Johns testified that he had not seen the video of the incident. Tr. 146.

Jonfre Mann ("Mann") Tr. Vol. 1. Pp 152 – 168

Mann testified that he is employed by DCPS as an athletic trainer at Coolidge High School and has held that position since September 2021. Tr. 153. Mann affirmed that he was familiar with Employee because he was a football coach and behavior tech. Tr. 153. He also affirmed he knew Senn, who was an assistant to the football program. Tr. 154. Mann explained that in April 2024, he learned of an altercation between Employee and Senn. He cited that when Senn came to his office, Senn stated that Employee had stabbed him. Tr. 154. Mann said Senn seemed to be in a "state of amazement" that he was stabbed. Tr. 155. Mann observed that "about half of [Senn] sleeve/foreman was bloody. Tr. 155. Mann testified that he observed the wound, cleaned off the blood and looked to make sure there were no other puncture wounds. Tr. 155. Mann testified that he had to cut Senn's shirt and applied gauze and wrapped his arm. Initially, Mann discarded the shirt but noted that Senn later came back to get the shirt, so he put it in a small bag. Tr. 156. Mann identified Agency Exhibit 2 as Senn's hand where the wound was. Tr. 157. He also identified Agency Exhibit 3 where there was another wound and affirmed that both were an accurate representation of what he observed on April 3, 2024. Tr. 157. Mann identified Agency Exhibit 4 as the sleeve he cut, he noted the color of the shirt was white, and the red was the blood from Senn's forearm. Tr. 157. Mann said Senn asked him if he needed to go to the emergency room and that he told him in his professional opinion at that time that he did not since he wasn't woozy or dizzy. Tr. 158. Mann said he did advise Senn to go get checked out if he felt lightheaded or malaise. Tr. 158.

Mann testified that Principal Bright contacted him about the incident and that he also had a conversation with Coach Kevin Nesbitt. He also cited that he spoke to his athletic director about the incident. Mann affirmed that he prepared a statement and identified Agency's Exhibit 5 as his statement he gave to Principal Bright about his involvement. He also noted that this was sent via email. Tr. 160. Mann affirmed that he had general interactions with Employee throughout the year, most through the football program. Tr. 161. He also had general actions with Senn and did not know of any conflict or tension between Employee and Senn. Tr. 161.

On cross-examination, Mann affirmed that he has medical certification and that he treated Senn's wounds. Tr. 163. He affirmed that it was his medical opinion that Senn did not need to go to the emergency room and that if he saw serious injuries he would have advised him to seek

further treatment. Tr. 164. Mann did not think Senn needed stitches but did not know if he did anything after he treated him. Tr. 164. Mann described the wrap and gauze he did for Senn. Tr. 165. Mann noted that he thought Senn had been wounded when he cut his sleeve. Tr. 166. Mann could not recall what time Senn came back to retrieve his sleeve. Tr. 166. Mann said he did not preserve it but put it in a plastic biohazard bag. Tr. 167. Mann identified Agency's Exhibit 4 as the condition of the sleeve when he came into your office. Mann said Senn did not take pictures while he was with him. Tr. 167. Mann testified that there was a "good amount" of blood on the sleeve but did not know the exact volume. Mann further testified that the blood would not expand if someone added water to the sleeve, but the clothing might look wet. Tr. 168.

Semanthe Bright ("Bright") Tr. Vol.1. Pp 171 – 232

Bright testified that she is the Principal at Coolidge High School and has been in that position for seven (7) years and has been with DCPS for 16 years. Tr. 172-173. Bright affirmed that she knows Employee, as he was previously employed at Coolidge as a behavior technician. Tr. 174. She explained that his job duties included managing hallways, ensuring students are always in supervision, attending classes and also providing support to students as needed. Tr. 174. Bright confirmed that she hired Employee Tr. 175. Bright testified that there were several altercations involving Employee and that the altercation on April 3, 2024, resulted in his termination. Tr. 175. Bright explained that on the evening of April 3, 2024, she received a call that Employee was in an altercation with another adult named Dion Senn, also known as Coach Smurf. Tr. 176. Bright noted that Senn was a volunteer football coach and that she selected him following interviews with the coaches and athletic director. Bright noted that coaches have access to the building by coming into the parking lot door where a security verifies, they are school staff. If they come in the front door, then they will go through weapons abatement. Bright recalled that Senn started in either late July or August of the school year. Tr. 177. Bright did not receive any reports of Senn having conflicts with staff and she did not have concerns about him as a volunteer. Tr. 178.

Bright testified that when she first learned about the altercation, she contacted Employee and asked him what happened. Following her conversation, she made a report for their Incident Reporting Tool ("IRT")- and viewed the camera footage to see the incident. She said she saw other staff members in the video, so she asked them for reports of what transpired. Tr. 178. Bright also spoke to Senn and said he told her Employee had stabbed him, that Mann had helped stop the bleeding and that he was also going to go to urgent care. Tr. 179. Bright identified Agency's Exhibit 7 as the IRT she filled out regarding the incident. Tr. 181. Bright noted the different parts of the IRT report. Bright affirmed that she completed the narrative in the report and based it upon the information she received from Employee, Mann and Senn. Tr. 185. Bright further noted that the part in the narrative about Employee wielding a knife was based on her own observation of the video footage. Bright identified what and who she saw in her review of the video. She noted she also saw Mr. Alvarado, Mr. Senn, Ms. Harper, Dr. Brown and Ms. Johnson in video. She noted that Alvarado is an instructional aide at the school. Tr. 187.

Bright testified that she talked to Employee and that he told her he was trying to remove Coach Smurf from the second-floor vending machine area. Tr. 187-188. Bright explained there had been issues with students using the vending machines in the teachers' lounge. Bright said

Employee told her that Senn/Smurf had threatened him and that they got into an altercation. Bright said she told Employee (because he was out the following day) that when he returned, he would have to write a statement and that she moved to her next step of reviewing the video and doing the IRT report. Tr. 189. She explained that after that, it became an investigation which was handled by the DCPS school security and Labor, Management and Employee Relations (LMER). Tr. 189. Bright testified that in reviewing the video, she was concerned that Employee used a weapon and that it was still school time. She also thought it was irrational and erratic behavior from Employee and that she was concerned for the safety of students and others. Tr. 189-190. Bright further testified that after viewing the video, she determined she should "immediately request adverse action based on seeing the pocketknife that was used in the attack." Tr. 190. Bright said there were other incidents that had previously occurred and that Employee had just come off a suspension, so this time she requested termination. Tr. 191.

On cross-examination, Bright testified that the previous altercations were not listed in the instant action, but each had their own notice. Tr. 192. Bright indicated that there were at least two adverse actions against Employee prior to this one. She explained that one was when a student said Employee assaulted him, and another was profanity/abusive language toward a student. Tr. 192. She further noted that regarding the assault, the student alleged that Employee hit/punched him in the face. Tr. 193. The profanity was when a student said Employee used profanity toward him and knocked his phone out of his hand and broke it. Tr. 194-195. Bright identified Employee's Exhibit 3 as the notice of adverse action for the April 3, 2024, incident. That notice referred to a five-day suspension for unnecessary use of force with a student that occurred on February 7, 2024. Tr. 197. Bright also described another incident that occurred on November 29, 2023, where a student alleged that Employee assaulted him. Tr. 202-204.

Bright affirmed that she approved Mr. Senn as a volunteer football coach. Tr. 211. Bright cited that Senn completed multi-day volunteer forms. Tr. 212. Bright reiterated that if someone came in through the main door of the school, they must go through weapons abatement. Tr. 213. She reiterated that there was a security guard at the parking lot door, but not a weapons abatement machine and the security guard allowed visitors to enter. Tr. 214. Bright cited that most people who are familiar with the school will enter through Door 16 and not all those who enter have a fob for that door. Tr. 314. Bright testified that she did not call Coach Smurf but did speak to him and he told her that he was stabbed. Tr. 216. She affirmed that she saw Employee stab Senn when she viewed the video of the incident. Tr. 217. [VIDEO WAS PLAYED]. Bright viewed the video and pointed to where she saw Employee lunging and jabbing. Bright identified the time stamp of 15.47.21 where she saw the weapon and in 15.47.23 when she saw it in Employee's hand. She identified Employee hitting Senn at timestamp 15.47.25 and at 15.47.26 she saw Employee jab Senn. Tr. 22-223. Bright testified that on the day of the incident, Officer Johns was over Door 16, but she does not know if he let Senn in that day. Tr. 226. Bright did not review any second-floor camera footage. Tr. 226. On redirect, Bright testified that when Employee was initially talking to her about the incident, he did not say that Senn threatened him. Tr. 232.

Yvette Towe ("Towe") Tr. Vol 1. Pp. 234-279

Towe is the Deputy Chief of Labor Management and Employee Relations. Her duties include employee discipline, EEO, ADA and other employee relations. Tr. 245. Towe affirmed

that she evaluated an adverse action for Employee for an incident that occurred in April 2024. Tr. 236. Towe explained that her usual process for adverse action usually begins when a school administrator requests an action. Towe further noted that it's then evaluated by specialists who determine if there is enough information for an adverse action. Tr. 236. If more information is needed, the school administrator who submitted the request is contacted to provide further information. Tr. 237. Following this, the adverse action proceeds, and the employee and union are contacted and provided the option to submit a written statement or set up an interview. Tr. 237. Following this, the action goes to the Office of the general counsel to determine legal sufficiency. Tr. 237. After determination for legal sufficiency, it is sent to over for a determination of what the level of discipline should be. This recommendation is then evaluated with Douglas factors to make a final determination of discipline. Tr. 237. Towe further explained that after this is all approved, it is sent to the employee based on the respective CBA ("Collective Bargaining Agreement") requirements. Tr. 238.

Towe testified that for the current adverse action, witness statements were received, a request for adverse action, a copy of the incident reporting tool and a statement of what was going on. There were also pictures from the victim and video evidence. Tr. 238. Towe also explained that when there is an adverse action, an employee could be placed on administrative leave while the adverse action is pending. Tr. 239. Towe identified Agency's Exhibit 8 that placed Employee on administrative leave. Towe also identified Agency's Exhibit 9 as the disciplinary action recommendation form that also includes the *Douglas* factor rationale. Tr. 242. In review of Exhibit 9, Towe noted that in assessing the *Douglas* factor "seriousness of offense," because it was an altercation that involved a weapon it affects the safety of Agency's operations and she considered that to be "highly aggravating". Tr. 244. Towe also testified that it was determined that Employee had not exercise good judgement or trustworthiness. Tr. 245. Towe also explained that Employee had not been with Agency long, so that was considered to be mitigating. Tr. 246. Towe also noted that there was an erosion of supervisory confidence and that the penalty of termination was similar to other cases. Tr. 247. Towe further explained the other factors and considerations, citing that they considered the potential for rehabilitation, but Employee had stabbed another person, so it was considered aggravating. Tr. 248-250. Towe cited that there were no mitigating factors, so that was neutral and that they felt a lesser sanction would not be appropriate in this matter. Tr. 250. Towe identified Agency's Exhibit 10 as the notice of termination to Employee. Tr. 251. She explained that his notice is required to notify an employee of the decision and outcome of the investigation pursuant to the CBA. Tr. 252.

On cross-examination, Towe cited that it was her understanding that Senn was a volunteer and that she did not know how he entered the school premises that day. Tr. 255-256. Towe testified that she did not know what the verbal altercation was about, but that they ultimately took it outside, which was captured on video, and a knife was pulled, and another person was injured. Tr. 257. Towe did not know what the security protocols were for volunteers, nor was she aware of whether Senn was cleared by DCPS. Tr. 258. Towe testified that she did not personally conduct an investigation in this case. Tr. 259. Towe identified her signature on Employee's Exhibit 10. Tr. 261-262. Towe iterated that an investigation was conducted through the adverse action process. Tr. 262-263. Towe explained that witness statements were collected by the principal and were sent as part of the adverse action request. Tr. 264. Towe did not recall the witness statements. Tr. 265. She cited that the incident would have been reported through the Incident Reporting Tool ("IRT").

Tr. 265. Towe did not remember if the IRT said Employee stabbed someone. Tr. 266. Towe did not know who took the photos that were provided as part of the adverse action request. Tr. 267.

Towe testified that in assessing the *Douglas* factors, she evaluated whether pulling a knife was exercising good judgement. Tr. 268. Towe said in her view of the video, it looked like Employee had a switchblade. Tr. 268. She also noted that Employee elected to step outside to have a fight. Tr. 269. She noted that Employee said that in the statement he submitted. Tr. 269. She also evaluated his previous suspension. Tr. 270. Towe also noted that there are requirements for notice for suspension pursuant to the collective bargaining agreement with Employee's union – AFSME. Tr. 271. Towe reiterated that she did not know what the verbal altercation involved, but that one followed the other outside and they had a fight with a knife involved. Tr. 274. Towe reiterated that she did not personally investigate the matter, but she reviewed all the materials to make sure the process was followed. She then reviewed everything as a whole and went through the *Douglas* factors to make sure all is compliant. Tr. 274-275. Towe affirmed that based on the video, IRT, Employee's statement, there was enough information to sustain this action against Employee. Tr. 276. Towe affirmed that she saw Senn follow Employee outside. Tr. 277. She did not recall if Senn had threatened Employee. Tr. 278. Towe reiterated that her conclusion was that Employee hit Senn with a knife. Tr. 279.

Employee's Case in Chief

Dr. Ashley Brown ("Brown") Tr. Vol. 1. Pp 289 – 313

Brown testified that she works at Coolidge High School as a visual arts teacher. She cited that this was her third year at Coolidge. Tr. 290. Brown affirmed she knows Employee and that he used to work at Coolidge as a behavior tech. Tr. 291. She noted that he worked there for as long as she had, which was approximately two years. Tr. 292. She testified that he had a good reputation and that he was a behavior tech and a football coach. Tr. 292. She affirmed he was known as Coach H and that the kids and staff respected him. Tr. 293. Brown testified that she knew Senn as Coach Smurf. Tr. 293. She said he was an alumni volunteer, and she did not know him personally or know about his reputation. Tr. 294.

Brown affirmed that she knew of the April 3, 2024, incident which she said happened outside of Door 16, staff parking lot. Tr. 294. She said the door was secured and fobs were needed. She noted that volunteers weren't allowed to come through that door. Tr. 295. Brown said that on the day of the incident, she was coming back from lunch and was in a car with her coworker Ms. Harper when they heard noise and saw Employee and Senn. Tr. 295. She said she was confused because she thought it was a student in a lettermen jacket and wondered "if they were playing". Tr. 295-296. She realized it was two adults who weren't playing, and they went to intervene and separate them. Tr. 296. Brown did not see Employee with a knife. Tr. 296. She said as they approached, they were both grabbing each other, and she didn't see any blood on either person. Tr. 296. She noted that another teacher, Ms. Mulangamphuma, was the first teacher there and saw everything. Tr. 297. She cited that after they were separated, she heard Smurf call Employee a "bitch ass nigger" and was still provoking him. Tr. 297. Brown reiterated that she saw no blood. Tr. 298. Brown did not recall exactly what was said between the two but noted there was a lot of cursing. Tr. 299.

Brown identified Employee's Exhibit 5 as her statement that she submitted to Principal Bright. Tr. 299. Brown did not recall what Employee said to Senn as they were intervening, citing that it happened a year ago. Tr. 302. She cited that Smurf would not let Employee go when Employee was asking him to do so. Tr. 304. Brown did not see Employee thrust or make thrusting movements toward Senn. Tr. 205. Brown cited that she saw both men grabbing their jackets (around their collars). Tr. 305. Brown testified that she did not hear Employee say to Smurf that he was going to kill him, that he was going to smoke him, or that he hoped his mother died. Tr. 306. Brown cited that she was contacted by Dean Alston about the incident and affirmed he was a union representative. Tr. 307. She recalled other coworkers who were asked to give statements. Tr. 308. She said none of them were contacted about the investigation. Tr. 308. Brown also testified that she has seen Senn on campus since the incident, at a football game. Tr. 308. Brown noted she was surprised to hear that Employee was terminated. Tr. 308.

On cross-examination, Brown reiterated that Employee and Senn were grabbing each other by the collars of their jackets. Tr. 309. Brown did not see what happened prior to that. Tr. 310. She affirmed that she did not see either man hitting one another. Tr. 310. Brown could not recall if Employee was also cursing. Brown cited Senn's actions were escalating the incident since he called Employe a "bitch ass nigger." Tr. 312. Brown does not recall what Employee was doing at this time, citing she was focused on Senn. Tr. 313.

Paulina Harper ("Harper") Tr. Vol. 1. Pp. 316 – 339

Harper testified that she works at Coolidge High School as a general education teacher, where she teaches English. Tr. 317. She cited that she has worked at Cooledge High School for approximately three (3) years. Harper affirmed that she knows Employee, but that she knows him as "H." Tr. 317. Harper noted that Coach H was a behavioral tech and football coach. Tr. 318. She cited that from what she observed, Employee's reputation was "very thorough, very professional." Tr. 318. She also noted that Employee had a good rapport with a lot of the students and some of their family members. Tr. 319. Harper did not know Dion Senn by his given name but did note that she heard of a person called "Smurf." Tr. 319. Harper stated she did not know Senn. Harper explained that Door 16 is at the back of the school and that's where they park so many go through Door 16. Tr. 320. Harper said if volunteers have a fob they can get in or if a staff member lets them in. She cited that most volunteers come through Door 16, especially after school. Tr. 321. Harper was not sure about the policy of the security around Door 16. Tr. 322.

Harper testified that on the day of the incident, she was returning to campus from getting food with her coworker, Dr. Brown. Tr. 323. Harper said she initially thought students were fighting. When she got out the car, she realized it was Employee and Senn engaged in "grabbing at each other like this." Harper demonstrated clinching fist and holding each other. Tr. 325. Harper did not make contact with either of them. She did not see any weapons or a knife on Employee Tr. 325. She did not recall Senn grabbing his arm. Tr. 326. She identified Employee's Exhibit 11 as her statement provided to Principal Bright. Tr. 326. Harper did not recall typing the statement, although she identified her electronic signature. She cited that she emailed Principal Bright directly. Tr. 328. She said someone contacted her who was representing Employee, and this was the information she provided. Tr. 328. It was determined that Exhibit 11 was prepared by Attorney

Ford's office. Tr. 330. Harper did not know if the statement she submitted to Principal Bright was provided to LMER. TR. 332. She testified that LMER did not contact her about her statement and that Principal Bright told her she had received her statement. Tr. 332. Harper further testified that she did not see a teacher named Ms. M. outside but thought she may have been inside when the incident initially happened. Tr. 333. Harper did not know whether Ms. M statement was sent to DCPS or LMER. Tr. 334. Harper explained that she provided her statement within one or two days of the incident and reiterated that she sent it by email. Tr. 335.

On cross-examination, Harper reiterated that when she first saw Employee and Senn, they were at a standstill and were grabbing each other by their collars. Tr. 336. Harper testified that she didn't see any blood outside, but that when she went inside, she saw "very small drops of blood." Tr. 337. Harper remembered seeing the blood in the hallway approximately 20 feet away from Door 16 toward the elevator. Tr. 337. On redirect, Harper stated that she did not see Senn get on the elevator. She didn't remember where Senn went, citing that everything happened so quickly. Tr. 339.

Jorge Salazar ("Salazar") Tr. Vol. 2. Pp. 8 – 85

Salazar testified that he is the acting director of LMER. Tr. 8. Prior to this role, he served as manager from March 2020 until the time he became the acting director. Salazar affirmed that he signed Employee's Exhibit 10. Tr. 10-11. Salazar also affirmed that he verified that "the response to interrogatory number 21 was truthful" to the best of his knowledge. Tr. 11. Salazar affirmed that he answered that he believed that all collective bargaining procedures were followed in the administration of Employee's disciplinary matter. Tr. 11. Salazar also affirmed that he is familiar with and identified Employee's Exhibit 12 as the CBA between Employee's union and DCPS. Tr. 13. Salazar testified that he was familiar with Employee's case and reviewed the underlying record regarding his termination. Tr. 14-15. Salazar cited that he reviewed the adverse action itself, the document submitted by Principal Bright and reviewed "multiple statements from witnesses of the incident." Tr. 15. He also noted that he reviewed the video footage of the incident and images of the victim's injuries. Tr. 16. He affirmed that he reviewed video footage before the decision to terminate Employee was confirmed.

Salazar testified that based upon his knowledge as a manager at the time of Employee's termination, that the notice of adverse action did not include the video. Tr. 19. Salazar explained that given the sensitive nature of students being recorded, videos are not provided. Tr. 20. Salazar testified that on May 10, [2024][6], Employee was "provided the materials that the discipline was relied upon…and at that time, the security video footage was identified as also being relied upon, and that he could submit a request for us and we would arrange a date and time to allow him to view the video." Tr. 20. Salazar affirmed that Employee was not sent a copy of the video at that time. Salazar further explained that Employee reached out to LMER, but he could not recall if Employee requested access to the video. Tr. 21. Salazar did affirm that Employee submitted an email on June 3, 2024, to LMER asking for a copy of all of the discovery materials that the school had used. Salazar cited that on June 4, [2024], they responded to Employee noting that they were unsure of what he was requesting and asked him to be more specific. Tr 21. Salazar said he made

[6] During testimony, both the representative and witness referred to just the dates. The AJ noted that dates should be referenced to include the year given.

this request after all the notice materials were already provided and after he was told on May 10, 2024, that he could arrange a time to view the video. Tr. 22.

Salazar affirmed that the email was sent by LMER on May 10, [2024]. Tr. 22. Salzar cited that the email was sent to Employee's k-12.dc.gov email address. Tr. 22. Salazar was not sure when Employee's work email was disabled. Tr. 23. Salazar affirmed again that Employee sent an email on June 3, 204 and that he responded the next day. Tr. 25. Salazar noted that he sent an email on May 10, 2024.[7] Salazar affirmed that Employee's Exhibit 14 was the email he referred to receiving on June 3, 2024. Tr. 66. Salazar testified that he did not hear back from Employee and that to his knowledge, LMER did not send another email after this. Tr. 68. Salazar explained that his emails were from his personal email inbox and the LMER email inbox. Tr. 69. Salazar did not think there would be any other email he would have communicated from and could not speak for the rest of his team member. Tr. 69. Salazar asserted that he was the primary person on his team who was assigned to correspond with Employee. Tr. 69. Salazar testified that he recognized Employee's Exhibit 15 as the email exchange he had with Employee on May 10, 2024. Tr. 71. Salazar went on to affirm time stamps reflected in the emails. Tr. 72-74. Salazar affirmed that the email in Employee's Exhibit 15 was the email he was referring to when he said Employee could see the security footage. Tr. 75. Salazar testified that he did not believe this was forwarded to Employee's Gmail email account as Employee had requested. Tr. 75.

On cross-examination, Salazar identified Agency's Exhibit 11 as an email that was sent to Employee from the LMER inbox that provided the materials that were relied upon in issuing him his termination and also share that he would be given access to view the video upon request. Tr. 78. He affirmed that it was a true and accurate copy of what was sent on May 10, 2024. In review of the email thread from May 10, 2024, Salazar affirmed that Employee sent an email at 9:21am and that it came from Employee's DCPS email address. Salazar also affirmed that the exhibit reflected that LMER responded at 10:01:45 to Employee's email. Salazar further confirmed that on May 10, 2024, in this thread, an email was received from Employee at 10:02am and that it came from his DCPS email address. Tr. 82-83. Salazar also cited that on May 10, 2024, at 2:28:50pm, DCPS responded with the materials relied upon to Employee's DCPS email address. Tr 83. Upon review, Salazar testified that Employee's effective date of termination was May 20, 2024. Tr. 84.

On redirect, Salazar cited that he did not know when Employee was "locked out of his email." Tr. 85. Salazar explained that he was unaware of a specific policy citing that DCPS cannot block employees out of their email until after the effective date of their termination. Tr. 85.

Employee Tr. Vol. 2. Pp. 87- 224

Employee testified that he previously worked for DCPS but currently works for KIPP. He began working at KIPP in September 2024. Prior to this, he worked at Coolidge High School for DCPS as a Behavior Tech. Tr. 88-89. He cited that he worked there from 2021 to 2024. He further testified that his responsibilities while at Coolidge included student safety. He was also a football coach and did mediations with the administrations. Tr .91. He cited that the school day begins at 8:30am and ends at 3:30pm. Employee cited that he received TACT2 training – training

[7] Testimony was paused to address discovery/exhibits related to witness testimony.

and security protocol. Tr. 92-93. He also noted that he received training about protocols, namely that all non- staff must enter through the Fifth Street entrance and go through security and weapons abatement. Tr. 94. He explained that any volunteers would have to be cleared with a DCPS badge or have a volunteer badge to access inner doors and if not, the head coach would have to come to get them onto the premises. Tr. 94. He noted that most coaches come through the football field or the tunnel if they are coming for afternoon practices. Tr. 95. Employee also noted that Door 16 did not allow entry for non-employees due to previous threats and safety concerns. Tr. 95. Employee stated that only staff were allowed to use Door 16. Tr. 96.

Employee testified that he received performance evaluations while working at DCPS. He believed that the highest score was a 4 and the lowest was like a 2 or a 1.5. He cited that he was evaluated by the vice principals and the dean of students (Robert Austin). He said he was evaluated on performance and action with students, accountability etc. Tr. 97. Employee cited that he believed his highest performance evaluation score was a 3.8, which was signed by Principal Bright. Tr. 98. He also noted that his lowest score was a 3.8, in that he received a score of 3.8 for all three (3) years of performance evaluations. Employee affirmed that prior to the instant action, he had received a five-day suspension for "verbal unnecessary force with a student." He recalled that this incident occurred in November 2023. Tr. 98-99. Employee explained the incident regarding the mishandling of the student. He was called to a classroom to assist a teacher with a student who was cursing. Employee asserted that he followed the TACT2 training in the handling of the student. T. 100-106. He removed the student, but over the course of the interaction, the student became more "belligerent, sulking, whine.etc." Tr. 110. He said he was still waiting for assistance with the student, when the student reached for his pockets and he told the student to stay still, but the student still went for a phone. He took the phone and told the student to stay still. He cited that MPD was called, but that there were no charges pressed. Tr. 112-113. Employee explained that there are police officers – school resource officer ("SRO")- assigned to the schools. Employee explained that he learned of the discipline upon Principal Bright's return from leave. Tr. 119-120.

Employee testified that he knew Senn as a volunteer coach. Tr. 122. He cited that he didn't have a specific role but was someone Coach Kevin had as a volunteer. Tr. 123. He cited that Coach Kevin is the head coach for varsity boys' football at Coolidge. Employee asserted that Senn was not cleared to be a DCPS volunteer. Tr. 123. He also noted that Senn did not have credentials to come on campus or into the building. Tr. 125. Employee affirmed that he saw Senn on April 3, 2024. He thought it was around 2pm or so in the evening and school was still in session. Tr. 126. Employee explained that he was on his duty post on the second floor when he first saw Senn. Tr. 126. He said they greeted each other and he asked him what he was doing up there. Tr. 126. Employee avers that Senn asked him to direct him to the teacher's lounge and that he told him it was down the hall. Employee testified that he saw that Senn had two players with him. Senn also told him he was coming downstairs from where he was let in from Door 16. Tr. 128. Employee said he told Senn not to let students in the teacher's lounge and that they were just reprimanded and could get in trouble. Tr. 129. Employee said Senn put his thumbs up and was like "alright I got you." Tr. 129-130.

Employee affirmed that his nickname at the school was Coach H. He asserted that it was an acronym for a youth program he started in 2015.Tr. 130. Employee explained that he saw Senn and students going into the lounge. He said he did not say anything to Senn at that time because it

was time for dismissal and he had to get to his post in front of Fifth Street. Tr. 131. Employee noted that he got to his study post around 3:07, 3:10pm and that dismissal was at 3:15pm. Employee explained that once he finished, he left his duty post and went back to the second floor to grab his belongings and leave for the weekend. Tr. 132. He said Officer Johns stopped him and asked him to give a student on the flag football team their coat. He cited that he saw Officer Johns while he was sitting at Door 16. Tr. 133. Employee further explained that the flag football team had a game and were preparing to leave and were sitting in the atrium on the first floor. Tr. 133. He saw Coach Smurf sitting at a high-top table in the atrium. Tr. 134. Employe cited that he gave the student the coat and said to Coach Smurf "when you come in the building, if you cannot follow the rules and regulations which we got to abide by, don't come in here until after 4:00, which you been doing.... Don't come in the building because you're jeopardizing my livelihood by letting kids in the teacher's lounge and you don't work here, and you're not even cleared to be in the building until after 4:00." Tr. 134.

Employee testified that Coach Smurf "jumped up on his chair and said to him I don't know who the fuck you think your bitch ass talking to… I'm not scared of you. I'm not one of these niggas and you got me fucked up." Tr. 135. Employee asserted that he had not had any prior bad interactions with Smurf and that he was not expecting that Tr. 135. Employee further explained he was shocked, and he turned to him and told him he needed to lower his tone. Tr. 135. He said he told Smurf that they could have a concertation "a whole another day, because when I was leaving, I was leaving for the weekend to celebrate my birthday." Tr. 136. Employee asserted that Senn told him they could talk now and that he said, "sure we can talk now, let's get away from the kids, let's go inside the coach's suite." Tr. 136. Employee cited that after that, Coach Cameron told him, "Let it go H" and he told him "I'm not. I'm not trying to fight, I'm letting him know, he can't do that in here." Tr. 136.

Employee testified that as they were walking away, Senn was still saying that he had him fucked up and that he would "blow your ass up…you think people scared of you…you think people scared of you." Tr. 136. Employee said blow your ass up meant Senn would shoot him or was referencing a gun. Tr.137. Employee explained that they continued to walk to the elevator and while waiting for the elevator, Senn "clutching his hand in his left pocket.". Tr 137. Employee cited that he told him "I'm not trying to keep hearing this gangster talk, I'm trying to talk to you as a man as you come into the building. Tr. 138. Employee said that Senn was wearing a letterman jacket while he had his hand in his left pocket. Tr. 138. Employee said, Senn also told him, "You better be glad I parked on the lower parking lot." Employee said he took that to mean that Senn was trying to bring him bodily harm and if he parked at the top, he might feel more comfortable doing something. Tr. 138. Employee said he was feeling threatened and attacked inside his job. Tr. 139. They did not get on the elevator, because Employee cited that they didn't really want to get on the elevator because he didn't know what Senn "was possessing" and didn't want an altercation. Tr. 140. Employee stated that he walked away from it twice. Tr. 140.

At this point, Employee explained that they were by Door 16 and Officer Johns was there. Employee testified that he walked out of the door first and that Senn was following him. Tr. 140. Employee said Senn had one hand in his pocket. Tr. 141. [Agency Exhibit 1 – Video was played]. Employee identified himself looking over his shoulder and said he was trying to see what Senn was doing with his coat and left hand in the pocket. Tr. 142. Employee explained that he didn't

know what Senn had in his pocket. He stated that Senn was saying "come on let's keep going toward my car." Tr. 143. Employee testified that they made contact. Employee cited that he had an object in his hand, which was a tool he used for operating and had on him for the last three years as a tool. Tr. 143. Employee asserted that Senn saw this tool and he said, "what are you going to do with that little ass tool." Tr. 143. Employee cited that he then "stole him" which meant he punched Senn with his left hand. Tr. 143.

Employee explained that the "tool" is a multi-kit, he said that the way he is holding it, it looks like a sharp object, but it's not. It is tool that helps them on the field to be able to quickly change the equipment as far as screws and hooks coming out of their helmets. Tr. 144. Employee affirmed that he had the tool in his hand and that he used the tool over the three years to fix players' equipment and make adjustments etc. Tr. 144. He said that it was attached to his keys and that they were in his hoodie pocket. Tr. 145. [Employee stood to demonstrate]. Employee testified that when he saw Senn coming down the steps after him that "he looked, zapped me down, like oh, what's that little shit going to do?" Tr. 147. Employee testified that he had the tool in his right and swung with his left, then proceeded to swing with his right hand. Tr. 147. Employee explained that after he swung, Senn tried to grab [Employee demonstrated grabbing collar] him. Tr. 147-148. Employee testified that the tool was still in his hand, but that he did not thrust the tool toward Senn's face or his person. Tr. 148.

Employee cited that after they had grabbed one another, he recalled Officer Johns came to separate them. Tr. 150. Employee again cited Agency's Exhibit 1 and noted at 15:48:27 about the locations of his hands and Senn's hands. He cited that his right hand was under Senn's left armpit and that his keys with the tool attached were still in his hand. Tr. 152-153. Employee explained that as they tussled, he moved his hand, because he was slipping and didn't want to fall. Tr. 154. Employee asserted that at no point did he stab Senn in his forearm. Tr. 155. He also testified that he did not stab him in the armpit or the fingers. Tr. 156. Employee explained that the Senn's bloody fingers could have ben from an object that Senn had in his pocket or maybe from the cement but iterated he did not stab Senn in his finger Tr. 156. Employee further testified that he did not know Senn had a forearm injury until after the fact and reiterated that he never thrusted a weapon toward Senn. Tr. 156-157.

Employee testified that after they were separated, Senn kept saying things like "school can't save you, I'm going to catch up with you, I'm going to blow your ass up, this ain't over etc." Tr. 157. Employee said he felt as though Senn was assaulting his character. Employee cited that Senn also said he was going to "pull up" at his house. Tr. 158. Employee said that after all of this, he remained in the same parking lot captured by the security footage. Tr. 159. He spoke with the Athletic Director, Herman Frazier, who asked Employee what happened. Tr. 159. He said he told Frazier what happened and that someone had let "Smurf in through Door 16." Tr. 159. Employee said that during this time, it had occurred to him that Senn had not gone through security protocols, which made him be on alert because of the way the conversation went in the atrium. Tr. 160.

Employee further testified that he talked to Principal Bright that same day and that her initial response was "[w]ho was the dude Smurf again and why was he in the building?" Tr. 161. Employee said he told her to talk with Coach Kevin. Employee also reiterated that Senn was not cleared by DCPS or DCIAA Tr. 164. Employee said he did not know why Smurf was there that

day. Employee said he met with Principal Bright after he came back from vacation, so it was probably the following Tuesday. Employee testified that April 3, 2024, was a Friday. Tr. 165. Employee noted that Bright showed him a letter from LMER indicating that he was on administrative leave effective that day. Tr. 165-166. Employee noted that he wrote a statement when he went to Bright's office and that she also asked Mr. Austin to come to her office. Tr. 166. Employee identified Employee's Exhibit 13 as the statement he wrote and submitted to LMER. Tr. 168. It was also sent to Robert Austin and DCPS Adverse Action. Tr. 168. Employee affirmed that Austin was present when he met with Principal Bright. Tr. 171. He asked Austin if he should reach out to the union and that Austin told him to call the union, which he did. Tr. 172. He said that the union told him they could not represent him because it was a conflict of interest. Tr. 173. Employee cited that neither Bright nor Austin told him during the conversation in Bright's office what the adverse action was. He said they told him the allegations but didn't explain what adverse action meant. Tr. 175. Employee identified Employee's Exhibit 4 as the letter he received in Bright's office. Tr. 175-176.

Employee asserted that there was no investigatory meeting where he had a union representative. He also cited that LMER did not call him for a final investigation nor did anyone from DCPS. Tr. 177. Employee testified that to his knowledge, MPD was not called on the day of the incident. He was neither questioned or charged with assault and no MPD officer ever contacted him. Tr. 180. Employee identified Exhibit 3 as the Notice of Adverse Action dated May 3, 2024. He cited that he received it via email – through his DC Public Schools email. He also received a copy via mail. Tr. 181. He said witnesses' statements were attached to the email in Exhibit 3. Tr. 182-183. He also recalled a photo and some other attachments but could not say specifically. Employee explained that he reached out to them for discovery which may have been around May 10, 2024. Tr. 184. Employee identified Employee's Exhibit 15 as an email he sent at 9:21am on May 10, 2024. Tr. 186. He cited that in that email; he requested that the discovery package be sent to his personal email. Tr. 186. He received a response and responded back right way. Tr. 187. He waited for the materials to be delivered but noted he did not receive them. Tr. 187-188.

Employee testified that he was locked out of his email right after that on May 10, 2024. He said on May 11, 2024, Coach Kevin reached out and asked him to bring his laptop, keys, work ID badge and anything else that belonged to the school. Employee asserted that this occurred on a Friday. Tr. 188. Employee testified that he did not receive a response from LMER later that day. He further testified that he emailed LMER on June 3, 2024. He cited that he did not receive LMER's June 7, 2024, response until after he acquired his representation. He also noted that he did not see the video footage until after his representative showed it to him. Tr. 191. Employee cited that he was locked out of his email on May 11, 2024. Tt. 191.

On cross examination, Employee affirmed that he was hired with DCPS in 2021. He affirmed that he was a behavior tech and that it was a full-time position at Coolidge High School. He also stated that Bright hired him and that he was rated "effective" on his IMPACT evaluations. Tr. 195. He affirmed that as a behavior tech, he supported students with various disabilities and behavioral challenges and that a part of his duties also included implementing appropriate interventions to respond to student behavior. Tr. 196. He also affirmed that he received training on how to deescalate or manage students who are exhibiting physical aggression.

When asked about his previous statement that April 3, 2024, was a Friday, Employee said that he could not recall whether April 3, 2024, was a Wednesday. Tr. 198. ***The AJ took judicial notice and noted that the calendar reflected that April 3, 2024, was a Wednesday***. Employee affirmed that when he first saw Senn, he was coming off the elevator where the teacher's lounge was and the next time, he saw him was in the atrium. Tr. 199. Employee affirmed that he told Senn that if he couldn't follow rules that he should come after 4pm. Employee cited that since he was an assistant coach, he had authority to tell Senn not to come into the building. Tr. 200. Employee affirmed that Senn made comments that he perceived as threatening. He testified that the flag football team, Coach Kevin and other staff were in the atrium. Tr. 201. Employee affirmed that he opened Door 16 to walk outside and that he walked out of the door first. Tr. 203. He cited that Senn walks with a limp but that he was following behind him with a posture "that his trying to - what he was saying he was going to do to me." Tr. 203. In review of the video footage, Employee affirmed that at timestamp 15:47:17 that he was walking out the door and that Senn was behind him. Tr. 204. He also cited to seeing Senn still at the top of the steps and that at timestamp 15:47:20, that Employee was on the sidewalk and that Senn was still at the top of the steps at that time. Tr. 204-205. He affirmed that at 15:47:22 that he took a step towards Senn and that there was an object in his right hand. He cited that it was the tool he previously described. Tr. 205.

Employee testified that the tool was a multi-purpose tool that has a screwdriver on it, a T-hook clinger, a filer and scissors. He noted that it can be accessible for any football equipment. Tr. 206. Employe further testified that he could not "tell offhand" what part of the tool he had extended because he "flung [his] keys out in a state of being pressured." He cited that he was "being threatened so [he] was mad." When asked if at timestamp 15:47:24 that Senn was standing stationary and Employee struck him with his left hand with a closed fist, Employee responded that Senn "was standing in the defensive posture and I don't know what's in his left pocket." Tr. 206-207. When asked to explain what the defensive posture was, Employee cited that Senn's hand was in his pocket, and he was making threatening remarks. Tr. 207. He iterated that what he saw at timestamp 15:47:23 was Senn in a defensive posture. Tr. 207. When asked whether he struck Senn in the face twice with his left hand, Employee responded that it was his right hand first and then his left hand. Tr. 207-208. He had the tool in his right hand. Tr. 208. Employee cited that at 15:47:24, he swung at Senn with his left hand but did not connect and that he connected with his right hand. Tr. 208.

Employee affirmed that he had the tool in his right hand. Tr. 208. Employee said he did not walk away when he went outside because Senn was walking behind him and he took that as a threat. Tr. 209. He cited that he was proceeding to walk away until he noticed Senn and that caused him to turn around. Tr. 209. When asked whether he said, "let's go outside" to Senn, Employee responded that he said, "F it, we can go outside…and that wasn't a mean to bring any harm or to have a fight." Tr. 210. Employee affirmed that he struck Senn with a closed fist first because Senn threatened him. Tr. 210. He iterated that he did not get a chance to walk to the parking lot because he was being followed. Tr. 210.

Employee asserted that he did not receive the May 10, 2024, email from LMER that arrived at 2:28pm. Tr. 211. Employee testified that when he tried to access his DCPS email, he was locked out. Employee testified that he tried to check his DCPS email again on May 11, 2024. Tr. 212. Employee also testified that he did not receive the June 7, 2024, email from LMER that went to

his Gmail account. He cited that after June 3, 2024, he did not follow up with LMER via email, as he attempted to retain a lawyer and followed up with the union since LMER was not responding. Tr. 214. Employee testified that he didn't know if he called someone at LMER or if it was the union or OEA. Tr. 214. Employee further testified that he did not check his DCPS email after 10am on May 10, 2024.

On redirect examination, Employee affirmed that he spoke to Ms. Bright after his birthday.[8] He cited that his birthday fell on a Sunday and that he was out of work that Monday, so he talked to Principal Bright that Tuesday. Tr. 220-221. Employee affirmed that the door where Officer Johns was standing during the confrontation was see-through glass. Tr.222. Employee testified that after he was told to turn in all his DCPS property, he assumed he would be able to access his emails. Employee also noted that he was never advised by Austin or Bright on how to get the materials. Tr. 222-223. Employee affirmed that his Gmail address was what he used to inquire about his case. Tr. 223. He did not recall receiving any emails from LMER to his Gmail address. Tr. 224.

Agency Rebuttal

Brian Gloor ("Gloor") Tr. Vol 3. Pp. 13 – 33

Gloor testified that he is the Director of the Employee Experience at DCPS. Tr. 13. He has been in that position for over a year and prior to that was the Manager for Employee Services. In his role as manager, Gloor oversaw clearance and fingerprinting compliance, and onboarding and offboarding of employees for DCPS. Tr. 14. As the director, his responsibilities are the same and also include strategic initiative, planning and compliance. Gloor testified that managing email access is part of the onboarding and offboarding process.

Gloor explained that in the offboarding process, when they receive a termination notice, they begin the process of providing SF50 forms, and deprovisioning email access and systems once they officially separate from Agency. Tr. 15. Gloor further cited that they typically submit a request to OCTO to deprovision email accounts "within three days of an employee's or after, employee's separation date." Tr. 15. They submit an official OCTO ticket through the OCTO helpdesk to submit this form. Tr. 15. Gloor also testified that he has a coordinator for onboarding and offboarding who submits the request to OCTO under his directives. 16. Gloor stated that he receives copies of the OCTO ticket which has a tracker and that they also memorialize their ticket requests to monitor when accounts are deprovisioned or reenrolled if needed. Tr. 16. Gloor identified Agency's Exhibit 12 as the offboarding guidelines. Tr. 17. He further cited that there were subsections in this document that described the deprovision process for emails. Tr. 19. He explained that the sections state that "access to all DCPS systems will be deprovisioned within three days of any employee's separation date, which includes access to their dc.gov email as well as their PeopleSoft access." Tr. 19.

Gloor identified Agency's Exhibit 13 as the receipt of the request for an account deprovisioning user account that was submitted on May 24, 2024. Tr. 20. He noted that the receipt

[8] Employee provided his birthday but given it is PII it will not be listed in this decision.

was sent to Charron Stoutamire who is the person who submits the tickets and receives the confirmations. Gloor also identified Agency's Exhibit 4 as the confirmation of the closure of a ticket that would have been received by the coordinator confirming the deprovisioning of accounts. He affirmed that he would have received a copy of this notice. Tr. 21-22. Gloor cited that Agency's Exhibit 14 showed a timestamp of May 28, 2024, at 10:10:49 EDT indicating that Employee's email had been deprovisioned. Tr. 22.

On cross examination, Gloor cited that Employee's separation date was May 20, 2024. He was not sure when he received the notice of termination but affirmed that the separation date was May 20, 2024. Gloor explained that once they receive a notice of termination, his office inputs information and an automatic email is sent to all employees. Tr. 26. Gloor affirmed that this would have been sent to Employee's DCPS email address. Tr. 26. He further explained that it comes from an automated service that is used for all of their communications. Gloor testified that employees can access emails from a myriad of devices. Gloor did not know the last time Employee accessed his email, citing that it would be out of the scope of what he would have access to from an IT perspective. Tr. 27. Gloor affirmed that employees are expected to turn in their equipment when they separate from DCPS. Tr. 29. Gloor testified that he cannot see when an employee logs in or out of their dashboard. Tr. 30. Gloor cited that there are some dashboards he has access to, but not all. Gloor cited that there is not a written policy that governs the method of delivery to the employee of the offboarding policy. Tr. 33.

Ravikumar Krashnasamy ("Krashnasamy") Tr. Vol. 33. Pp. 33-47

Krashnasamy testified that he is a contract senior systems engineer in DCPS IT Office of Date and Technology. He has held that position for a little over three years. His responsibilities include Microsoft 365 user accounts, emails and internet servers in the data center. Tr. 35 - 38. Krashnasamy identified Agency's Exhibit 16 as a user account for Employee. Tr. 38. He identified a highlighted portion of the last login attempted by the user. Krashnaswamy also noted that the creation date for this account was December 29, 2021, at 4:35pm. Tr. 40. He cited that the account reflects that it is currently disabled and that the last interactive sign in was March 31, 2025. He explained that an interactive sign-in is when a user tried to access the DCPS IT by typing in a name and password. Tr. 40. Krashnasamy testified that the last date someone signs on is preserved forever. Tr. 41. He testified that the last non-interactive sign in was June 13, 2024. He explained that this meant that the user did not type in his name and password but used an app to try and access the systems. Tr. 41.

Krashnasamy identified Agency's Exhibit 17 as the user account properties in directory servers in the users app. Tr. 42. He further cited that this was the properties for Employee. Tr. 42. He cited that this document had a deprovision request for offboarding for May 24, 2024. Tr. 43. He also identified Agency's Exhibit 18 as a directory service for Employee. Tr. 44. He cited that there was a modification made on May 28, 2024, at 10:10:55am. He cited that it was most likely the date that the account was disabled. He affirmed that this account was fully deprovisioned and the user cannot log in after that. Tr. 45.

On cross-examination, Krashnasamy cited that they could not identify who logged in on March 31, 2025. Tr. 45. He affirmed that on March 31, 2025, someone tried to access Employee's

DCPS email account. Krashnasamy testified that a non-interactive sign in could be from a DCPS device or a personal device. He reiterated that an interactive sign in is when the user types in his name and password. A non-interactive is when he left the email app and tried to access the server. Tr. 47. He affirmed that he could not verify who attempted to log in with a non-interactive sign in on June 13, 2024. Tr. 47.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

Summary of Agency's Position

Agency asserts that it had cause to terminate Employee from service and that it followed all appropriate laws, rules and regulations in administering the disciplinary action against Employee. Agency avers that on April 3, 2024, Employee was involved in a physical altercation with a school volunteer. Agency argues that Employee's actions reflected poor judgment and lack of self-control. Further, Agency contends that Employee's actions were "egregious and unprovoked" and were a hazard to the school community, including students and staff. Agency asserts that it appropriately terminated Employee pursuant to 5-E DCMR §1401.2 9 (s), "other failure of good behavior during and outside of duty hours that would affect adversely the employee's or the agency's ability to perform effectively."[9]

Agency cites that during the 2023-2024 school year; Employee worked at Coolidge High School ("Coolidge") as a behavior tech and also was a volunteer football coach. On April 3, 2024, Agency asserts that Employee initially became involved in a verbal exchange with another volunteer coach, Mr. Dion Senn ("Senn"). Agency maintains that this verbal exchange turned into a physical altercation between the two men. Agency argues that Senn's testimony and corroboration from the surveillance video footage of the incident, show that Employee "pulled a sharp [object] from his pocket." Agency also cites that the video footage reflects that Employee struck Senn twice in the face (with fists) while holding this object. After a security officer and other school staff separated the men, Agency asserts that Senn soon discovered that he was bleeding. Senn received treatment from the Athletic Trainer, Mr. Mann. During this time of treatment, it was determined that Senn had a laceration on his left hand and a puncture wound to his left forearm. [10]

Agency notes that Principal Bright was made aware of the incident and also viewed the surveillance video footage. Agency avers that during her testimony, Bright noted that in her view of the video, she saw Employee "holding a small pocketknife in his hand as he punched Mr. Senn."[11] Agency maintains that Bright found Employee's behavior to be concerning and irrational, particular given that this occurred during school hours. As a result, she referred the matter for investigation and discipline. Agency notes that on or around May 3, 2024, it notified Employee that he would be terminated from DCPS. Agency maintains this action was warranted given Employee's actions on April 3, 2024. Agency cites that not only did Employee become involved in a physical altercation with a school volunteer, but he also used a weapon in this altercation which "subjected DCPS and the District of Columbia to liability." Agency avers that "there was

[9] Agency's Closing Argument at Pages 1-2 (August 15, 2025).
[10] Agency's Closing Argument at Page 7.
[11] *Id*.

no credible evidence that Mr. Senn threated the Employee or represented an imminent threat to him." Agency further argues that "[Employee] has exaggerated and mispresented material facts around the incident and key events that followed."[12]

Agency further maintains that Employee's actions on the day of the incident did not reflect someone in fear of imminent harm or danger. He did not report any issues to the security officers or otherwise. Further Agency argues that Employee challenged Mr. Senn "to take it outside" in front of a security officer.[13] Agency contends that the video footage clearly shows Employee walking out of the building first, turning around and "simultaneously retrieving the weapon that he would ultimately stab Mr. Senn with." Agency avers that "Employee would have this tribunal believe that this object was some tool on a multipurpose utility tool that he used in conjunction with his volunteer football coach position…[t]hat is inconsistent with the injuries that Mr. Senn sustained."[14] Agency argues that Mr. Senn was wearing three (3) layers of clothing when he was struck, so it "strains reason and common sense to suggest that a blunt object pierced through that many layers of clothing causing the resulting wounds and profuse bleeding that is documented in AX 3, 4, and 5."[15]

Agency maintains that it followed all applicable laws rules and regulations in its administration of the instance action. Agency iterates that Employee was terminated via Notice dated May 3, 2024. Agency contends that pursuant to the DCMR, "the Notice outlined the grounds for the termination, providing the reasons and basis in sufficient detail to inform Employee of the specific reasons for the adverse action, namely that he engaged in a physical altercation at school while holding a knife."[16] Agency avers that "Employee requested and was provided with the materials relied upon in reaching discipline on May 10, 2024." Agency cites that "Employee argued he did not receive these materials because he lost access to his DCPS email account in early May 2024, even though he emailed the request from his DCPS email address on May 10, 2024."[17] Agency cites that it provided testimony from the Office of Employee Services and DCPS technology that indicated that a request to "deprovision [Employee's] account was made until May 24, 2024, and the account was not deprovisioned until May 28, 2024." Agency avers that Employee could access his DCPS email account from any device, and as such, it "complied with the requirement to provide [Employee] with the materials relied upon in reaching discipline and his testimony that he lost access to his email account as of May 11, 2024, is not credible."[18]

To this end, Agency maintains that it had cause to discipline Employee, it followed all applicable laws and regulations and that termination was the appropriate penalty given the circumstances. Accordingly, Agency asserts that its termination of Employee should be upheld.

Summary of Employee's Position

[12] *Id*. at Page 8.
[13] *Id*. at Page 11.
[14] *Id*.
[15] *Id*. at Pages 11-12
[16] *Id*. at Page 12.
[17] *Id.*
[18] *Id*. at Pages 12-13.

Employee avers that it is undisputed that he was involved in an altercation with volunteer, Dion Senn. Employee asserts that there was testimony at the Evidentiary Hearing which indicated that "Mr. Senn had not gone through security protocols when he entered the building on the day of the altercation and that he entered the building through Door 16."[19] Employee argues that "per school policy, non-employee staff, including volunteers, must go through the front Fifth street entrance and go through weapons abatement."[20] Further, Employee asserts that "credible evidence of record shows that Senn has not passed a safety clearance to work with students…" Employee contends that on April 3, 2024, "he was working his duty post on the second floor around 2pm when he first saw Senn." Employee iterates that he testified that he "asked Senn what he was doing there because coaches are not permitted to come into the building while school is in session." Employee contends that Senn asked him to let him in to the Teachers' Lounge and that he saw that Senn had student athletes with him. Employee avers that he "advised Senn that students were not allowed into the teacher's lounge." Employee also asserts that he told Senn that staff had been reprimanded for allowing students in the lounge and "emphasized that Senn must [follow] that instruction."[21] Employee contends that Senn still allowed students into the lounge.

Employee cited that after he completed his dismissal duties that day, he was asked by Officer Johns to return a jacket to a student. Employee cited that he went to the atrium to give the student the jacket where he saw Senn. Employee asserts that he told Senn that if he could not "follow the rules and regulations of Coolidge High School that he should not come inside of the building until after school hours, which is the official policy for all coaches."[22] Employee avers that he "implored Senn not to break the rules." Employee asserts he was concerned "about his own job security given the five-day suspension he'd served based on a student's claim that he used unnecessary force against him after [Employee] was paged to a classroom for the student threatening a teacher."[23] Employee maintains that Senn responded and said to him "I don't know who the f__k you think your b__h ass talking to." Employee asserts that because he was preparing to leave to celebrate his birthday weekend, that he told Senn "that they could talk another day." Employee said that Senn insisted on talking now to which Employee responded, "that the two men could go inside the coaches' suite." Employee contends that as they were walking Senn said "I'll blow your ass up which is a street colloquialism for shooting someone."[24] Employee cites he noticed Senn "clutching something in his left pocket" while they were standing in front of the elevator. Employee iterates that he knew that Senn had not gone through security protocols, so he didn't know if he was armed.

Employee asserts that as a trained mediator, he tried to "de-escalate Senn by telling him that he was trying to talk to him as a "man" without violent rhetoric." Employee avers that "Senn was not interested and continued to escalate matters."[25] Employee asserts that based on his own observations "he opted not to get on the elevator with Senn because he did not know if he was armed and Senn continued to threaten to bring him harm." As such, Employee avers that "he changed course from going to the coach's suite which was still inside of the building and instead

[19] Employee's Closing Argument at Page 1 (August 20, 2025).
[20] *Id*. at Page 2.
[21] *Id*. at Pages 2-3.
[22] *Id*. at 3.
[23] *Id*.
[24] *Id*. at Pages 3-4.
[25] *Id*. at Page 4.

said "let's take it outside.""[26] Employee maintains that he walked through Door 16 and went to the bottom of the steps and that Senn comes out on the top landing and "***descends down towards [Employee] with his left hand still inside of his pocket***." (Emphasis added in original). Employee avers that upon seeing this he "extends the tool that he keeps attached to his keys in case he has to defend himself." Employee notes that he "uses the tool to fix helmets and equipment for the football team while on the field." Employee further notes that he "swings with his left hand landing a punch on Senn's lower jaw while the tool is in his right hand." Employee cites that he then "swings with his right hand but doesn't quite land on Senn."[27] Employee contends that Senn "locks [Employee] in a hold around his neck and waist" and at some point "both men have each other in a hold and staff come [to] separate them."[28]

Employee further contends that it is "disputed who threatened who first." However, Employee avers that "it is undisputed that Senn went into the teacher's lounge with students and it is undisputed that Senn's actions were in violation of school policy."[29] Employee avers that Principal Bright "admitted that she had established a policy that teachers could not allow students in the teacher's lounge."[30] Employee also avers that Bright admitted she had not viewed any footage of the second floor "which would have captured Senn entering the teacher's lounge with the student."[31] Employe also contends that it is "undisputed that [Employee] spoke with Senn before he went into the lounge about not letting students in the lounge." Employee avers that Senn admits to this, albeit Senn said that Employee told him, "He could not walk around the school like he owned it." Employee avers Senn did not provide context for that remark. Further, Employee also asserts that it is "noteworthy that Agency did not produce evidence of the footage from the 2nd floor lounge to corroborate [Senn's] testimony that he did not let students in."[32]

Employee avers that in "weighing testimony, [Employee's] version of events is more credible given that he explained the origins of the conversation which is grounded in school policy, his concern that Senn was not cleared to be in the building in the first place and that he was in the building during school hours, which is also a violation of school policy, and that staff had been previously reprimanded for letting students in the lounge."[33] Employee also argues that "there is no testimony from any witness on the scene that [Employee] stabbed Senn." Employee also avers that Bright's testimony was "impeached regarding the "multiple" infraction she claimed [Employee] had, when in fact it was two, including the termination."[34] Employee also argues that "witnesses testified that there was no evidence of stabbing on the scene." Employee avers that witness did confirm that Senn was provoking him and yelling at him and that no witness said that he showed signs of being injured. Employee argues that what the evidence shows is "that the two men tussled after [Employee] punched Mr. Senn in response to Senn threatening him."[35]

[26] *Id*.
[27] *Id*. at Pages 4-5.
[28] *Id*. at Page 5.
[29] *Id*.
[30] *Id*.
[31] *Id*.
[32] *Id*. at Page 6.
[33] *Id*. at Page 6.
[34] *Id*. at Pages 6-7.
[35] *Id*. at Page 7.

Employee further maintains that "we did not see him lunge toward Mr. Senn or jab him with a knife as Ms. Bright testified."[36]

Employee avers that Officer Johns who was security for Door 16 "testified that not only did he not see [Employee] stab Senn, but that he was asked to falsify his statement by his superior officer, Sgt. Milton, to say he saw [Employee] stab Senn."[37] Employee also asserts that photographs provided by Mr. Senn show a puncture wound on his forearm and a small cut on his finger. Employee avers that "there were no time stamps on the photos so there is no evidence as to the date and time they were taken."[38] Employee also avers that the photo of Senn's sleeve "appears to show a very large amount of blood for such a small wound." Employee assert that Mann used "wound cleaning liquid" and that this could have "expanded the appearance of blood on the shirt." Employee also avers that Senn "could have tampered with the sleeve and used water or any liquid to cause the blood to expand even more by the time he took the photos."[39] Employee avers that the witness statements retrieved through the investigation "all paint Senn as the aggressor in the confrontation." Employee asserts that the Agency did not "introduce one credible witness to rebut this."[40] Further, Employee contends that Yvette Towe ("Towe"), the LMER representative, "who allegedly conducted the investigation testified that she did not personally conduct the investigation." Employee also argues that "Towe was unaware that, according to all witnesses, Senn came off as the primary aggressor in the confrontation and that his conduct made everyone feel unsafe."[41]

Employee also avers that he was not given the required notice regarding his termination. Employee asserts that the notice did not give him "until the effective date of his termination to turn in DCPS property in his possession." Employee avers that following the receipt of the notice, he was required to turn in his cell phone and laptop and once he did, he was no longer able to access his DCPS email.[42] Employee avers that "Agency presented a cookie cutter analysis in its memo recommending termination of an employee without conducting an adequate investigation." Further, Employee asserts that "Agency relied heavy on the video evidence but there was no audio and the entire incident was not captured by one camera." Employee avers that Agency could have done more to investigate what led to the altercation and, in failing to do so, violated the CBA.[43] Employee also asserts that Agency was flawed in its *Douglas* Factor analysis in his matter. Employee asserts that Agency did not give due consideration in this analysis. Employee asserts that in review of the seriousness of the offense that while this was aggravating it was not "highly aggravating" as there were "several mitigating factors within these circumstances that would explain [Employee's] actions."[44]

Employee asserts that he used his best judgment under the circumstances. Employee also avers that other factors should have been noted as mitigating or neutral. Specifically, Employee

[36] *Id*.
[37] *Id*.
[38] *Id.* at Page 8.
[39] *Id*. at Page 8.
[40] *Id*. at Page 9.
[41] *Id*.
[42] *Id*. at Page 11.
[43] *Id*.
[44] *Id*. at Page 12.

asserts that the "consistency of the penalty" factor would have been assessed as "mitigating at best or neutral at worst" if a thorough investigation had occurred. Employee asserts that he had to "defend himself while at work…and never contemplated he would be confronted by a fellow coach who was uncleared and had entered the school during instruction time without going through weapons and abatement in violation of school policy."[45] Employee also contends that Agency failed to show any evidence that termination was warranted in his matter.

Employee further maintains that he requested Agency, specifically LMER, to send all of the materials for his termination to his Gmail account. Employee avers that Agency failed to do so and that even though the notice was mailed to him, it did not include the video nor mention how he could access it. [46] Employee argues that Agency's failure to appropriately provide him with the notice and materials is in violation of the CBA and also with DCPS policies. Employee asserts that "given that Agency primarily relied upon video evidence, it was incumbent upon it to make sure [he] received it 15 days before his termination was effective." As a result, Employee asserts that his termination was improper, and he should receive all applicable relief and be reinstated to his position at DCPS.

ANALYSIS[47]

Whether Agency had cause for Adverse Action

Title 1, Chapter 6, Subchapter VI of the D.C. Official Code (2001), a portion of the Comprehensive Merit Personnel Act, sets forth the law governing this Office. D.C. Official Code § 1-606.03 reads in pertinent part as follows:

> (a) An employee may appeal a final agency decision affecting a performance rating which results in removal of the employee (pursuant to subchapter XIII-A of this chapter), an adverse action for cause that results in *removal*, reduction in force (pursuant to subchapter XXIV of this chapter), reduction in grade, placement on enforced leave, or suspension for 10 days or more (pursuant to subchapter XVI-A of this chapter) to the Office upon the record and pursuant to other rules and regulations which the Office may issue. *(Emphasis added).*

Additionally, DPM § 1601.7 provides that "[e]ach agency head and personnel authority has the obligation to and shall ensure that corrective and adverse actions are only taken when an employee does not meet or violates established performance or conduct standards, consistent with

[45] *Id*.
[46] *Id*. at Page 14.
[47] Although I may not discuss every aspect of the evidence in the analysis of this case, I have carefully considered the entire record. *See Antelope Coal Co./Rio Tino Energy America v. Goodin*, 743 F.3d 1331, 1350 (10th Cir. 2014) (citing *Clifton v. Chater*, 79 F.3d 1007, 1009-10 (10th Cir. 1996)) ("The record must demonstrate that the ALJ considered all of the evidence, but an ALJ is not required to discuss every piece of evidence").

this chapter." Pursuant to OEA Rule 631.1 (December 27, 2021), Agency has the burden of proof by a preponderance of the evidence that the proposed disciplinary action was taken for cause. Employee was terminated from service pursuant to:

> **Ground (s):** 5-E DCMR Section 1401.2 (v) Other conduct during and outside of duty hours that would affect adversely the employee's or the agency's ability to perform effectively.
>
> **Reason(s):** On or about April 3, 2024, you were involved in a verbal altercation with a colleague. During the verbal altercation you and your colleague exchanged challenges to resolve the conflict outside. You then exited the school, pulled out a knife from your pocket, and engaged in physical altercation with your colleague with the knife in your hand.
>
> This was not the first time you have been issued discipline. On February 7, 2024, you were issued a five (5) day suspension for the use of unnecessary force with a student."

It is uncontroverted that on April 3, 2024, Employee was involved in a verbal and physical altercation with a volunteer football coach while working at Coolidge High School. Witnesses to the physical altercation were comprised of staff members from the school, including teachers and Security Officer John who was on duty during the time the incident took place. It is also undisputed that the altercation involved Employee and Dion Senn, also known as "Coach Smurf." Further, it is clear that the altercation started as a verbal argument that ultimately resulted in Employee and Senn engaging in a physical altercation outside of Door 16 on the Coolidge High School property. There is also video surveillance evidence that shows the physical altercation between Employee and Senn on the day of the incident. Agency avers that based upon the video surveillance evidence, testimonies and the investigative report, that it had cause to discipline Employee. Agency also argues that Employee's claims that he was in imminent danger as it relates to the physical altercation is unfounded based upon the evidence in the record. Employee avers that he did not have a knife during the altercation but had a "tool" which he kept on his keychain for use for football equipment. Employee asserts that Senn should not have been on the school grounds and that he engaged with Senn after Senn made threats to him following his admonishment to Senn about allowing students into the teacher's lounge.

During the Evidentiary Hearing, I had the opportunity to consider witness testimony and examine documentary and video evidence regarding the incident. The video evidence serves as the clearest and most overwhelming evidence that Employee was involved in a physical altercation with Senn. Employee's arguments regarding the fact that Senn should not have been allowed in Door 16 on the day of the incident are irrelevant to the fact that Employee ultimately engaged in a physical altercation with Senn. Further, both Employee and Senn testified that they exchanged verbal words initially and were waiting by an elevator to "take it outside." The undersigned finds that there was ample opportunity for Employee to otherwise deescalate the situation and simply remove himself from Senn. Instead, both men decided to proceed outside where they ultimately engaged in a physical altercation. It is also clear in viewing the video evidence that Employee pulled a device – tool or otherwise and made contact with Senn with that device. It is also of note

that Employee struck Senn first in the physical altercation that occurred. This noted, Employee's claims of fear of imminent danger do not align with the actions that can be viewed on the video surveillance. Likewise, Employee's ancillary arguments regarding whether Senn was cleared to be on campus and the weapons abatement procedures and policies do not amount to a defense to the verbal and physical altercation for which he was undisputably involved in.

Additionally, it should be noted that Employee was charged for "other conduct that would adversely affect the agency's or employee's ability to work effectively." Here, Employee's conduct clearly reflects an adverse impact, as this altercation caused a disruption on school grounds while students were still present. A reasonable mind can easily conclude that this would have an impact on not only the Agency, but also Employee's ability to do his job as required. As a result, I find that Agency has met its burden of proof to show there was cause for adverse action in this matter.

Whether Agency Followed Applicable Laws, Rules and Regulations

Employee avers that he was not provided with final notice information in the timeframe for which he requested, nor was it sent to the email address he requested. Employee further asserts that he was unable to access his DCPS email address, and as such, Agency failed to provide him with the appropriate notice pursuant to the Union CBA and otherwise. Agency asserts that it provided Employee with all the requisite materials and that Employee had access to the DCPS email address and could also have accessed the materials pursuant to the instructions provided in the initial notices to him. In the instant matter, I find that Agency's action did not run afoul of any provisions. While there may have been some delay in the receipt of the video surveillance, the testimony from the Evidentiary Hearing and the record reflect that Employee was able to access the notice materials. Further, I find that even if Agency's notice was deficient, this would amount to harmless error. The OEA Board has held that "… *an agency's violation of a statutory procedural requirement does not necessarily invalidate the agency's adverse action. Thus, the facts in this matter warrant the invocation of a harmless error review. In determining whether Agency has committed a procedural offense as to warrant the reversal of its adverse action, this Board will apply a two-prong analysis: whether Agency's error caused substantial harm or prejudice to Employee's rights and whether such error significantly affected Agency's final decision to [discipline] Employee*."[48] In the instant matter, I find that the delay in the receipt of the video surveillance did not cause substantial harm or prejudice to Employee's rights. He was able to present a fully developed Petition for Appeal before this Office and was able to view the video in preparation for all proceedings before OEA. Further, Agency's decision to terminate Employee would not have been impacted by this delay. As a result, I find that Agency followed all applicable laws, rules and regulations in its administration of this adverse action.

Whether the Penalty Was Appropriate

In determining the appropriateness of an agency's penalty, OEA has consistently relied on *Stokes v. District of* Columbia, 502 A.2d 1006 (D.C. 1985).[49] Therefore when assessing the

[48] OEA Matter No. 1601-0093-10, *Opinion and Order on Petition for Review* (January 25, 2010).

[49] *See also. Anthony Payne v. D.C. Metropolitan Police Department,* OEA Matter No. 1601-0054-01, *Opinion and Order on Petition for Review* (May 23, 2008); *Dana Washington v. D.C. Department of Corrections,* OEA Matter No. 1601-0006-06, *Opinion and Order on Petition for Review* (April 3, 2009); *Ernest Taylor v. D.C. Emergency Medical*

appropriateness of a penalty, this Office is not to substitute its judgment for that of the Agency but is simply to ensure that "managerial discretion has been legitimately invoked and properly exercised." Specifically, OEA held in *Love v. Department of Corrections*, OEA Matter No. 1601-0034-08R11 (August 10, 2011), that selection of a penalty is a management prerogative that is not subject to the exercise of discretionary disagreement by this Office.[50] Accordingly, when an Agency charge is upheld, this Office will "leave Agency's penalty undisturbed when the penalty is within the range allowed by law, regulation or guidelines, is based on consideration of the relevant factors and is clearly not an error of judgement."[51] To this end, I find that Agency appropriately relied on what it considered relevant factors outlined in *Douglas v. Veterans Administration*, 5 M.S.P.R. 313 (1981), in reaching its decision to terminate Employee from service.[52] Employee argued that Agency's *Douglas* factor analysis was flawed, however the

---

Services, OEA Matter No. 1601-0101-02, *Opinion and Order on Petition for Review* (July 21, 2007); *Larry Corbett v. D.C. Department of Corrections,* OEA Matter No. 1601-0211-98, *Opinion and Order on Petition for Review* (September 5, 2007); *Monica Fenton v. D.C. Public Schools,* OEA Matter No. 1601-0013-05, *Opinion and Order on Petition for Review* (April 3, 2009); *Robert Atcheson v. D.C. Metropolitan Police Department,* OEA Matter No. 1601-0055-06, *Opinion and Order on Petition for Review* (October 25, 2010); and *Christopher Scurlock v. Alcoholic Beverage Regulation Administration*, OEA Matter No. 1601-0055-09, *Opinion and Order on Petition for Review* (October 3, 2011).

[50] *Love* also provided the following:

> [OEA's] role in this process is not to insist that the balance be struck precisely where the [OEA] would choose to strike it if the [OEA] were in the agency's shoes in the first instance; such an approach would fail to accord proper deference to the agency's primary discretion in managing its workforce. Rather, the [OEA's] review of an agency-imposed penalty is essentially to assure that the agency did conscientiously consider the relevant factors and did strike a responsible balance within tolerable limits of reasonableness. Only if the [OEA] finds that the agency failed to weigh the relevant factors, or that the agency's judgment clearly exceeded the limits of reasonableness, it is appropriate for the [OEA] then to specify how the agency's decision should be corrected to bring the penalty within the parameters of reasonableness. (Citing *Douglas v. Veterans Administration,* 5 M.S.P.R. 313, 5 M.S.P.R. 280 (1981)).

[51] *Id. See also. Sarah Guarin v Metropolitan Police Department*, 1601-0299-13 (May 24, 2013) citing *Stokes supra*.

[52] *Douglas v. Veterans Administration,* 5 M.S.P.R. 313 (1981). The *Douglas* factors provide that an agency should consider the following when determining the penalty of adverse action matters:

1) the nature and seriousness of the offense, and it's relation to the employee's duties, position, and responsibilities including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;
2) the employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
3) the employee's past disciplinary record;
4) the employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;
5) the effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in employee's ability to perform assigned duties;
6) consistency of the penalty with those imposed upon other employees for the same or similar offenses;
7) consistency of the penalty with any applicable agency table of penalties;
8) the notoriety of the offense or its impact upon the reputation of the agency;
9) the clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;
10) potential for the employee's rehabilitation;
11) mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and

totality of the record does not support this contention. While Employee does not agree with Agency's determinations of the *Douglas* factors, there is nothing in the record to suggest that Agency failed to give appropriate consideration in its *Douglas* factor assessment in its administration of this action. Accordingly, based on the aforementioned, the undersigned finds that Agency acted in accordance with all applicable laws, rules and regulations, that its charges were based on substantial evidence and that there was no harmful procedural error. Consequently, the undersigned concludes that Agency's action of separating Employee from service should be upheld.

ORDER

Based on the foregoing, it is hereby **ORDERED** that Agency's action of terminating Employee service is **UPHELD**.

FOR THE OFFICE:

/s/ Michelle R. Harris
Michelle R. Harris, Esq.
Senior Administrative Judge

12) the adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office of Employee Appeals' Chief Operating Officer of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	
EMPLOYEE, Employee	OEA Matter No. 1601-0072-25
v.	Date of Issuance: March 30, 2026
UNIVERSITY OF THE DISTRICT OF COLUMBIA, Agency	ERIC T. ROBINSON, ESQ. SENIOR ADMINISTRATIVE JUDGE

Employee, *Pro-Se*
Anessa Abrams, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On August 18, 2025, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or the "Office") contesting the University of the District of Columbia's ("UDC" or the "Agency") action of removing her from service. Employee's last position of record with the Agency was Operations Manager. By letter dated July 24, 2025, Employee was informed of Agency's final decision to terminate her employment with an effective date of July 24, 2025. On August 19, 2025, the OEA's Executive Director sent a letter to UDC requiring it to submit an Answer to Employee's Petition for Appeal by September 18, 2025. On September 15, 2025, Agency, through counsel, requested an Extension of Time to file its Answer, via e-mail. On that same date, the OEA's Executive Director replied to this e-mail and granted this extension. UDC timely filed its Answer on October 17, 2025.

This matter was assigned to the Undersigned on October 17, 2025. On October 23, 2025, the Undersigned issued an Order Convening a Prehearing/Status Conference. This conference was initially scheduled for December 2, 2025. However, on multiple occasions, the parties requested Continuances so that discovery could be completed. On February 10, 2026, a Status Conference was held and as a result an Order was issued that provided, in pertinent part, a timeline for discovery related activities to be completed. On March 24, 2026, UDC submitted a Motion to Dismiss wherein it asserted that Employee did not comply with the February 10, 2026, Order and requested that the matter be dismissed due to Employee's failure to prosecute her appeal. In response, on March 27, 2026, Employee submitted a signed notice that she wanted to withdraw

her Petition for Appeal. After reviewing the documents of record, I have determined that no further proceedings are warranted. The record is now closed.

JURISDICTION

The Office has jurisdiction pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether this matter should be dismissed.

ANALYSIS AND CONCLUSION

Since Employee voluntarily withdrew her Petition for Appeal, I find that Employee's Petition for Appeal should be dismissed.

ORDER

Based on the foregoing, it is hereby ORDERED that the above-captioned Petition for Appeal be dismissed.

FOR THE OFFICE:

/*s*/ Eric T. Robinson
Eric T. Robinson, Esq.
Senior Administrative Judge

Notice: This decision may be formally revised before it is published in the District of Columbia Register and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE[1],	)	OEA Matter No. 1601-0078-25
Employee	)	
v.	)	Date of Issuance: March 27, 2026
	)	
OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION,	)	Monica Dohnji, Esq. Senior Administrative Judge
	)	
Agency	)	
	)	

Employee, *Pro Se*
Danielle Ragofsky, Esq., Agency's Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On September 8, 2025, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office") contesting the District of Columbia Office of the State Superintendent of Education's ("Agency" or "OSSE") decision to terminate her from her position as a Bus Attendant, effective April 18, 2025. OEA issued a Request for Agency's Answer to Employee's Petition for Appeal on September 8, 2025. Agency filed its Response to Employee's Petition for Appeal on October 6, 2025.

This matter was assigned to the undersigned on October 10, 2025. Thereafter, on October 14, 2025, I issued an Order scheduling a Status/Prehearing Conference for November 5, 2025. Both parties were present at the Status/Prehearing Conference. Thereafter, I issued an Order scheduling a Prehearing Conference for December 10, 2025, with Prehearing Statements due by December 2, 2025. Agency filed a Motion to Reschedule Prehearing Conference on December 4, 2025. The undersigned issued an Order on December 19, 2025, granting Agency's Motion and rescheduled the Prehearing Conference for January 15, 2026, with Prehearing Statements due by January 8, 2026. Agency filed a second Motion to Reschedule Prehearing Conference on January 6, 2026, due to a scheduling conflict. Accordingly, on January 8, 2026, the undersigned issued an Order granting Agency's Motion and rescheduled the Prehearing Conference for January 22, 2026, with Prehearing Statements due by January 15, 2026. While Agency submitted its Prehearing

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.

Statement as required, Employee did not submit a Prehearing Statement. Additionally, on January 8, 2026, Agency filed a copy of the Discovery Request it served on Employee. On January 12, 2026, Agency refiled its second Motion to Reschedule Prehearing Conference.[2] Agency refiled its Prehearing Statement on January 14, 2026.

Both parties were present for the January 22, 2026, Prehearing Conference, wherein the undersigned gave Employee a verbal order to submit her Prehearing Statement by February 5, 2026. The undersigned explained that Employee's Prehearing Statement was required for a proper resolution of this matter. Following Employee's failure to submit her Prehearing Statement as ordered, on February 11, 2026, the undersigned issued a Statement of Good Cause to Employee, requiring Employee to explain her failure to submit her Prehearing Statement by February 5, 2026. Employee was also required to submit her Prehearing Statement by the same deadline. Employee had until February 26, 2026, to comply with the February 11, 2026, Order. Following Employee's failure to comply with the directives of the February 11, 2026, Order, on March 9, 2026, the undersigned issued a Second Order for Statement of Good Cause to Employee. Employee had until March 23, 2026, to respond to the Second Order for Statement of Good Cause Order. As of the date of this decision, Employee has not responded to either Order. The record is now closed

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether this appeal should be dismissed for failure to prosecute.

BURDEN OF PROOF

OEA Rule § 631.1, 6-B District of Columbia Municipal Regulations ("DCMR") Ch. 600, et seq (December 27, 2021) states:

> The burden of proof for material issues of fact shall be by a preponderance of the evidence. "Preponderance of the evidence" shall mean:
>
> > the degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue.[3]

OEA Rule § 631.2 *id.* states:

[2] Because the undersigned had already ruled on Agency's January 6, 2026, second Motion to Reschedule Prehearing Conference, the undersigned did not issue a ruling to the January 12, 2026, filing.
[3] OEA Rule § 699.1.

For appeals filed under § 604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

ANALYSIS AND CONCLUSIONS OF LAW

OEA Rule 624.3, DCMR Ch. 600, et seq (December 27, 2021) grants an Administrative Judge ("AJ") the authority to impose sanctions upon the parties as necessary to serve the ends of justice. The AJ "in the exercise of sound discretion may dismiss the action or rule for the appellant" if a party fails to take reasonable steps to prosecute or defend an appeal.[4] Failure of a party to prosecute or defend an appeal includes, but is not limited to, a failure to:

(a) Appear at a scheduled proceeding after receiving notice;
(b) *Submit required documents after being provided with a deadline for such submission* (emphasis added); or
(c) Inform this Office of a change of address which results in correspondence being returned.

This Office has consistently held that failure to prosecute an appeal includes a failure to appear at a scheduled proceeding after receiving notice.[5] Here, Employee was warned in the January 8, 2026, February 11, 2026, and March 9, 2026, Orders that failure to comply could result in sanctions, including dismissal. Employee did not submit a Prehearing Statement, which was required for a proper resolution of this matter on its merits.[6] Wherefore, I find that Employee's failure to prosecute her appeal is a violation of OEA Rule 624. Accordingly, I further find that Employee has not exercised the diligence expected of an appellant pursuing an appeal before this Office. Therefore, this matter should be dismissed for her failure to prosecute.

ORDER

It is hereby **ORDERED** that this matter be **DISMISSED** for Employee's failure to prosecute her Appeal.

FOR THE OFFICE:

/s/ Monica N. Dohnji____
MONICA DOHNJI, Esq.
Senior Administrative Judge

[4] OEA Rule 624.3.
[5] *Williams v. D.C. Public Schools*, OEA Matter No. 2401-0244-09 (December 13, 2010); *Brady v. Office of Public Education Facilities Modernization*, OEA Matter No. 2401-0219-09 (November 1, 2010).
[6] The undersigned confirmed Employee's address during the January 22, 2026, Prehearing Conference and none of the correspondence mailed from OEA to Employee's address on record has been returned to OEA.

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and the Office of Employee Appeals' website. Parties should promptly notify the Office of Employee Appeals' Chief Operating Officer of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE,	)	
Employee	)	OEA Matter No. J-0019-26
	)	
v.	)	Date of Issuance: March 31, 2026
	)	
D.C. DEPARTMENT OF YOUTH REHABILTATION SERVICES,	)	
Agency	)	ERIC T. ROBINSON, ESQ.
	)	SENIOR ADMINISTRATIVE JUDGE

Employee *Pro-Se*
Timothy McGarry, Esq., Agency Representative

INTIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On December 26, 2025, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or the "Office") contesting the District of Columbia Department of Youth Rehabilitation Services ("DYRS" or the "Agency") action of removing him from service. Employee's last position of record with the Agency was a Youth Development Representative ("YDR"). On December 29, 2025, the OEA's Executive Director sent a notice to DYRS requiring it to submit an Answer to Employee's Petition for Appeal no later than January 28, 2026. On January 23, 2026, DYRS timely submitted its Answer. This matter was assigned to the Undersigned on January 23, 2026. On February 2, 2026, the Undersigned issued an Order Convening a Prehearing Conference which was set for March 4, 2026. During the Prehearing Conference ("PC") Agency noted that it had provided a Motion to Dismiss this matter due to Employee being removed from service during his probationary period. After considering the discussion during the PC and the documents of record, Employee was Ordered to submit a written response to Agency's Motion to Dismiss. On March 25, 2026, Employee submitted his response. After reviewing the documents of record, I have determined that no further proceedings are warranted. The record is now closed.

JURISDICTION

As will be explained below, the OEA lacks the authority to adjudicate this matter.

ISSUE

Whether this matter should be dismissed.

BURDEN OF PROOF

OEA Rule 631.1, 6-B DCMR Ch. 600 (December 27, 2021) states:

> The burden of proof for material issues of fact shall be by a preponderance of the evidence. "Preponderance of the evidence" shall mean:
>
> That degree of relevant evidence which a reasonable mind, considering the record as a whole, would accept as sufficient to find a contested fact more probably true than untrue.

OEA Rule 631.2 id. States:

> For appeals filed under §604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

Probationary Employee

Title 1, Chapter 6, Subchapter VI of the D.C. Official Code (2001), a portion of the Comprehensive Merit Protections Act (hereinafter "CMPA"), sets forth the law governing this Office. D.C. Official Code § 1-606.03 ("Appeal procedures") states in pertinent part that:

> (a) An employee may appeal a final agency decision affecting a performance rating which results in removal of the employee (pursuant to subchapter XIII-A of this chapter), an adverse action for cause that results in removal, reduction in force (pursuant to subchapter XXIV of this chapter), reduction in grade, placement on enforced leave, or suspension for 10 days or more (pursuant to subchapter XVI-A of this chapter) to the Office upon the record and pursuant to other rules and regulations which the Office may issue. Any appeal shall be filed within 30 days of the effective date of the appealed agency action.

The above-mentioned career service rights conferred by the CMPA may be exercised by aggrieved employees. The District Personnel Manual ("DPM") § 227.4, provides in relevant part that "separation from government service during a probationary period is neither appealable nor

grievable." Thus, according to the preceding sections of the DPM and the CMPA, Career Service employees who are serving in their probationary period are precluded from appealing a removal action to this Office until their probationary period is finished. As was noted previously, Employee has the burden of proof regarding the jurisdiction of this Office. In his Petition for Appeal, Employee admits that he had worked for Agency for less than one (1) year prior to his termination.[1] The OEA Board has previously held that an employee's admission is sufficient to meet Agency's burden of proof.[2] Accordingly, I find that Employee was removed from service while he was still within his one-year probationary period. Because Employee was in a probationary status when he was removed from service, I find that he is not allowed to appeal his removal to this Office.

Employee argues that despite his status as a probationary employee, OEA should review his removal due to allegations that he was improperly terminated stemming from a workplace injury and being placed on light duty as a result. Regardless of Employee's argument to the contrary, I find that the OEA has no authority to review removal actions of probationary employees. That is not to assert that Employee has no avenue for seeking legal redress, only that the OEA is not statutorily empowered to review Employee's cause of action due to constraints, as noted above, on our authority.

Conclusion

Taking into account the discussion above, I find that Employee has failed to meet his burden of proof regarding the OEA's ability to exercise jurisdiction over the instant matter.[3] Accordingly, I conclude that I must dismiss this matter for lack of jurisdiction. [4]

ORDER

Based on the foregoing, it is hereby ORDERED that the above-captioned Petition for Appeal be dismissed.

FOR THE OFFICE: /*s*/ Eric T. Robinson
Eric T. Robinson, Esq.
Senior Administrative Judge

[1] *See* Petition for Appeal, Section B, p. 3 (December 26, 2025).
[2] *See Employee v. Agency*, OEA Matter No 1601-0047-84, 34 D.C. Reg. 804, 806 (1987).
[3] Since I have found that he OEA lacks jurisdiction over this matter, I am unable to address the factual merits, if any, contained within Employee's Petition for Appeal.
[4] Although I may not discuss every aspect of the evidence in the analysis of this case, I have carefully considered the entire record. *See Antelope Coal Co./Rio Tino Energy America v. Goodin,* 743 F.3d 1331, 1350 (10th Cir. 2014) (citing *Clifton v. Chater,* 79 F.3d 1007, 1009-10 (10th Cir. 1996)) ("The record must demonstrate that the ALJ considered all of the evidence, but an ALJ is not required to discuss every piece of evidence").

Notice: This decision may be formally revised before it is published in the District of Columbia Register and the Office of Employee Appeals' website. Parties should promptly notify the Office Manager of any formal errors so that this Office can correct them before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE[1],	)	OEA Matter No. J-0023-26
Employee	)	
v.	)	Date of Issuance: March 30, 2026
	)	
D.C. DEPARTMENT OF MOTOR VEHICLES,	)	MONICA DOHNJI, Esq.
Agency	)	Senior Administrative Judge
	)	

Employee, *Pro Se*
Pamela Washington, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On January 2, 2026, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA") contesting the D.C. Department of Motor Vehicles' ("DMV" or "Agency") decision to terminate her from her position as a Supervisory Motor Vehicle Inspector, effective October 24, 2025. OEA issued a Request for Agency's Answer to Employee's Petition for Appeal on January 6, 2026. Thereafter, on February 5, 2026, Agency filed its Answer to Petition for Appeal, along with a Motion for Dismissal of Petition for Lack of Jurisdiction. Agency stated therein that OEA lacked jurisdiction over Employee's Petition for Appeal because Employee's appeal was untimely and Employee was a Management Supervisory Service ("MSS") employee and served in an 'at-will' position at the time of her termination.

This matter was assigned to the undersigned Senior Administrative Judge ("SAJ") on February 5, 2026. Subsequently on February 11, 2026, the undersigned issued an Order requiring Employee to address the jurisdiction issue raised by Agency in its Answer to Employee's Petition for Appeal. Employee's brief was due by March 2, 2026, and Agency had the option to file a response by March 16, 2026. Both parties submitted their respective briefs as required. On March 23, 2026, Employee filed a Notice of Non-Receipt of Agency's Response and Request to Close Jurisdiction Record and Rule, citing that she had not received Agency's brief on jurisdiction. Employee also requested that the undersigned close the jurisdiction record. Additionally, Employee cited that absent proof that Agency timely filed its response to Employee's Brief on Jurisdiction by the March 16, 2026, deadline and timely served Employee, Agency's brief should

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.

not become part of the record.[2] Because I determined that this matter could be decided based on the documents of record, no proceedings were conducted. The record is now closed.

JURISDICTION

The jurisdiction of this Office pursuant to *D.C. Official Code, § 1-606.03 (2001)*, has not been established.

ISSUE

Whether this appeal should be dismissed for lack of jurisdiction.

BURDEN OF PROOF

OEA Rule § 631.1, 6-B District of Columbia Municipal Regulations ("DCMR") Ch. 600, et seq (December 27, 2021) states:

> The burden of proof for material issues of fact shall be by a preponderance of the evidence. "Preponderance of the evidence" shall mean:
>
> > the degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue.[3]

OEA Rule § 631.2 *id.* states:

> For appeals filed under § 604.1, the employee shall have the burden of proof as to issues of jurisdiction, including timeliness of filing. The agency shall have the burden of proof as to all other issues.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

Employee's Position

Employee asserts in her submission to this Office that she had a permanent career service status and maintains that OEA has jurisdiction over her appeal.[4] Employee notes that OEA has jurisdiction over removals. Citing to 6B DCMR § 3813, Employee avers that "even for an MSS termination, the regulations require: (1) at least fifteen (15) days' notice and (2) prior authorization before a termination action may be initiated." Employee argues that her Notice of Personnel Action - Standard Form-50 ("SF-50") reflects permanent tenure. In addition, Employee contends that 6B DCMR § 3805.1 "preserves career service status during MSS-type assignments." She asserts that

[2] Employee's request to exclude Agency's Brief on Jurisdiction from the record for being untimely is **DENIED**. This Office received Agency's response to Employee's brief on jurisdiction on March 16, 2026, in compliance with the February 11, 2026, Order.
[3] OEA Rule § 699.1.
[4] Employee's Brief on Jurisdiction (February 25, 2026).

"accordingly, Agency's reliance on an "MSS/at-will" label does not resolve the jurisdiction question where Employee's underlying permanent Career Service status is at issue."[5]

Employee further argues that even if she had an MSS status, pursuant to 6B DCMR § 3813.2, which provides that "no MSS termination action shall be initiated unless first authorized by the agency head (or designee) and DCHR (or the applicable independent authority)," Agency has not produced the required authorizations.[6] Employee requests that Agency produce the written authorizations required pursuant to 6B DCMR § 3813.2 or "a sworn certification that no such authorization exists, identifying the official(s) who purportedly authorized the action and the date and manner of authorizations."[7]

Employee also asserts that Agency's termination notice caused the late filing of her Petition for Appeal with OEA. She explains that the termination notice affirmatively stated that her termination was "neither grievable or appealable," and provided no OEA appeal rights notice and she reasonably relied on that notice. Employee further maintains that "OEA precedent recognizes an exception to the 30-day deadline where the agency fails to provide appeal-rights notice …" As such, Employee requests that OEA consider her Petition for Appeal as timely under this exception or hold a jurisdiction hearing.[8]

Agency's Position

Agency states in its February 5, 2026, Motion for Dismissal of the Petition based on Lack of Jurisdiction that Employee was an MSS employee at the time of her termination and as such, OEA lacked jurisdiction over this matter. Agency asserts that pursuant to D.C. Official Code § 1-609.54, an appointment to an MSS position is "at-will." Citing to District Personnel Manual ("DPM") § 3813.1, Agency avers that a person serving in a MSS position may be terminated at any time. Additionally, Agency also contends that pursuant to DPM § 3813.7, termination from a MSS position is not subject to administrative appeal.[9] Agency argues that the Court in *Kassem v. Wash. Hosp. Ctr.*, 513. F.3d 251, 254 (D.C. Cir. 2007), noted that "it has long been settled in the District of Columbia that an employer may discharge an at-will employee at any time and for any reason, or for no reason at all."[10]

Agency further cites that Employee's Petition for Appeal was untimely. It explains that Employee was terminated from her position on October 24, 2025, and she filed the instant Petition for Appeal on January 2, 2026, in violation of D.C. Official Code § 1-606.3(a) which provides that a Petition must be filed within thirty (30) days from the effective date of the action being appealed. Agency argues that the time period may not be waived.[11]

Agency argues in its Brief on Jurisdiction that Employee's claim that she was in a permanent Career Service status is contrary to her record. Agency avers that Employee was

[5] *Id*.
[6] *Id*.
[7] *Id*.
[8] *Id*.
[9] Agency's Answer to Petition (February 5, 2026). *See also*. Agency's Brief on Jurisdiction (March 16, 2026).
[10] *Id*.
[11] *Id*.

initially hired into a Term position in 1988. Thereafter, her position was converted to a permanent Career Service appointment in 2005. Agency explains that through a competitive process, Employee was offered the position of a MSS Supervisory Motor Vehicle Inspector position in December 2008. Agency states that on January 5, 2009, Employee signed an acceptance letter acknowledging that the position was in MSS and that she understood the conditions of employment. Agency asserts that Employee was still serving as a Supervisory Motor Vehicle Inspector in MSS when she was notified on October 3, 2025, that she was being separated from Agency. Agency maintains that the official record clearly demonstrated that Employee was serving in a MSS position.[12]

Citing to Title 1, Chapter 6, Subchapter VI of the D.C. Official Code (2001) of the Comprehensive Merit Personnel Act ("CMPA") and D.C. Code § 1-606.03 (a), Agency asserts that it is well established that OEA does not have jurisdiction in cases involving the termination of a MSS employee. Agency argues that Employee's reference to 6B DCMR § 3805.1 to bolster her claim that she maintained a permanent position within Career Service is misplaced. Agency notes that this provision refers to employees that are temporarily detailed, promoted, temporarily transferred or reassigned to MSS positions without losing their Career Service status. Agency cites that this was not the case with Employee as she applied for and accepted a MSS position. Agency states that at the time of Employee's termination, she had been serving in the MSS position of Supervisory Motor Vehicle Inspector since January 2009. Agency maintains that Employee was not in Career Service status at the time of her termination; she did not have career service protections and therefore, Employee does not have rights to appeal her termination.[13]

Agency further asserts that it complied with 6B DCMR § 3813.2. Agency states that the Agency Director issued Employee's termination notice after consultation with the Director of DCHR. Agency also notes that nothing under this provision required that the authorization document be provided to the terminated employee.[14]

Agency argues that Employee's argument that the filing deadline should be waived because Agency misinformed her that her termination from her MSS position was "neither grievable or appealable" is contingent on her mistaken belief that she was not serving in a MSS position and had the right to appeal her termination.[15] Agency cites that while the Court in *Sium v. Office of State Superintendent of Education*, 218 A.3d 228 (D.C. 2019), held that the thirty (30)-day filing deadline is a claims-processing rule that is subject to equitable tolling, it explained that "whether equitable tolling is appropriate is a fact-specific question that turns on balancing the fairness to both parties." Agency notes that it has not only objected to the timeliness of Employee's appeal, but it has established that Employee has no appeal rights to OEA as OEA lacks jurisdiction over this matter.[16]

[12] Agency's Brief on Jurisdiction (March 16, 2026).
[13] *Id*.
[14] *Id*.
[15] *Id*.
[16] *Id*.

Analysis[17]

The threshold issue in this matter is one of jurisdiction. This Office has no authority to review issues beyond its jurisdiction.[18] Therefore, issues regarding jurisdiction may be raised at any time during the course of the proceeding.[19] D.C. Code § 1-606.03 (a) and DPM § 604.1 provide the parameters of OEA's jurisdiction. Title 1, Chapter 6, Subchapter VI of the D.C. Official Code (2001), a portion of the Comprehensive Merit Personnel Act (hereinafter "CMPA"), sets forth the law governing this Office. D.C. Official Code § 1-606.03 ("Appeal procedures") reads in pertinent part as follows:

> (a) An employee may appeal [to this Office] a final agency decision affecting a performance rating which results in removal of the employee . . ., an adverse action for cause that results in removal, reduction in grade, or suspension for 10 days or more . . ., or a reduction in force. . .

D.C. Official Code § 1-609.54 provides further elucidation on the OEA's statutorily mandated jurisdictional limits in the instant matter. It provides in relevant part that:

> Employment-at-will
>
> (a) An appointment to a position in the Management Supervisory Service shall be an at-will appointment. Management Supervisory Service employees shall be given a 15-day notice prior to termination....

In *Grant v. District of Columbia*, the District of Columbia Court of Appeals held that "while the CMPA and its implementing regulations provide procedural protections to Career Service employees who are subject to adverse employment actions (such as notice and hearing rights, and the right to be terminated only for cause), MSS employees are statutorily excluded from the Career Service and thus cannot claim those protections."[20]

Based on the preceding statutes, case law, and regulations, it is plainly evident that OEA lacks the jurisdictional authority to review adverse action appeals of MSS employees. Here, while Employee argues that she had a permanent Career Service status at the time of her termination, the record shows otherwise. Pursuant to the record, Employee applied and was offered an MSS position as a Supervisory Motor Vehicle Inspector with Agency in December 2008. On January 5,

---

[17] Although I may not discuss every aspect of the evidence in the analysis of this case, I have carefully considered the entire record. *See Antelope Coal Co./Rio Tino Energy America v. Goodin*, 743 F.3d 1331, 1350 (10th Cir. 2014) (citing *Clifton v. Chater*, 79 F.3d 1007, 1009-10 (10th Cir. 1996)) ("The record must demonstrate that the ALJ considered all of the evidence, but an ALJ is not required to discuss every piece of evidence").

[18] *See Banks v. District of Columbia Public School*, OEA Matter No. 1602-0030-90, *Opinion and Order on Petition for Review* (September 30, 1992).

[19] *See Brown v. District of Columbia Public. School*, OEA Matter No. 1601-0027-87, *Opinion and Order on Petition for Review* (July 29, 1993); *Jordan v. Department of Human Services*, OEA Matter No. 1601-0110-90, *Opinion and Order on Petition for Review* (January 22, 1993); *Maradi v. District of Columbia Gen. Hosp.*, OEA Matter No. J-0371-94, *Opinion and Order on Petition for Review* (July 7, 1995).

[20] Citations omitted. 908 A.2d 1173, 1178 (D.C. 2006).

2009, Employee accepted the MSS Supervisory Motor Vehicle Inspector position.[21] Employee held the same Supervisory Motor Vehicle Inspector MSS position when she was terminated in October of 2025. Agency issued a letter of termination to Employee on October 3, 2025, informing her that she would be terminated from Agency effective October 24, 2025. The Court in *Evans v. District of Columbia*, 391 F. Supp. 2d 160 (2005), reasoned that because MSS employees serve "at-will", they have no property interest in their employment because there is no objective basis for believing that they will continue to be employed indefinitely. The Court provided that the only rights enjoyed by MSS employees are the "right to 15 days' notice before termination; a separate notice in the event of termination for disciplinary reasons describing the reason for termination; and if the employee requests in writing, a final administrative decision on the issue of severance pay by the personnel authority."[22] Applying this reasoning to the present case, I find that Agency clearly fulfilled its obligation by providing Employee with a written notice of her impending termination on October 3, 2025, providing Employee with more than a fifteen-day (15-day) notice prior to termination and in compliance with 6B DCMR § 3813.1.

Additionally, based on the record, I find that Employee was not temporarily detailed, transferred, promoted or reassigned to her current MSS position. Rather, I find that Employee's appointment to the MSS Supervisory Motor Vehicle Inspector position was a permanent position for which she applied to, was offered and she accepted the MSS position approximately 16 years before her termination. Consequently, I conclude that since Employee's last position of record was obtained through an MSS appointment, I cannot adjudicate her appeal and it therefore must be dismissed for lack of jurisdiction.[23] In addition, because I find that Employee had an MSS appointment at the time of her termination, and that OEA does not have jurisdiction over an MSS appointment, I also conclude that the timeliness issue is now **MOOT**.

Employee has the burden of proof on issues of jurisdiction, pursuant to OEA Rule 631.2. Employee must meet this burden by a "preponderance of the evidence" which is defined in OEA Rule 631.1, *id*, as that "degree of relevant evidence, which a reasonable mind, considering the record as a whole, would accept as sufficient to find a contested fact more probably true than untrue." Based on the foregoing, I conclude that Employee has not met the required burden of proof, and that this matter must be dismissed for lack of jurisdiction. Consequently, I am unable to address the factual merits, if any, of this matter.

[21] *See*. Agency's Brief on Jurisdiction, supra, at TAB 3.
[22] *Evans v. District of Columbia,* p.166 (2005).
[23] Agency asserts that Employee's termination letter was issued by Agency's Director and in consultation with the Director of DCHR, in compliance with 6B DCMR § 3813.2, which provides that:

> No termination action shall be initiated under this chapter unless first authorized by the agency head (or designee) and the Director, D.C. Department of Human Resources (DCHR), or independent personnel authority, as applicable; except that a termination of a Management Supervisory Service employee in the DCHR shall be first authorized by the Director, DCHR (or designee), and the Chief of Staff for the Mayor.

ORDER

It is hereby **ORDERED** that Agency's Motion to Dismiss is **GRANTED** and the Petition for Appeal is **DISMISSED** for lack of jurisdiction.

FOR THE OFFICE:

/s/ Monica N. Dohnji
MONICA DOHNJI, Esq.
Senior Administrative Judge

DEPARTMENT OF EMPLOYMENT SERVICES

NOTICE OF PUBLIC MEETING

District of Columbia Commission on Poverty

April 28, 2026

3pm-4:30pm (Virtual) You can obtain the virtual link currently through Open DC.

The Poverty Commission will have 19 Community Representatives: 11 At-large Representatives and 8 Ward Representatives. The Commission will have 8 non-voting ex-officio members. We will meet the fourth Tuesday of each month for our public meeting. It will be a hybrid format. The virtual link will be provided 24 hours before the meeting. The meeting will take place from 1pm-4pm. You can find the link located at Open DC.

The purpose of the commission is to study issues surrounding poverty; evaluate current and previous poverty-reduction initiatives in the District and throughout the country to determine their effectiveness; and based on the Commission's research and evaluations, make comprehensive and continuing recommendations to the Mayor and the Council for strengthening and enhancing the economic status of persons in poverty in the District through initiatives that will also improve individuals' educational, wellness, and housing outcomes.

"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." 3 DCMR § 10409.2"

Virtual:
Registration Link Available Here

AGENDA

I.	Opening of Meeting & Roll Call	3:00 PM
II.	Review and Approval of March 31 Meeting Minutes	3:05 PM
III.	Chairperson's Report	3:10 PM
IV.	Discussion and Updates	3:15 PM
	a. Recap 4/13 Listening Session	
	b. Update on Commission Budget Process	
	c. Work Plan	
	d. Ad Hoc Work Groups	
V.	GW Capstone Presentation	3:45 PM
VI.	Next Steps	4:25 PM
VII.	Adjournment	4:30 PM

DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

NOTICE OF MEETING

The District of Columbia Board of Ethics and Government Accountability will hold a meeting at the Board of Ethics and Government Accountability, 1030 15th Street, NW, Suite 700 West, on May 7, 2026 at 10:00 a.m. and virtually. Below is a draft agenda for the meeting. A final meeting agenda will be posted on the Board's website at www.bega.dc.gov on the day of the meeting.

Members of the public are welcome to observe the meeting virtually or in person. In order to attend the meeting virtually, please visit:

Click here to join the meeting
Meeting ID: 283 885 039 593 51
Passcode: 8AE3LM9o
Download Teams | Join on the web
Join by phone: 1-202-594-9550
Phone Conference ID: 355 182 94#

Questions about the meeting may be directed to bega@dc.gov.

AGENDA

I. Call to Order

II. Ascertainment of Quorum

III. Adoption of the Agenda/Approval of Minutes

IV. Report by the Director of Open Government

A. OMA/FOIA Advice
B. Public Meeting Monitoring
C. Training/Outreach
D. Legislation and Litigation Update
E. Administrative Matters

V. Report by the Director of Government Ethics

A. Update on Status of Office of Government Ethics Investigations
B. Trainings/Outreach
C. Advisory Opinions/Advice

D. Legislative/ Rulemaking Updates
E. Administrative Matters
F. Financial Disclosure
G. Lobbyist Registration and Reporting

VI. Public Comment

VII. Executive Session (non-public) to discuss ongoing, confidential investigations pursuant to D.C. Official Code § 2-575(b)(14), to consult with an attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body pursuant to D.C. Official Code § 2-575(b)(4)(A), to discuss personnel matters including the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials pursuant to D.C. Official Code § 2-575(b)(10), and to deliberate on a decision in which the Ethics Board will exercise quasi-judicial functions pursuant to D.C. Official Code § 2-575(b)(13).

VIII. Resumption of Public Meeting

IX. Discussion of any remaining public items

X. Adjournment

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

FRIENDSHIP PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Various Services

Interactive Learning & Student Engagement Platform

E-rate consulting services

Enterprise Resource Planning (ERP) software

- Friendship seeks a service provider who can supply a platform that supports live and virtual instruction, promotes meaningful student engagement, and gives educators access to actionable data. The selected solution should be intuitive for both teachers and students, scalable as the School grows, and supported by strong onboarding and customer service resources.
- Friendship seeks a service provider for E-rate consulting services to provide comprehensive support covering strategic planning, competitive bidding (Form 470), application filing (Form 471), PIA review responses, and compliance audits. Consultants ensure adherence to USAC rules, maximize funding, and manage document retention.
- Friendship seeks a service provider for Enterprise Resource Planning (ERP) software. The software must be an integrated suite of applications that manages core business processes such as accounting and procurement within a single, unified system that automates workflows, boost efficiency, compliance and provides real-time insights.

The competitive Request for Proposal can be found on FPCS website at http://www.friendshipschools.org/procurement/. Proposals are due no later than **4:00 P.M., EST, Friday, May 15, 2026**. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org .

DEPARTMENT OF HEALTH

BOARD OF PROFESSIONAL COUNSELING

NOTICE OF PUBLIC MEETING

May 15, 2026

The District of Columbia Board of Professional Counseling ("Board") hereby gives notice of a meeting pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.) ("Act").

This meeting will be held on May 15, 2026, at 10:00 AM and will be open to the public 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 § 2-575(b), the meeting will be closed from 11:00 AM to 2:00 PM to plan, discuss, or hear reports concerning licensing issues; ongoing or planned investigations of practice complaints; and violations of law or regulations.

The meeting will be conducted in person at 2201 Shannon Place SE, Washington, DC 20020 and via videoconference. The public may attend the open session in person or through one of the following:

Open Session Meeting link:
https://dcnet.webex.com/dcnet/j.php?MTID=mb7db2da02f1ac65acba8e248dc72d81a

Join by Phone:
1-202-860-2110 United States Toll (Washington D.C.)
1-650-479-3208 Call-in toll number (US/Canada)
Access Code: 475 199 633

The agenda is available on the Board website, at: https://dchealth.dc.gov/page/board-professional-counseling-open-session-agendas

For additional information, contact the Board at dcbopc@dc.gov or visit the Board website at https://dchealth.dc.gov/node/160252.

DC DEPARTMENT OF HEALTH

Health Systems and Preparedness Administration

NOTICE OF FUNDING AVAILABILITY (NOFA)

FO# HSPA-HNHCSP-5.15.26

High-Need Healthcare Career Scholarship Program

The District of Columbia, Department of Health (DC Health) is requesting proposals from qualified applicants to provide services in the program and service areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of DC Health's intent to make funds available for the purpose described herein. The applicable Request for Applications (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria and DC Health terms and conditions for applying for and receiving funding.

Funding Opportunity Title:	High-Need Healthcare Career Scholarship Program
Funding Opportunity Number:	HSPA-HNHCSP-5.15.26
DC Health Administrative Unit:	Health Systems and Preparedness Administration
DC Health Program Bureau	Office of the Deputy Director
Funding Opportunity Contact:	Nichole Pierre, Program Coordinator HNHCSP@dc.gov
Funding Opportunity Description:	DC Health is seeking proposals for a scholarship program that supports District of Columbia residents in high-demand healthcare training to address workforce shortages among Home Health Aides, Certified Nurse Aides, Paramedics, and Emergency Medical Technicians.
Eligible Applicants	For-profit and nonprofit schools within the District of Columbia that offer in-person education and certification programs.
Anticipated # of Awards:	Up to 6
Anticipated Amount Available:	Up to $1,300,000.00
Annual Floor Award Amount:	$5,000
Annual Ceiling Award Amount:	$600,000

Legislative Authorization	Pending the FY27 Local Budget Act of 2026.
Associated CFDA#	N/A
Associated Federal Award ID#	N/A
Cost Sharing/Match Required?	N/A
RFA Release Date:	May 15, 2026
Letter of Intent Due date:	N/A
Application Deadline Date:	June 16, 2026
Application Deadline Time:	3:00 p.m.
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse https://communityaffairs.dc.gov/content/community-grant-program#4 DC Health EGMS https://egrantsdchealth.my.site.com/sitesigninpage

Notes:

1. DC Health 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.
2. Awards are contingent upon the availability of funds.
3. Individuals are not eligible for DC Health grant funding.
4. Applicants must have a Tax ID#, and be registered in the federal Systems for Award Management (SAM) with an active UEI# to be registered in DC Health's Enterprise Grants Management System.

HOWARD UNIVERSITY PUBLIC CHARTER MIDDLE SCHOOL OF MATHEMATICS AND SCIENCE

REQUEST FOR PROPOSALS
Janitorial Services

Howard University Middle School is seeking proposals to provide Janitorial Services for the 2025-2026 school year, with the option to extend for up to five (5) additional school years.

To retrieve a full copy of the Request for Proposal (RFP), please email Leslie Boler, Director of Operations at info@hu-ms2.org.

All proposal submissions are due by 4:00 pm on Friday, May 1, 2026, via email to Leslie Boler at info@hu-ms2.org. Bids that do not address all areas as outlined in the RFP or bids received past the deadline will not be considered.

Questions and Site Visit coordination regarding this RFP should be requested via email to Leslie Boler at info@hu-ms2.org.

For additional information, please contact:

Ms. Leslie Boler, Director of Operations
Howard University Middle School, PCS
2565 Georgia Avenue, NW
Washington, DC 20001
info@hu-ms2.org

KIPP DC PUBLIC CHARTER SCHOOLS

REQUEST FOR PROPOSALS

School Leadership Professional Development and Learning Facilitator

KIPP DC is soliciting proposals from qualified vendors for a School Leadership Professional Development and Learning Facilitator. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals must be uploaded to the website by May 26, 2026. Questions must be addressed to mekia.love@kippdc.org by May 15, 2026.

DEPARTMENT OF LICENSING AND CONSUMER PROTECTION

NOTICE OF RESCHEDULED 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 has rescheduled its May meeting from Friday, May 1, 2026, at 9:00 a.m., to Friday, May 8, 2026, at 9:00 a.m.

The Board holds its meetings on the first Friday of each month at 9 a.m. 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.
2. Attendance
3. Comments from the Public
4. Review Meeting Minutes
5. Applications for Licensure
6. Old Business
7. New Business
8. Motion – 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.
9. Adjourn – Next Scheduled Meeting – July 10, 2026, via Zoom

Join the Meeting
Link to Join: DC Board of Accountancy Public Meeting Link

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

District of Columbia Board of Barber and Cosmetology

NOTICE OF PUBLIC MEETING

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 4, 2026, at 10 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 a.m.
2. Attendance
3. Comments from the public
4. Motion - Executive Session, which is closed to the public, in order 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). We will resume the public portion of the meeting at the conclusion of the executive session. Please stand by for our return if you are participating online.
5. Approval of the minutes – April 6, 2026
6. Correspondence
7. Board committees
8. Old business
9. New business
10. Recommendations/Actions
11. Adjourn
12. Next scheduled board meeting – June 1, 2026, via Zoom.

Meeting Login Information:

https://dc-gov.zoom.us/j/84137368181?pwd=28B5snM4kbKIdNV7GhgRlJNEWPeHaa.1

Webinar ID: 841 3736 8181; **Passcode:** 05042026

****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 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 7, 2026, at 1 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 MEETING AGENDA

1. Call to Order – 1 p.m.
2. Attendance
3. Comments from the Public
4. Approval of April 2, 2026 meeting minutes
5. Legislative Updates
6. Old Business
7. New Business
   Motion – 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 reports.
8. Applications
9. Complaints
10. Additional updates/discussion
11. Recommendations
12. Adjourn – Next Scheduled Meeting – June 4, 2026, via Zoom

Meeting Login Information:
Phone Dial-In: 301 715 8592
https://dc-gov.zoom.us/j/85308203416

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.

EXECUTIVE OFFICE OF THE MAYOR MURIEL BOWSER
NOTICE OF FUNDING AVAILABILITY
FY2027 Community Development Grant

The Executive Office of Mayor Muriel Bowser (EOM) is soliciting grant applications for the Fiscal Year 2027 (FY27) Community Development Grant from qualified community-based organizations (CBOs) serving the District's residents and communities.

A. Grant Purpose

EOM's mission is to improve the quality of life of District residents through advocacy, community outreach, education, and inter-agency coordination. The Mayor's Office of Community Affairs (MOCA) serves as a liaison to the city's diverse communities, ensuring residents' voices are heard and represented. Through MOCA, EOM serves as the liaison between the District Government and various District communities, including, but not limited to, the returning citizens community, the Asian and Pacific Islander community, the Latino community, the African community, the African American community, the LGBTQ+ community, the Veterans community, the women's community, the Caribbean community, and the faith community.[1] EOM invites all CBOs that serve these communities and more within the District to apply for this grant to advance the below funding priorities.

B. Funding Priorities

To qualify for the FY27 Community Development Grant, applicants must provide services within the District **in at least one of the four** (4) Mayoral funding priorities listed below:

Education and Childcare: Through educational programming and workforce training opportunities for residents of all ages, we can give more DC residents a fair shot. This includes everything from early childhood education and youth enrichment programs to trade programs and adult training so that all learners have the opportunity to succeed. Programs can include, but are not limited to, Limited English Proficient and Non-English Proficient (LEP/NEP) learning programs, recreation, sports, arts, and civic engagement.

Public Safety: Community-based programs and initiatives that keep our neighborhoods safe and accessible are critical for complementing and expanding the work of District government. This programming includes, but is not limited to, services for returning citizens, resources for crime prevention, transforming public spaces to strengthen community identity, and empowering youth through mentorship.

Health Care and Human Services: These initiatives are designed to improve residents' overall well-being by increasing access to care, addressing social determinants of health, and reducing inequities that drive chronic health disparities for DC residents. This programming includes, but is not limited to, clinical services, community-based preventive

[1] Note: Qualifying organizations may serve all communities, as the D.C. Human Rights Act (D.C. Official Code § 2-1401 *et seq*) forbids discrimination based on ethnicity. We seek organizations with a proven record of trust within District community, regardless of their client base's breadth or the ethnicities of their leadership and staff.

health programs, mental and behavioral health services, family health programs, chronic disease management programs, culturally and linguistically responsive services, senior and aging services, and health navigation programs.

Economic Resilience and Inclusive Opportunity: As the District's economy shifts, we must shift with it. These programs are designed to strengthen the economy while working so that the growth benefits all residents and makes it easier to do business in DC. A successful program includes, but is not limited to, generating new economic activity, creating new jobs for DC residents and providing training and education to DC small business owners and entrepreneurs.

C. Eligibility Criteria

Applicants shall meet the following minimum requirements to be considered for the FY27 Community Development Grant:

1. The organization is a CBO with a current Federal 501(c)(3) tax-exempt status and is licensed as a business with the District of Columbia's Department of Licensing and Consumer Protection (DLCP);

2. The organization's principal place of business must be located in the District of Columbia. If the business is a national or regional organization, it must have a location in the District through which it provides services;

3. The organization must provide direct services to District residents or collaborate with an organization that provides services to District residents through the organizational efforts of the applicant;

4. All services and programming funded by the grant must be provided within the District of Columbia;

5. The organization must be currently registered and in good standing with DLCP and the Office of Tax and Revenue. Applicants must maintain their good standing status with the aforementioned entities throughout the pre-award process and the grant's performance period;

6. Applicants shall provide an affidavit regarding any debarments, suspensions, or defaults with the District of Columbia's Office of Contract and Procurement;

7. Applicants shall provide an affidavit certifying that they are eligible for a grant under D.C. Code § 1-328.15(d), regarding contributions and solicitation of contributions to a covered recipient[2];

8. *(This requirement applies only to current District grantees.)* Current grantees must be:

a. Current on all District grant reporting obligations for the FY2026 grant cycle;

b. In good standing with the District's legal requirements, including those imposed by any grants or contracts; and

c. Progress reports must reflect substantial progress towards the goals of the grant agreement.

[2] Please see D.C. Code § 1-328.11(3) for the definition of covered recipient.

D. Important Dates

Release Date of RFA:	Friday, May 15, 2026
Availability of RFA:	The RFA will be posted at the following locations: · DC Register: https://www.dcregs.dc.gov/ · District Grants Clearinghouse: https://communityaffairs.dc.gov/content/community-grant-program
Amount of Awards:	Eligible organizations may be awarded up to $100,000; but the grant award amounts will be determined by EOM and may vary by organization.
Application Deadline:	Applications must be submitted via the ZoomGrants Grants Management Portal by Monday, June 15, 2026, at 5:00 PM ET
Length of Awards:	Grant awards are for FY27 Execution of the grant agreement – September 30, 2027
Pre-Bidder's Conference::	Tuesday, May 19, 2026, at 10:00 AM - 1:00 PM EST Martin Luther King Jr. Memorial Library The Auditorium, 5th Floor 901 G St NW, Washington, DC 20001 Register via https://s.dc.gov/FY27MOCAPrebidders
Points of Contact:	Caterina Abruzzo, Chief Partnerships Officer Executive Office of Mayor Muriel Bowser (202) 710-8798 Email: EOM.Grants@dc.gov

This NOFA does not commit EOM to make an award. EOM reserves the right to issue addenda and/or amendments to this NOFA or to rescind this NOFA.

OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY (NOFA)

FY2026 Chinatown Lease Incentive Grant Program

Request for applications (RFA) Release Date: Friday, May 15, 2026

RFA ID No: **FY26-FO-LO-CLIGP**

Introduction: The Office of the Deputy Mayor for Planning and Economic Development ("**DMPED**") invites the submission of applications from qualified organizations for a grant under the Chinatown Lease Incentive Grant Program ("**CLIGP**" or "**Program**"). The purpose of the Program is to provide grants to support small businesses that (1) have or will sign a long-term lease of at least five years in the Chinatown neighborhood in the District of Columbia ("**District**"), and (2) maintain or enhance the cultural heritage of the neighborhood.

The funding opportunity will provide up to $125,000 in total grant funding in FY26 to eligible businesses to (1) offset the costs of rent, or (2) support eligible tenant improvements. Successful applicants may receive the awarded amount annually for up to five (5) years, subject to the availability of funds and an annual certification that the awardee remains in the lease agreement outlined in the RFA.

Authority: The Program will be funded pursuant to the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-169; D.C. Official Code §1-328.04(ii)).

Anticipated Number of Awards: DMPED expects to up to five awards under the Program, in an aggregate amount of up $125,000, contingent on the availability of an appropriated budget in such amount. Awards are anticipated to range from $10,000 to $125,000. Successful applicants may receive the awarded amount on a yearly basis for a total of up to five (5) years, subject to the availability of funds, successful recertification of an active lease, and compliance with the terms and conditions of a grant agreement.

Eligibility: Applicants must meet the following eligibility criteria to be considered for an award under the Program:

- Be registered as a for-profit or nonprofit entity in the District of Columbia;
- Be in good standing with the District of Columbia's Department of Licensing and Consumer Protection (DLCP), the Office of Tax and Revenue (OTR), and the Department of Employment Services (DOES);
- If the applicant is a for-profit entity, be registered as, or be eligible to be registered as, a certified business enterprise;
- Have fewer than 30 full-time employees;
- Sign or intend to sign a long-term lease of a commercial property (5 years or longer); and

- Offer retail, educational programs, entertainment, food, or other services or activities that maintain and enhance the cultural heritage of the Chinatown neighborhood, with a preference for food markets, grocery stores, or other fresh food access points.
- Demonstrate that the property where the eligible business is or will be located is an eligible property located within the Chinatown neighborhood as show on the map here:
- https://dcgis.maps.arcgis.com/apps/instant/lookup/index.html?appid=1eecc24424d04613b61e5664ea3e6adf

Additional details about eligibility and criteria for selecting applicants will be included in the RFA.

Grant Information Session: DMPED will host a virtual and in-person information session for interested applicants. Please check DMPED's website for more details: https://dmped.dc.gov/service/grant-opportunities.

Contact Information: Kavya Balaji **Phone:** (202) 727-6365 **Email:** bizdev@dc.gov

Availability of RFA: The RFA will be released on Friday, May 15, 2026 and posted at https://dmped.dc.gov/service/grant-opportunities.

Grant Application Submission Deadline: Applications will be accepted through Monday, June 22, 2026 at 4:00PM ET. All applications must be submitted electronically, according to the instructions contained in the RFA. Late applications will not be accepted.

Application Process: The grant application process will include an initial screening of applications to evaluate the completeness of the application, followed by scoring by a review panel, and a final approval of funding by the Deputy Mayor.

Final Determination of Award: DMPED anticipates a timeline of forty-five (45) days after the submission deadline to complete all application reviews. Award and funding determinations are final and cannot be appealed. The Deputy Mayor will make the final funding decision, based on a review panel's recommendations, the Mayor's budget priorities, the available resources, the goal of achieving a balance as to communities served, and the goals of the Program.

Reservations: DMPED reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA or it may rescind the NOFA or RFA at any time in its sole discretion.

OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY (NOFA)

FY2026 Rhode Island Avenue Support Grant Program

Request for applications (RFA) Release Date: Friday, May, 15, 2026

RFA ID No: **FY26-BD-LO-RIASGP**

Introduction: The Office of the Deputy Mayor for Planning and Economic Development ("**DMPED**") invites the submission of applications from qualified organizations for a grant under the Rhode Island Avenue Support Grant Program ("**Program**"). The purpose of the Program is to provide grants to support small businesses that (1) have or sign a long-term leases of at least five years in the Rhode Island Avenue corridor in the District of Columbia ("**District**"), and (2) offer services or activities that strengthen community connections and attract foot traffic to the neighborhood.

The funding opportunity will provide up to $350,000 in total grant funding in FY26 to eligible businesses to (1) offset the costs of rent, or (2) complete tenant improvements.

Authority: The Program will be funded pursuant to the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-169; D.C. Official Code §1-328.04(ii)), as amended by the "Rhode Island Avenue Corridor Long-Term Lease Adjustment Emergency Amendment Act of 2026," enacted March 2, 2026 (D.C. Act 26-272) or any subsequent temporary or permanent legislation.

Anticipated Number of Awards: DMPED expects to award multiple grants under the Program, in an aggregate amount of up $350,000, contingent on the availability of an appropriated budget in such amount. Awards are anticipated to range from $10,000 to $100,000. Successful applicants may receive the awarded amount in the form of a one-time payment, subject to the availability of funds, successful certification of an active lease, and compliance with the terms and conditions of a grant agreement.

Eligibility: Applicants must meet the following eligibility criteria to be considered for an award under the Program:

- Be registered as a for-profit or not-for-profit entity in the District of Columbia;
- Be in good standing with the District of Columbia's Department of Licensing and Consumer Protection (DLCP), the Office of Tax and Revenue (OTR), and the Department of Employment Services (DOES);
- If the applicant is a for-profit entity, be registered as, or be eligible to be registered as, a certified business enterprise;
- Have fewer than 30 full-time employees;
- Sign or intend to sign a long-term lease of a commercial property (5 years or longer, with at least 3 years remaining on any active lease);

- Offer retail, educational programs, entertainment, food, or other services or activities that strengthen community connections and attract foot traffic to the Rhode Island Avenue Corridor, with a preference for food markets, grocery stores, or other fresh food access points; and
- Demonstrate that the property where the eligible business is or will be located is an eligible property located within the Rhode Island Avenue Corridor as show on the map here:
    - Rhode Island Avenue Grant Program Eligibility Area

Additional details about eligibility and criteria for selecting applicants will be included in the RFA.

Grant Information Session: DMPED will host a virtual and in-person information session for interested applicants. Please check DMPED's website for more details: https://dmped.dc.gov/service/grant-opportunities.

Contact Information: Tariq Sheriff **Phone:** (202) 727-6365 **Email:** bizdev@dc.gov

Availability of RFA: The RFA will be released on Friday, May, 15, 2026 and posted at https://dmped.dc.gov/service/grant-opportunities.

Grant Application Submission Deadline: Applications will be accepted through Monday, June, 22, 2026 at 4:00PM ET. All applications must be submitted electronically, according to the instructions contained in the RFA. Late applications will not be accepted.

Application Process: The grant application process will include an initial screening of applications to evaluate the completeness of the application, followed by scoring by a review panel, and a final approval of funding by the Deputy Mayor.

Final Determination of Award: DMPED anticipates completing the application review within forty-five (45) days after the application submission deadline. Award and funding determinations are final and cannot be appealed. The Deputy Mayor will make the final funding decision, based on a review panel's recommendations, the Mayor's budget priorities, the available resources, the goal of achieving a balance as to communities served, and the goals of the Program.

Reservations: DMPED reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or it may rescind the NOFA or RFA at any time in its sole discretion.

SHINING STARS MONTESSORI ACADEMY PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

MULTIPLE SERVICES SY26-27

Shining Stars Montessori Academy Public Charter School ("the School") invites proposals from qualified vendors to provide high-quality services in support of the School's academic, administrative, operational, and strategic goals during the 2026–2027 school year. Vendors may submit proposals for all or selected service areas.

1. Academic Support Services; Montessori curriculum development and implementation support, High-impact professional development and coaching, Literacy and math instruction, including licensed teachers, Bilingual education and/or immersion programming coordination, Academic turnaround and targeted intervention services, Assessment administration, scoring, data analysis, and faculty professional development

2. Administrative and Executive Support Services; Front office and main reception management, Enrollment, admissions, records administration, Talent development and Human Resources support, Attendance and family engagement tracking systems and Executive-level administrative support

3. Apparel and Accessories; Logo design, Uniform and branded apparel procurement and Custom uniform and/or accessories for students and staff

4. Before, Afterschool, and Extended Learning Services; Structured before- and after-school programming, Enrichment activities aligned with Montessori philosophy, Extended day programming, summer learning, and enrichment programs, Compliance with licensing and child care regulations and Risk management, staffing, and curriculum support for extended learning

5. Building Grounds, Maintenance, and Management Services; Cleaning and janitorial services Renovations and general repairs and Preventative grounds (exterior) facility maintenance.

6. Classroom & Outdoor Furniture and Materials; Montessori-aligned classroom furniture and learning materials, Outdoor play and learning space equipment, Bulk reading and other materials to support literacy, math, science, history, and SEL instruction

7. Communications and Marketing Services; Strategic marketing and public relations Newsletters, videography, advertising, and media engagement, Social media management to support enrollment and brand presence

8. Contracted Instruction Services; Core content area instruction (ELA, math, science, social studies) In-person or virtual instruction and Enrichment subject areas

9. Construction Project Management & Architectural Services Project design and oversight Architectural consultation, Facility planning and compliance support

10. ELL/TESOL/Immersion Services; Instructional support for English Language Learners / Multi-Language Learners, Assessment, intervention, and compliance

11. Facilities Renovation and Outdoor Learning Space Upgrade; Outdoor classroom enhancements, Nature-based learning installations, General site improvements

12. High-Intensity Tutoring / Accelerated Learning Programs; Targeted tutoring aligned with MTSS or intervention plans, Academic acceleration for student growth and achievement

13. Human Resources and Talent Acquisition Services; Recruitment of Montessori-trained educators and school leaders, Staff onboarding and retention strategy development

14. Legal Services; Employment and labor law counsel, Special education and Title IX compliance, Vendor contract review and related staff training, General counsel and litigation support

- Charter & Education Law, Charter compliance and renewal support, Authorizer communications and corrective action plans, Federal and state education law compliance, Special education compliance under Individuals with Disabilities Education Act, Student privacy under Family Educational Rights and Privacy Act, Civil rights compliance including Title IX, OCR complaint representation before the U.S. Department of Education Office for Civil Rights
- Governance & Nonprofit Corporate Law; Board governance advisement, Bylaws and policy review, Conflict of interest guidance, Open meetings compliance, Executive session advisement, Nonprofit corporate filings and compliance
- Employment & Labor Law; Employee contracts, Terminations and discipline, Investigations, Wage and hour compliance, Leave laws (FMLA, ADA), Representation before the Equal Employment Opportunity Commission, Employee handbook review
- Student Discipline & Due Process; Suspension and expulsion hearings, Manifestation determination review support, Due process hearing representation, Risk mitigation consultation
- Contracts & Procurement; Vendor agreements, Facilities contracts, Transportation contracts, Independent contractor agreements, Federal grant procurement compliance
- Real Estate & Facilities; Lease review and negotiation, Zoning and land use compliance, Construction contracts, Facilities financing agreements
- Litigation Services; Employment litigation, Parent/student claims, Contract disputes, Personal injury defense, Administrative hearing representation, Immigration support for staff

15. Licensed Counseling and Social Work Services; On-site or virtual mental health support, School-based counseling services

16. Nursing and Allied Health Services; Licensed nursing services, Health screenings and allied health consultations

17. Operations Support Services; Attendance tracking and student records, Afterschool operations, inventory, and facility management, Food services, HR, and enrollment operations

18. Related Service Provider Support; Speech-language therapy, Occupational and physical therapy, Social work, guidance counseling, and student evaluations

19. Security & Services; Unarmed on-site security staffing, Safety monitoring for building and perimeter
20. Special Program/Education Services; Instructional and related services for students with IEPs and 504s
Comprehensive student evaluations
21. Student Transportation Services; General pick up and drop off, fieldtrip and special event transportation
Local and regional transportation logistics
22. Technology Maintenance & IT Support; Information Technology and helpdesk services, Network administration and device maintenance, Website development and maintenance
23. Training & Professional Development Services; Staff training and coaching, Parent engagement and board development, Community engagement facilitation

Submission Requirements
All bidders must include the following in their proposals: Company profile and relevant experience
Organizational capability statement, Resumes of principals / lead staff, Three (3) references from comparable schools or public charter entities, Evidence of prior work with private and/or public charter schools, Scope of services and pricing (including optional flexible models), Licensure/certification, where applicable

Submission Format and Deadline: Proposals must be submitted in PDF format, Email to: procurement@shiningstarspcs.org, Deadline: 5:00 PM, June 12, 2026

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY

Ward 8 Community Investment Fund Grant Program

Fiscal Year 2026

This Notice of Funding Availability (**"NOFA"**), in combination with the Request for Applications (**"RFA"**), which will be released when the grant opens, constitutes the full set of instructions to assist applicants with completing applications for the Fiscal Year (**"FY"**) 2026 Ward 8 Community Investment Fund ("**Ward8CIF**") Grant Program. **Applicants are required to read both documents in their entirety before applying**.

The District of Columbia ("**DC**," **D.C.**," or "**District**") Department of Small and Local Business Development ("**DSLBD**" or "**Department**") is pleased to announce that it will begin soliciting applications for the FY26 Ward8CIF Grant Program on or about **May 8, 2026 at 2:00 pm Eastern Time ("ET")**.

To increase the ease of doing business in the District, the FY26 Ward8CIF Grant Program will support Ward 8-based businesses by offering funding opportunities that promote equitable access to capital, sustainable business growth, and long-term success. The grant funds will reimburse eligible businesses for expenses incurred to maintain business operations and viability.

The Department intends to award approximately forty-eight (48) grants,[1] with a total of $430,000 in available funding for FY26. Each funding opportunity is discussed below.

A. **Ward8CIF BOSS.** DSLBD intends to award approximately twenty-five (25) grants up to $8,000 each from $200,000 in available funding to eligible Ward 8-based businesses that have completed the required Back Office Support Session ("**BOSS**") training hosted by the DSLBD Innovation and Equitable Development Division ("**Inno.ED**").
B. **Contract and Procurement Ready.** DSLBD intends to award approximately twenty-three (23) grants up to $10,000 each from $230,000 in available funding to active Certified Business Enterprises ("**CBE**") based in Ward 8 that have completed a Contract and Procurement training session hosted by the DSLBD Business Development Division.

The competitive application will open on May 8, 2026, at 2:00 pm ET and close on June 8, 2026, at 2:00 pm ET. Applications will only be accepted through the online application system listed in the corresponding RFA that will be posted on DSLBD's website.

Who can Apply?
To be eligible for this grant opportunity, applicants must meet the following criteria:

- Be a for-profit business with fewer than twenty-five (25) full-time employees ("**FTE**");

[1] The maximum amount of allowed expenses is included in each funding opportunity description. However, the number of grants awarded, and the actual amount of each award will depend on the value of eligible expenses applicants submit during the reporting phase of the grant, once awarded.

- Complete the required training session for the funding opportunity; [2] and
- Maintain an actively licensed business with a physical location in Ward 8.

To be eligible for the Contract and Procurement Ready pool, applicants must also be an active CBE.

Businesses or business owners that received Ward8CIF awards in FY25 are ineligible to apply for the FY26 Ward8CIF Grant Program.

Applicants are also required to provide, among other items, a current Certificate of Clean Hands ("**CCH**") from the District's Office of Tax and Revenue ("**OTR**"), proof of an active Business License from the District's Department of Licensing and Consumer Protection ("**DLCP**"), and a signed affidavit attesting to compliance with applicable program conditions.

How do I Apply?
Instructions are included in the RFA, which will be available for download on DSLBD's website on or before May 8, 2026. Applicants are required to read the full RFA at: https://dslbd.dc.gov/service/current-grant-opportunities.

How can the Funds be Used?
Grant funds may be used to reimburse business expenses incurred between October 1, 2025 and August 1, 2026, for expenses, as deemed reasonable by the Department, related to the maintenance or growth of the awardee's business operations and viability. Examples of allowed and disallowed uses are detailed in the full RFA available on DSLBD's website during the application period.

How Will Awardees be Selected?
Grant awardees will be competitively selected through a randomized lottery process. Additional details regarding the lottery selection process will be discussed in the RFA.

The Director of DSLBD will approve all grant awards at the final stage. Announcements of selected awards will be made on or around July 22, 2026.

Questions?
DSLBD will hold virtual information sessions concerning the grant program. Details on information sessions will be provided in the RFA along with a registration link, and they will also be listed on DSLBD's Eventbrite page, on or around May 8, 2026. Applicants are highly encouraged to attend an information session.

Questions asked outside of the virtual information sessions must be submitted in writing to DSLBD at Inno.ED@dc.gov. DSLBD will begin answering questions after the grant opens on May 8, 2026. DSLBD will not respond to questions over the phone. All questions must be submitted no later than June 3, 2026.

Reservation of Rights
DSLBD reserves the right to issue addenda, modifications, and/or amendments after the issuance of this NOFA or the corresponding RFA, or to rescind the NOFA or RFA at any time.

[2] Additional details regarding the BOSS and Contract and Procurement training sessions will be available in the RFA.

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF FUNDING AVAILABILITY (NOFA)

National Electric Vehicle Infrastructure (NEVI) Program Grant *(Extension)*
Request for Application (RFA) Release Date: March 3, 2026
Application Submission Deadline: June 16, 2026

The District Department of Transportation (DDOT) will solicit detailed proposals from organizations, businesses, or property owners to design, build, operate and maintain federally compliant Direct Current (DC) fast charging stations. Under the National Electric Vehicle Infrastructure (NEVI) Formula Program, DDOT is receiving $16.7 million over five (5) years to invest in electric vehicle (EV) charging infrastructure throughout the District of Columbia (District) in accordance with the program's guidance, specifications, and requirements.

These first round of stations must be withing one (1) travel-mile of federally designated Alternative Fuel Corridors (AFCs) for the District to achieve fully built out status. The District currently has six (6) AFCs. The eligible locations can be found in this map: https://dcgis.maps.arcgis.com/apps/mapviewer/index.html?webmap=2a139e962243440fb34f80e5202e1a35. **DDOT requires you to apply with station sites secured through a property owner letter of support unless the Applicant is also the site host.**

The total funding available for this RFA is $9.6 million. Some of this amount will be used by DDOT for planning, outreach, and administration as allowed by NEVI guidelines. **The Applicant is required to provide a match of 20% of the total price proposal.**

Please refer to the full RFA for a detailed list of requirements. The RFA will be available on **March 3, 2026** and listed in the District Grants Clearinghouse on the Office of Partnerships and Grant Services website. In addition, on **March 10, 2026** at **1 PM** DDOT will provide a one-time public webinar to discuss the RFA and address questions. This webinar will be recorded and posted on the District's NEVI website. The submission deadline will be **May 26, 2026**.

Additional information on the deployment plan can be found on the District's NEVI website: https://nevi.ddot.dc.gov/. Otherwise, please contact:

Tasin Malik
Planning and Sustainability Division
250 M Street SE
Washington, DC 20003
Phone: (202) 923-5931
Email: tasin.malik@dc.gov

NOTICE OF NON-DISCRIMINATION

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, status as a victim of an intrafamily offense, 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.

ጠቃሚ ማስታወቂያ

ይህ ሰነድ ጠቃሚ መረጃ ይዟል። በአማርኛ እርዳታ ከፈለጉ ወይም ስለዚህ ማስታወቂያ ጥያቄ ካለዎት በ 202-527 – 5633 ይደውሉ። የትኛውን ቋንቋ እንደሚናገሩ ለደንበኞች አገልግሎት ተወካይ ይንገሩ። ያለምንም ክፍያ አስተርጓሚ ይመደብልዎታል። እናመሰግናለን።

重要通知

本文件包含重要資訊。如果您需要用（中文）接受幫助或者對本通知有疑問，請電洽 202-527 - 5633。**請 告訴客**戶服務部代表**您所**說的語言，會免費向**您提供口譯員服務。謝謝！**

AVIS IMPORTANT

Ce document contient des informations importantes. Si vous avez besoin d’aide en Français ou si vous avez des questions au sujet du présent avis, veuillez appeler le 202-527 - 5633. Dites au représentant de service quelle langue vous parlez et l’assistance d’un interprète vous sera fournie gratuitement. Merci.

안내

이 안내문은 중요한 내용을 담고 있습니다. 한국어로 언어 지원이 필요하시거나 질문이 있으실 경우 202-527 – 5633 로 연락을 주십시오. 필요하신 경우, 고객 서비스 담당원에게 지원 받고자 하는 언어를 알려주시면, 무료로 통역 서비스가 제공됩니다. 감사합니다.

AVISO IMPORTANTE

Este documento contiene información importante. Si necesita ayuda en Español o si tiene alguna pregunta sobre este aviso, por favor llame al 202-527 - 5633. Infórmele al representante de atención al cliente el idioma que habla para que le proporcione un intérprete sin costo para usted. Gracias.

THÔNG BÁO QUAN TRỌNG

Tài liệu này có nhiều thông tin quan trọng. Nếu quý vị cần giúp đỡ về tiếng Việt, hoặc có thắc mắc bề thông báo này, xin gọi 202-527 - 5633. Nói với người trả lời điện thoại là quý vị muốn nói chuyện bằng tiếng Việt để chúng tôi thu xếp có thông dịch viên đến giúp quý vị mà không tốn đồng nào. Xin cảm ơn.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Human Resources and Labor Relations Committee With Union Presidents

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Human Resources and Labor Relations Committee will hold a meeting via Microsoft Teams on Wednesday, May 13, 2026, at 9:30 a.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 will be posted to DC Water's website at www.dcwater.com, which will include the 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. Action Items	Chief People and Inclusion Officer and EVP, People and Talent
3. Other Business	Committee Chairperson
4. Executive Session	Committee Chairperson
5. 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***.**

BOARD OF ZONING ADJUSTMENT
NOTICE OF VIRTUAL PUBLIC MEETING

TIME AND PLACE: Wednesday, March July 1, 2026, @ 9:30 a.m.
Via WebEx: https://dcoz.dc.gov/BZA07-01-2026
Via Telephone: 202-860-2110 Access Code: 2316 359 3795
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.

EXPEDITED REVIEW

WARD THREE

Application of:	**Sarah and Carl O'Briant**
Case No.:	**21452**
Address:	3817 Jennifer Street N.W. (Square 1855, Lot 38)
ANC:	**3/4G**
Relief:	Special Exceptions from: • the rear yard requirements of Subtitle D § 207.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2) • the side yard requirements of Subtitle D § 208.2 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)
Project:	To construct a one-story addition to an existing accessory garage, in the rear of an existing, detached, two-story plus cellar, principal dwelling unit in the R-1B Zone.

WARD THREE

Application of:	**S. Preston Brown and Adriana S. Brown**
Case No.:	**21464**
Address:	5059 Glenbrook Terrace, N.W. (Square 1432, Lot 33)
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 one-story rear addition, to an existing, detached, two-story plus cellar, principal dwelling unit in the R-2 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.

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

VACANT - CHAIRPERSON
VACANT - VICE-CHAIRPERSON,
VACANT – MEMBER, NATIONAL CAPITOL PLANNINGCOMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
KEARA M. MEHLERT, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov .

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 25-02
Z.C. Case No. 25-02
NW One Phase 3 Owner, LLC
(Zoning Map Amendment @ Square 621, Lot 860)
January 29, 2026

Pursuant to notice, at its January 29, 2026 public meeting, the Zoning Commission for the District of Columbia ("Commission") considered the application (the "Application") of NW One Phase 3 Owner, LLC (the "Applicant"), on behalf of the District of Columbia acting by and through the Deputy Mayor for Planning and Economic Development ("DMPED"), pursuant to Subtitle X § 500.1 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations ("DCMR"), Zoning Regulations of 2016, to which all references are made unless otherwise specified) to amend the Zoning Map from the MU-4 zone to the MU-9A zone for Square 621, Lot 860 (the "Property"). For the reasons set forth below, the Commission hereby **APPROVES** the Application.

The Commission determined the Property is appropriate for IZ Plus. The Property shall be indicated with an "IZ+" symbol on the Zoning Map. For the purposes of calculating an IZ Plus set-aside requirement pursuant to Subtitle C § 1003, the maximum permitted FAR of the Property's existing zoning of MU-4 is the equivalent of 2.5 FAR.

SUMMARY ORDER

Parties

1. The Applicant and Advisory Neighborhood Commission ("ANC") 6E, in which the Property is located, were automatically parties to the proceeding pursuant to Subtitle Z § 403.5. The Commission received no requests for party status.

2. Pursuant to Subtitle Z § 304.5, the Applicant mailed a Notice of Intent to file the Application (Exhibit ["Ex."] 3F) on September 25, 2024, to ANC 6E and the owners of all property within 200 feet of the Property. Pursuant to Subtitle Z § 402, the Office of Zoning ("OZ") sent notice of the December 15, 2025, public hearing on October 16, 2025, and published notice of the public hearing in the October 17, 2025, *District of Columbia Register* (72 DCR 011504 *et seq.*), as well as on the calendar on OZ's website (Ex. 15-17). Pursuant to Subtitle Z § 402.3, the Applicant posted notice of the hearing on the Property on November 4, 2025, and maintained such notice in accordance with Subtitle Z § 402.10 (Ex. 18, 24).

Application

3. The Property constitutes part of the overall Northwest One redevelopment site, which is owned by the District of Columbia and is being redeveloped by the Applicant pursuant to a Land Disposition and Development Agreement with the District (Ex. 3). The Applicant and DMPED authorized the Application (Ex. 3E). The Property represents the third and final phase of the overall Northwest One redevelopment, the site of the former Temple Courts Apartments. Among other things, the three-phase development includes replacement units reserved for the former residents of the Temple Courts Apartments, with

residents having the first opportunity to return to the Property in such reserved units following redevelopment. Outreach and coordination with former residents to offer units upon building lease-up are coordinated on behalf of DMPED by Housing Opportunities Unlimited, and such outreach will continue through the Phase 3 development facilitated by the Map Amendment proposed by this Application (Ex. 10, 20).

4. The Property is currently zoned MU-4. The Property has a split mixed-use designation on the Future Land Use Map of the Comprehensive Plan with the majority of the Property designated mixed-use High Density Residential and Medium Density Commercial and roughly a third of the Property on the north end designated for mixed-use High Density Residential and Low Density Commercial. The Property is located within the Central Washington designation on the Comprehensive Plan Generalized Policy Map (Ex. 3, 3C). The current MU-4 zone allows a maximum height of 50 feet, a maximum density of 2.5 FAR (or 3.0 FAR for Inclusionary Zoning ("IZ") developments), of which a maximum 1.5 FAR may be devoted to non-residential use, and a maximum lot occupancy of 60% (or 75% for IZ developments). The proposed MU-9A zone allows a maximum height of 90 feet (or 100 feet for IZ developments), a maximum density of 6.5 FAR (or 7.8 FAR for IZ developments), of which a maximum 1.0 FAR may be devoted to non-residential use, and a maximum lot occupancy of 100%.

5. On April 7, 2025, the Applicant filed the Application for approval of the Map Amendment to the MU-9A zone (Ex. 1-3F). The Application included an evaluation of the proposed Map Amendment under the Comprehensive Plan, including when viewed through a racial equity lens[1], and concluded that the Map Amendment would further policies of the Central Washington Area, Land Use, Housing, Environmental Protection, and Urban Design Elements of the Comprehensive Plan, as well as goals and objectives of the Northwest One Redevelopment Plan (Ex. 3C). The Application satisfied the filing requirements of Subtitle Z § 300 *et seq.* (Ex. 3-3F). On June 12, 2025, the Applicant submitted a supplemental statement providing additional information on applicable affordable housing requirements for Phase 3 of development and coordination with former tenants (Ex. 10).

Responses to the Application

6. On June 27, 2025, the Office of Planning ("OP") submitted a report ("OP Setdown Report") recommending set down of the Application and explained that the proposed Map Amendment was not inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens[2]; would further policies of the Land Use, Housing, and Central Washington Area Elements of the Comprehensive Plan, as well the Northwest One Redevelopment Plan; and would be appropriate for IZ Plus pursuant to Subtitle X § 502.1(b) because the rezoning to the MU-9A zone would allow a higher maximum FAR than the existing MU-4 zone (Ex. 11).

[1] The Applicant provided a racial equity analysis in accordance with the requirements of the Commission's Racial Equity Tool, including information on the Applicant's community outreach and engagement efforts regarding the Application.

[2] OP provided a racial equity analysis in accordance with the requirements of the Commission's Racial Equity Tool, including disaggregated race and ethnicity data for the Central Washington Planning Area, in which the Property is located.

7. At its July 10, 2025 public meeting, the Commission voted to set the case down as a contested case for a public hearing (July 10, 2025, Public Meeting Transcript ["Tr."] at 27-28).

8. On August 11, 2025, the Applicant filed a prehearing statement that requested a public hearing and detailed the Applicant's planned presentation for the hearing (Ex. 13-13B). The Applicant filed an additional supplemental prehearing submission on November 17, 2025, providing additional information on community outreach and engagement and a summary of unit data for the overall Northwest One redevelopment site (Ex. 20).

9. ANC 6E submitted a letter in support on November 10, 2025, stating that at a duly noticed public meeting with a quorum present, the ANC voted unanimously in support of the Application and citing no issues and concerns (Ex. 19).

10. On December 3, 2025, the Office of the Attorney General submitted a letter in support of the Map Amendment Application citing numerous policy goals and objectives of the Comprehensive Plan that would be advanced by the Map Amendment and its provision of IZ Plus (Ex. 21).

11. On December 5, 2025, the District Department of Transportation ("DDOT") submitted a report stating no objection to approval of the Map Amendment (Ex. 22). OP also submitted its Hearing Report on December 5, 2025, in support of the Application. OP's Hearing Report largely reiterated the OP Setdown Report and concluded that the Application was not inconsistent with the Comprehensive Plan (Ex. 23).

12. On December 15, 2025, the Commission held a public hearing in accordance with Subtitle Z § 408. Three witnesses testified for the Applicant's team in support of the Application at the hearing (December 15, 2025 Public Hearing Tr. at 12-23). OP testified that it continued to find the Application to be not inconsistent with the Comprehensive Plan (*Id.* at 21-23). A representative of the Office of the Attorney General also testified in support of the Application (*Id.* at 28-33). No other person, party, or entity appeared either in support or opposition to the Application at the public hearing.

13. On December 16, 2025, the Commission referred the proposed map amendment to the National Capital Planning Commission ("NCPC") for review and comment pursuant to the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Code Section 1-201 et seq. (Ex. 29).

14. By report dated December 31, 2025, NCPC found that the proposed map amendment would not be inconsistent with the federal elements of the Comprehensive Plan for the National Capital nor will it adversely affect any other identified federal interest (Ex. 31).

CONCLUSIONS

1. Section 1 of the Zoning Act of 1938 (effective June 20, 1938, as amended, 52 Stat. 797, ch. 534; D.C. Official Code § 6-641.01, et seq. (2012 Repl.)) (the "Zoning Act") authorizes the Commission to create zones within which the Commission may regulate the construction and use of property in order to "promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development as the national capital."

2. Section 2 of the Zoning Act (D.C. Official Code § 6-641.02) further provides that:

   Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion on the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein.

3. The Commission must ensure that the Zoning Map, and all amendments to it, are "not inconsistent" with the Comprehensive Plan pursuant to § 492(b)(1) of the District of Columbia Home Rule Act (§ 2 of the Zoning Act; D.C. Official Code § 6-641.02). Subtitle X § 500.3 incorporates this intent to the Zoning Regulations by requiring that Map Amendments be "not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site."

4. Based upon the record before the Commission and the testimony at the December 15, 2025 public hearing, the Commission concludes that the proposed Map Amendment from the MU-4 zone to the MU-9A zone, where the majority of the Property is designated mixed-use High Density Residential and Medium Density Commercial on the Future Land Use Map of the Comprehensive Plan, with a portion of the Property on the north designated mixed-use High Density Residential and Low Density Commercial, and designated Central Washington on the Generalized Policy Map of the Comprehensive Plan, furthers multiple policies of the Comprehensive Plan Citywide Elements and the Central Washington Area Element as well as the Northwest One Redevelopment Plan; furthers Comprehensive Plan racial equity goals; and is appropriate for IZ Plus, pursuant to Subtitle X § 502.1(b). Accordingly, the Commission concludes that the Map Amendment is not inconsistent with the Comprehensive Plan, including when viewed through a racial equity lens, and with other adopted public policies and active programs related to the Property.

5. As required by law, the Commission gives "great weight" to the recommendations of OP that the Application satisfies the requirements for a map amendment, and the Commission concurs in that judgment.

6. As also required by law, the Commission gives "great weight" to the support of ANC 6E, which was provided in a written report that was approved by the ANC at a properly noticed public meeting with a quorum present, and the Commission concurs with the ANC's support. The Commission notes that the ANC report cited no issues and concerns regarding the Application.

7. Since no persons or parties appeared in opposition to the Application and the affected ANC, 6E, 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 for Z.C. Case 25-02, the Zoning Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application to amend the Zoning Map as follows:

SQUARE	LOTS	MAP AMENDMENT
621	860	MU-4 zone to MU-9A zone

For the purposes of calculating an IZ Plus set-aside requirement pursuant to Subtitle C § 1003, the maximum permitted FAR of the Property's existing zoning of MU-4 is the equivalent of 2.5 FAR.

PROPOSED ACTION
VOTE (December 15, 2025): 4-0-1 (Joseph S. Imamura, Robert Miller, Anthony J. Hood, and Gwen Wright to approve; Tammy Stidham, not present, not voting).

FINAL ACTION
VOTE (January 29, 2026): 4-0-1 (Gwen Wright, Joseph S. Imamura, Anthony J. Hood, Robert Miller to approve; Tammy Stidham, not participating, not voting).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 25-02 shall become final and effective upon publication in the *District of Columbia Register*; that is, on May 1, 2026.

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 25-07
Z.C. Case No. 25-07
BD Parcel 5, LLC
(NHR Design Review @ Square 5860)
September 8, 2025

Pursuant to notice, the Zoning Commission of the District of Columbia (the "Commission") held a public hearing on September 8, 2025, to consider the application ("Application") of BD Parcel 5, LLC (the "Applicant") requesting:

(i) Design Review approval for construction of a mixed-use building (the "Project") located on Howard Road, S.E. at Square 5860, Lot 1070 (the "Property") in the Northern Howard Road ("NHR") Zone District pursuant to Subtitle K §§ 1004,1005 and Subtitle X § 604 of Title 11 of the District of Columbia Municipal Regulations ("DCMR") (the "2016 Zoning Regulations," to which all section references are made unless otherwise specified);

(ii) Special exception relief from the penthouse enclosing wall uniform height requirements of Subtitle C § 1503.4;[1]

(iii) Technical zoning flexibility from: the open court requirements of Subtitle K § 1001.11; the side yard requirements of Subtitle K § 1001.8; the ground floor minimum clear height requirement of Subtitle K § 1004.3(a); the stormwater retention capacity requirement of Subtitle K § 1010.1(d); and the rooftop solar panel requirement of Subtitle K § 1010.1(a);[2] and

(iv) Such other design flexibility as are set forth in the Conditions hereof.

---

[1] The Applicant had initially requested special exception relief from the penthouse setback requirements of Subtitle C § 1504.1(c)(2) to allow certain rooftop guardrails located along walls facing a public park to not be setback 1:1 from the edge of the roof upon which they are located. However, prior to the September 8, 2025 public hearing, the Applicant submitted a revised roof plan that showed guardrails compliant with the 1:1 roof structure setback requirement, and thus the Applicant formally withdrew its request for roof structure setback relief (Exhibit ["Ex."] 23-24). In its prehearing statement at Exhibit 11, the Applicant also added to its special exception relief requests to include relief from the penthouse enclosing wall height and setback requirements of Subtitle C §§ 1503.4(b) and 1504.1(d), respectively, to allow a new elevator vestibule of lower height than other penthouse space on the roof and not setback 1:1 from the adjacent court wall. Ultimately, the special exception relief from penthouse setback requirements of Subtitle C § 1504.1(d) was moot because the Zoning Administrator confirmed by email dated September 8, 2025 (Ex. 28) that the vestibule can be considered part of the elevator and not subject to setback requirements pursuant to Subtitle C § 1504.4. However, the penthouse enclosing wall height relief from Subtitle C § 1503.4(b) was granted by the Commission as a special exception; and

[2] The Applicant had initially requested special exception relief from the open court, side yard, and ground level clear height requirements, and area variance relief from the stormwater retention and rooftop solar requirements. In its report to the Commission, the Office of Planning ("OP") stated that it believed the Commission could grant these areas of relief as flexibility under Subtitle X § 603.1 (Ex. 18; See Finding of Fact ("FF") No. 41). The Commission agrees with OP and thus considered the Applicant's request regarding these development standards as flexibility. As such, pursuant to Subtitle X § 603.4, the applicable special exception criteria and variance standards that would otherwise need to be satisfied in requests for this relief did not apply in this case.

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. For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

I. The Application

Notice

1. Pursuant to Subtitle Z § 301.6, on December 5, 2024, the Applicant mailed a Notice of Intent to file a Design Review application (the "NOI") to all property owners within 200 feet of the Property and to Advisory Neighborhood Commission ("ANC") 8A, the ANC within which the Property is located and the "affected ANC" per Subtitle Z § 101.8. While not considered an affected ANC, the Applicant also mailed the NOI to ANC 8C due to its proximity to the Property. The Applicant engaged with both ANCs 8A and 8C prior to filing the Application (Ex. 3C, 3D).

2. On May 16, 2025, the Applicant filed the Application with required and supportive documentation and plans (Ex. 1-4).

3. By letter dated June 10, 2025, the Office of Zoning ("OZ") referred the Application for review and comment and gave notice of the September 8, 2025, virtual public hearing to:
   - D.C. Department of Energy and Environment ("DOEE");
   - D.C. Metropolitan Police Department ("MPD");
   - D.C. Fire & Emergency Medical Services ("FEMS"); and
   - D.C. Homeland Security & Emergency Management Agency ("HSEMA").

   (Ex. 5).

4. Pursuant to Subtitle Z § 402.1, OZ sent notice of the September 8, 2025, public hearing on July 3, 2025, to the following listed below, and published the Notice of Public Hearing in the July 11, 2025, issue of the *District of Columbia Register* (72 DCR 007814-007817) (Ex. 7, 8, 8A):
   - Applicant;
   - ANC 8A;
   - ANC Single Member District ("SMD") 8A06, whose district includes the Subject Property;
   - The Office of ANCs;
   - The Ward 8 Councilmember, whose ward incudes the Subject Property;
   - The At-Large Members of the Council of the District of Columbia;
   - The Office of Planning ("OP");
   - The Department of Buildings ("DOB");
   - DOEE;
   - The District Department of Transportation ("DDOT");
   - OZ Legal Division ("OZLD"); and
   - The owners of property within 200 feet of the Subject Property.

5. The Applicant posted notice of the hearing on the Property on July 14, 2025, and maintained such notice in accordance with Subtitle Z §§ 402.3 and 402.10 (Ex. 9, 19).

Parties

6. Apart from the Applicant and ANC 8A, there were no parties to the proceedings and no requests for party status.

The Property

7. The Property comprises approximately 33,326 square feet of land area on the north side of Howard Road, S.E. The Property is part of the area referred to by the Applicant as the "Bridge District," a collection of several adjacent parcels that are owned by affiliates of the Applicant on both sides of Howard Road in between South Capitol Street, S.E. on the west and the Anacostia Freeway on the east. The Property is also known as Bridge District – Parcel 5 (Ex. 3, 3A).

8. The Property is currently an unimproved lot and was most recently used for construction staging during construction of the first phase of the Bridge District (approved pursuant to Z.C. Order No. 21-13), which was recently completed (Ex. 3). The Project is the next phase in the build out of the Bridge District, a new multi-building mixed-use neighborhood that will contain residential, office, neighborhood-serving amenities, and public and publicly accessible open space (Ex. 3, 3A).

9. The Property is located west of the Anacostia Metrorail Station. To the north is Poplar Point and Anacostia Park; to the east and southeast are Bridge District – Parcel 6 (currently unimproved), and a charter school and D.C. Department of Health facility, respectively; to the south are Bridge District – Parcels 1 and 2 (approved pursuant to Z.C. Order No. 22-39) and Suitland Parkway; and to the west is the recently completed "Bridge District Phase 1" (Parcels 3 and 4) (Ex. 3).

10. The Property is an Assessment & Taxation (A&T) lot within a larger record lot, Record Lot 99 ("Record Lot"), that also contains A&T Lot 1071 ("Lot 1071"). The Record Lot fronts on Howard Road, S.E. on the south and the public right-of-way of the Anacostia Freeway on the east. Lot 1071, which is known as Parcel 6 of the Bridge District, is also owned by affiliates of the Applicant and will be redeveloped in a future phase of the Bridge District. The Property is subject to a public access easement along its eastern boundary (Ex. 3A).

Zoning

11. The Property is in the NHR zone. Subtitle K § 1000.2 states that the purposes of the NHR zone are to:
    - Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk, and design of buildings, as generally indicated in the Comprehensive Plan;
    - Encourage a variety of visitor-related uses, such as retail, service, and entertainment;

- Provide for increased height and density associated with increased affordable housing;
- Encourage superior architecture and design in all buildings and publicly accessible outdoor spaces;
- Require preferred ground-level retail and service uses along Howard Road, S.E.;
- Provide for the development of Howard Road, SE as a pedestrian- and bicycle-friendly street, with street-activating uses, and connections to Metrorail and the broader neighborhood; and
- Encourage the inclusion of a bicycle track along Howard Road, S.E.

12. The NHR zone is intended to permit high-density mixed-use development in the vicinity of the Anacostia Metrorail Station along Howard Road (Subtitle K § 1001.1). The NHR zone permits a maximum floor area ratio ("FAR") of 9.0 and requires a minimum residential FAR of 2.5[3] consisting exclusively of uses that fall within the "Residential" Use Category defined in Subtitle B § 200.2 (Subtitle K §§ 1001.2, 1001.3). The NHR zone permits a maximum building height of 130 feet (Subtitle K § 1001.4). The NHR zone requires development fronting on Howard Road, S.E., such as the Property, to adhere to the preferred use and design requirements of Subtitle K § 1004. The NHR zone also requires development on this Property to comply with the requirements of Subtitle K § 1010.1 regarding rooftop solar panels, Inclusionary Zoning ("IZ") units set-aside, and stormwater capacity, and not to be constructed within the five hundred (500)-year flood plain. Further, with respect to IZ, the NHR zone requires residential development to comply with the set-aside, Median Family Income ("MFI"), and three-bedroom requirements as set forth in Subtitle K § 1002.

Comprehensive Plan (Title 10-A DCMR, the "CP")

13. The Property is located within an area designated on the Future Land Use Map ("FLUM") of the CP as Mixed Use (High Density Commercial/High Density Residential/Institutional). The CP describes the Mixed Use FLUM designation as "areas where the mixing of two or more land uses is especially encouraged." (CP § 227.20). The general density and intensity of development in Mixed Use areas is determined by the specific mix of uses shown on the FLUM (*Id.*; Subtitle § 227.21). In this case, the Mixed-Use area on the FLUM within which the Property is located is planned for high density mixed-use development containing commercial, residential, and institutional uses. The CP Framework Element describes the High Density Commercial, High Density Residential, and Institutional FLUM categories as follows:
    - The High-Density Residential designation is used to define neighborhoods and corridors generally, but not exclusively, suited for high-rise apartment buildings. Pockets of less dense housing may exist within these areas. Density is typically greater than a FAR of 4.0, and greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The RA-4 and RA-5 Zone Districts are consistent with the High-Density Residential category, and other zones may also apply (*Id.;* Subtitle § 227.8);

[3] With respect to both, except as allowed/modified based on the provisions in Subtitle K § 1009.

- The High Density Commercial designation is used to define the central employment district, other major office centers, and other commercial areas with the greatest scale and intensity of use in the District. Office and mixed office/retail buildings with densities greater than a FAR of 6.0 are the predominant use, although high-rise residential and many lower scale buildings (including historic buildings) are interspersed. The MU-9, D-3, and D-6 zones are consistent with the High-Density Commercial category, and other zones may also apply (*Id*.; Subtitle § 227.13); and
- The Institutional Use designation includes land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions. While included in this category, smaller institutional uses such as churches are generally not mapped, unless they are located on sites that are several acres in size. Zoning designations vary depending on surrounding uses. Institutional uses are also permitted in other land use categories (*Id*.; Subtitle § 227.18).

14. The Generalized Policy Map ("GPM") of the CP designates the Property as a Land Use Change Area. The purpose of Land Use Change Areas is to "encourage and facilitate new development and promote the adaptive reuse of existing structures." *(Id. Subtitle* § 225.11). The GPM also shows that the Property is located within a Future Planning Analysis Area and a Resilience Focus Area. Future Planning Analysis Areas are described in the CP Implementation Element as "large tracts or corridors where future analysis is anticipated to ensure adequate planning for equitable development…" (*Id*.; Subtitle § 2503.2). It is intended that the planning analysis "shall precede any zoning changes in the area." (*Id*.) Resilience Focus Areas are described in the CP Land Use Element as areas where future planning efforts are anticipated to ensure resilience to flooding for new development and infrastructure projects, including capital projects, especially in areas within the one hundred (100)- and five hundred (500)-year floodplains (*Id*.; Subtitle § 304.8). In Resilience Focus Areas, the implementation of neighborhood-scale and site-specific solutions, design guidelines, and policies for a climate-adaptive and resilient city are encouraged and expected (*Id.*).

15. The Property is located within the Lower Anacostia Waterfront/Near Southwest Area Element of the CP (Ex. 3).

The Project

16. The Project entails construction of a mixed-use building ("Building") that will contain approximately 239,328 square feet of gross floor area ("GFA"), of which approximately 230,679 square feet of GFA is devoted to residential use, and approximately 8,649 square feet of GFA is devoted to ground floor commercial use. The Building will contain two-levels of below grade parking with approximately 160 vehicle parking spaces, 2 loading berths and 1 delivery space, approximately 92 long-term bicycle parking spaces, and 17 short-term bicycle parking spaces (Ex. 3B1-3B4, 11-11A5, 24).

17. The Building will be constructed to a maximum height of 130 feet, as measured from the midpoint of the frontage on the east side of the Record Lot, and will have a maximum overall density of approximately 7.16 FAR. The Building will have a penthouse containing

habitable and mechanical space and screened mechanical equipment that has a maximum height of 20 feet (Ex. 3B1-3B4, 11-11A5, 24).

18. The Building will contain approximately 272 dwelling units, which will include a mix of studios, one-bedroom, two-bedroom, and three-bedroom apartment units. In accordance with the requirements of the NHR zone (*see* Subtitle K §§ 1002, 1010.1), the Project will set aside 12% of the residential GFA and 8% of the penthouse habitable space for IZ units, affordable at the 60% and 50% MFI levels. Approximately 50% of the IZ square footage will be three-bedroom units. Overall, the Project is expected to provide approximately 27,900 square feet of GFA of affordable housing. This is anticipated to equate to approximately 29 affordable units, of which approximately 11 will be three-bedroom units (Ex. 3B1-3B4, 11-11A5, 24).

19. The Building will contain: 11 stories of above-grade residential use constructed of mass timber over a one-story concrete podium that will contain residential lobby and amenity spaces; retail; a bike storage room; and loading and other back of house/mechanical spaces. The residential lobby and retail uses define the Howard Road street frontage at the ground level. Amenity space, loading facilities, long-term bicycle parking, and mechanical areas are located towards the rear portion of the ground-level. Above the ground-level, upper floors contain residential units configured in a "U" shape that defines a large landscaped open court that faces Poplar Point to the north and provides light and air to interior dwelling units. Corner units around the exterior perimeter of the Building are outfitted with balconies that face Howard Road or Poplar Point. The penthouse level will contain dwelling units, a large resident amenity space, mechanical equipment, a significant amenity deck with pool, and green roof area (Ex. 3B1-3B4, 11-11A5, 24).

20. The exterior of the Building is composed of a mix of masonry, metal panel, and glass that is intended to give the Building a modern residential character. Overall, the Building has a simple massing and varied material palette that gives the massing texture. At the street level, the ground floor is clad in wood-toned material, which frames expansive storefront glazing along Howard Road that will create a vibrant and transparent pedestrian experience. Above the first floor, the east, south, and west facades feature a strong gridded pattern defined by alternating bands of light-toned masonry or metal and dark metal panels. The vertical grid is emphasized through continuous light-colored vertical pilasters that rise from the second floor to the parapet. Horizontal elements are articulated with an alternating material pattern that adds texture and depth across the facade. The north facade contrasts with the more structured masonry facades elsewhere on the Building through use of a glass curtain wall on levels 2 through 12 that maximizes views toward Poplar Point and the Anacostia River (Ex. 3B1-3B4, 11-11A5, 24).

21. The Project's landscape design includes the ground level green courtyard between the Building and Bridge District Phase 1. On the second floor, a large, planted court will provide bioretention that will contribute to the Applicant's compliance with stormwater management requirements, as applicable. The courtyard is defined by a landscaped area surrounded by private terraces belonging to the adjacent dwelling units. At the penthouse level, a variety of outdoor amenity spaces will be provided outside an indoor amenity

space. Along the south side of the amenity space, a paved amenity deck will overlook Howard Road and the Bridge District. The northwest side of the roof will contain additional outdoor seating areas and a pool. The seating areas will be improved with a mix of seating that provide opportunities for small and large gatherings, dining, and passive recreation (Ex. 3B1-3B4, 11-11A5, 24).

22. Howard Road serves as the Project's primary pedestrian frontage with multiple retail and residential access points along the streetscape. In accordance with the designated streets requirements of the NHR zone (*see* Subtitle K § 1004), the ground floor of the Project has a significant component with a minimum clear height of 14 feet and highly transparent storefront. Additional open space is provided on the west side of the Building with a green courtyard that will be activated by the Building's ground floor residential amenity space and associated garden patio areas, and the retail and associated retail outdoor dining areas of Bridge District Phase 1 to the north. A publicly accessible pedestrian walkway will run north-south through the center of the green courtyard that connects Howard Road with the pedestrian/bicycle promenade that runs along the northern edge of the Bridge District (and along adjacent Poplar Point Park land) (Ex. 3B1-3B4, 11-11A5, 24).

23. Vehicular access to the Project's below-grade parking garage will be provided via a connection from the existing below-grade garage and access point in the recently completed Bridge District Phase 1 (Ex. 3B1-3B4, 11-11A5, 24).

24. Loading access to the Project will be provided via a single curb cut at the east end of the Property that leads to the Building's loading facilities. The curb cut leading to the loading facilities will also be utilized for parking and loading access by the future development of Bridge District – Parcel 6 (Ex. 3B1-3B4, 11-11A5, 24).

25. In accordance with NHR zone requirements, the Project is required to earn LEED v4.1 Gold certification standards for New Construction.[4] The Project also includes rooftop solar panel arrays for onsite energy generation (Ex. 3B1-3B4, 11-11A5, 24).

26. In accordance with Subtitle C § 302.4, the Project will be constructed on the Record Lot together with a future building located to the east on Bridge District – Parcel 6. Within the single Record Lot, the Building and future building on Parcel 6 will be located on separate theoretical building sites that will be used for purposes of measuring zoning compliance. Specifically, the Project will be constructed on Lot 1070 and the building on Parcel 6 of the Bridge District will be constructed on Lot 1071 (Ex. 3B1-3B4, 11-11A5, 24).

[4] In June 2023, during the LEED certification process for the Bridge District Phase 1 development, the U.S. Green Building Council ("USGBC") informed an affiliate of the Applicant that LEED v4.1 for New Construction – Multifamily currently can only be used for projects outside of the United States. Instead of LEED v4.1, the USGBC advised an affiliate of the Applicant that it would need to utilize LEED v4.0 and may pursue v4.1 prerequisites and credits using credit substitution. This is exactly what an affiliate of the Applicant did for the recently completed Bridge District Phase 1 development. While the Bridge District Phase 1 LEED baseline is LEED v4.0, such affiliate of the Applicant utilized credit substitution to achieve LEED v4.1 prerequisites and credits in nearly every category that is available. This approach was confirmed to be satisfactory by the Zoning Administrator for purposes of meeting the NHR zone LEED requirement (Ex. 3).

27. As part of the Project, the adjacent public space along Howard Road will be reconstructed. The design of the streetscape will be consistent with District Department of Transportation ("DDOT") standards and will match the design that has been constructed at the recently completed Bridge District Phase 1. The sidewalk along Howard Road will provide a minimum eight-foot clear pedestrian pathway. Along the curb, regularly spaced tree boxes will be constructed that are separated by permeable paved areas. Bike racks, lighting, and other streetscape furnishing will be provided in accordance with DDOT standards (Ex. 3B1-3B4, 11-11A5, 24).

Zoning Relief Requested

28. The Application requests Design Review approval as required by Subtitle K § 1005 of the Zoning Regulations for a proposed building in the NHR zone. As part of the Application, the Applicant requested special exception relief from the penthouse enclosing wall uniform height requirements of Subtitle C § 1503.4 (Ex. 3, 11).

Design Flexibility Requested

29. The Applicant also requested areas of design flexibility in its prehearing submissions to the Commission, which are set forth in the Conditions hereof (Ex. 3, 11).

Applicant's Submissions

30. The Applicant submitted the initial Application and supporting exhibits on May 16, 2025 (Ex. 2-4), which included the following:
    - The Applicant's initial set of architectural plans (Ex. 3B1-3B4);
    - A CP consistency evaluation through a racial equity lens that was guided by the Commission's Racial Equity Tool (Ex. 3). The Applicant's evaluation summarized its community outreach efforts, which included engagement with ANC 8A, ANC 8C, neighbors, and the broader community. The evaluation stated that the Project will provide market-rate and affordable housing, neighborhood-serving retail and service amenities, and would not lead to the physical displacement of any existing residents. The Applicant also stated that the Project would result in positive outcomes to the physical environment, including the public space along Howard Road and the next segment of the pedestrian/bicycle promenade that the Applicant is constructing along the northern edge of the Bridge District (Ex. 3);
    - The following requests for special exception relief:
        i. Open court requirements:[5] The Applicant explained that Subtitle K § 1001.11 requires an open court width of 44'-8" for a court height of 133'-11", but the Project only provides an open court width of approximately 22'-11" along the east side of the Building, adjacent to Parcel 6 of the Bridge District, where the drive aisle access to loading is provided;

[5] As noted above in footnote ("fn.") 2, per OP's suggestion, the Commission considered the Applicant's requests for special exception relief from open court, side yard, and ground floor minimum clear height requirements as flexibility relief, pursuant to Subtitle X § 603.1, instead of special exception relief and therefore did not consider the applicable special exception criteria for this relief (Ex. 18; *See* FF No. 41).

ii. Side yard requirements:[6] The Applicant explained that Subtitle K § 1001.8 requires a side yard width of 21'-8" for the side yard that is provided along the north side of the Building, but that a side yard width of only 15'-8" is provided along the vast majority of the north side of the Building. The Applicant further explained that because the Zoning Regulations do not expressly permit a balcony to extend into a required yard, the Zoning Administrator has historically interpreted this to mean the side yard must be measured to the face of the balcony. As a result, at the locations of the balconies on the north side of the Building, the side yard is reduced to 10 feet;

iii. Ground floor minimum clear height:[7] The Applicant explained that Subtitle K § 1004.3(a) requires the ground floor of the Building to have a minimum clear height of 14 feet for a continuous depth of at least 36 feet from the building line along Howard Road. As proposed, a portion of the Building's ground floor will not satisfy the 14 foot clear height requirement for the full 36 required depth;

iv. Penthouse enclosing walls uniform height: The Applicant explained that Subtitle C § 1503.4(a) requires walls enclosing penthouse habitable space to have a single uniform height. While much of the penthouse habitable space proposed on the rooftop of the Project will have a single height of approximately twelve (12) feet, a portion of the amenity space at the western end of the penthouse will have a height of twenty (20) feet and have an angled wall; and

v. Penthouse/Roof structure (guardrails) 1:1 setback[8]: The Applicant explained that Subtitle C § 1504.1(c)(2) requires penthouses and roof structures to be set back 1:1 from any side building wall that faces a public or private street or alley right-of-way, or a public park. Originally, the Applicant requested relief to allow the rooftop guardrails along the east and west ends of the building that face Poplar Point, including the pool deck guardrail that also faces Poplar Point, to be set back less than the 1:1.

(Ex. 3).

31. The Applicant submitted a Prehearing Statement dated August 8, 2025 (Ex. 11-11D) (the "Prehearing Statement"), which included the following information and materials:

- A revised set of architectural plans (Ex. 11A1-11A5) reflecting various refinements to the Project, including a decrease in dwelling units from approximately 299 to approximately 272, an increase in total number of balconies, an increase in the number of IZ units with balconies, the removal of a pergola and the addition of gate access at a ground-level amenity deck, the addition of rooftop mechanical equipment for all-electric building program and to achieve energy reduction targets, and the potential replacement of a ramp leading to the elevated pool deck with an elevator vestibule to directly access the pool deck;
- A revised list of requested design flexibility (Ex. 11);

[6] Id;
[7] Id; and
[8] As noted above in fn. 1, the Applicant formally withdrew its request for penthouse setback relief for the guardrails in Ex. 23-24.

- The Applicant added to its request for special exception relief from the penthouse enclosing walls uniform height requirement and from the penthouse 1:1 setback requirement. With respect to the former, in its initial application, the Applicant proposed a long ramp to access the raised pool deck. The Applicant subsequently modified the Project to provide direct access to the pool deck via elevator which required addition of a modest-sized elevator vestibule. The vestibule has a height of approximately thirteen (13) feet above the roof, which is lower than the other penthouse mechanical and habitable space on the roof necessitating relief from the penthouse enclosing walls uniform height requirement of Subtitle C §1503.4(b) (Ex. 11). The Applicant explained that the modified direct pool access by elevator is contingent on whether the elevator can access the pool deck within the maximum allowable penthouse height of 20 feet. If deemed infeasible, the Applicant requests design flexibility to revert pool access back to the ramp as shown in the original plans submitted to the case record. Such flexibility is described in the Applicant's revised requested design flexibility noted above and set forth in the Conditions hereof. With respect to the latter, the Applicant added a request for special exception relief from the penthouse 1:1 setback requirement to allow a vestibule that is not setback 1:1 from the adjacent open court wall. The Applicant noted that it requested this penthouse setback relief out of an abundance of caution because it is unclear whether the vestibule is considered part of the elevator and exempt from the open court setback requirement per Subtitle C § 1504.4[9] (Ex. 11);
- The Applicant made an additional request for variance relief from the NHR zone rooftop solar panel requirement of Subtitle K § 1010.1(a) and the stormwater retention capacity requirement of Subtitle K § 1010.1(d)[10]. The Applicant explained that a unique combination of site constraints and overlapping regulatory and policy driven requirements make it practically difficult to provide enough rooftop solar panels to satisfy the 178 kWh per 1,000 square feet of GFA energy generation requirement set forth under Subtitle K § 1010.1(a). However, the Applicant noted that it would continue to satisfy the 1% on-site renewable energy generation requirement under Subtitle K § 1008.2. Regarding stormwater retention capacity, the Applicant stated that while it is unable to provide enough onsite retention capacity to withstand a 1.7" stormwater event, it will continue to comply with DOEE's stringent stormwater retention requirements that are applicable to the Project (Ex. 11); and
- A Comprehensive Transportation Review Report dated August 6, 2025 (the "CTR"), which concluded that the Project would not have a detrimental impact to the surrounding transportation network assuming the proposed site design elements and

[9] As noted above in fn.1, the Commission granted the Applicant's request for a special exception from the penthouse enclosing walls uniform height requirement for the vestibule height; however, the Applicant's request for a special exception to allow the vestibule not to setback 1:1 from the adjacent open court wall was deemed moot with the Zoning Administrator's confirmation that the vestibule could be considered part of the elevator and not subject to the open court setback requirement per Subtitle C § 1504.4; and

[10] As noted above in fn. 2, per OP's suggestion, the Commission considered the Applicant's requests for variance relief from rooftop solar panel and stormwater retention capacity requirements as flexibility relief, pursuant to Subtitle X § 603.1, instead of variance relief and therefore did not consider the applicable variance criteria for this relief (Ex. 18; See FF No. 41).

Transportation Demand Management ("TDM") plan measures included in the CTR are implemented (Ex. 11B).

32. On August 26, 2025, the Applicant requested a waiver from Subtitle Z § 401.5 to submit a revised CTR dated August 21, 2025, less than 30 days before the September 8, 2025, public hearing [11] (Ex. 12-13A). The Applicant stated that the revised CTR included responses to comments received from DDOT on August 14, 2025, and that it was requesting to submit the revised CTR for completeness of the Commission's record in this case.

33. On September 5, 2025, the Applicant submitted presentation materials for the September 8, 2025 public hearing (Ex. 22).

34. On September 8, 2025, the Applicant requested a second waiver from Subtitle Z § 401.5 to submit a revised roof plan that modified the rooftop guardrails located along the Project's north side building walls that face Poplar Point such that they satisfied the 1:1 setback requirement under Subtitle C § 1504.1(c)(2) (Ex. 23-24). As part of its waiver request, the Applicant withdrew its original request for roof structure setback relief.[12]

Applicant's Justification for Design Review Approval

NHR zone Design Review Standards (Subtitle K, Chapter 10)

35. The Application stated that the Project met the Designated Streets requirements of Subtitle K § 1004 as follows:
    - Pursuant to Subtitle K § 1004.2, the Application stated that the Project will devote 100% of its ground floor street frontage on Howard Road, except for space devoted to building entrances or required for fire control, to preferred uses enumerated in Subtitle K § 1004.2(a)-(h). The Applicant has requested design flexibility to count Animal Sales, Care, and Boarding (Subtitle B § 200.2(c)) towards the NHR zone Designated Streets requirement. Animal Sales, Care, and Boarding is not one of preferred uses enumerated in Subtitle K § 1004.2 (Ex. 3); and
    - Pursuant to Subtitle K § 1004.3, the Application stated that the ground floor pedestrian entrances, or areas where a future-ground floor entrance could be installed without structural changes, will be located no more than 40 feet apart on average along Howard Road. In addition, there will be no direct vehicular garage or loading entrance or exit along Howard Road. The Project will devote at least 50% of the surface area facing Howard Road to display windows or pedestrian entrances having clear low-emissivity glass. The Applicant requested special exception relief from the ground floor clear height requirement, which requires a minimum clear height of 14 feet for a continuous depth of at least 36 feet from the building line along Howard Road (Ex. 3).

36. The Application stated that the Project met the provisions of Subtitle K § 1005.2 as follows:
    - Pursuant to Subtitle K § 1005.2(a), the Application asserted that the Project would achieve the objectives of the NHR zone because it would provide residential use with a significant amount of affordable housing as well as supporting ground floor retail

[11] The Commission granted the Applicant's waiver request at the beginning of the September 8, 2025 public hearing.
[12] The Commission granted the Applicant's waiver request at the beginning of the September 8, 2025 public hearing.

uses which will encourage visitors to the Bridge District. In addition, the Project is not inconsistent with the CP's FLUM designation for the Property and utilizes superior architecture and design that incorporates balconies (in response to feedback received by OP), a varied material palette, and a green courtyard that will facilitate pedestrian connectivity between Howard Road and the pedestrian/bicycle promenade being constructed by the Applicant along the northern edge of the Bridge District. Also, the Project will include substantial improvements to publicly accessible spaces on and adjacent to the Property which will further increase pedestrian comfort and safety, and strengthen connections to nearby Metrorail, Anacostia Park, the broader Anacostia neighborhood, and Downtown DC (Ex. 3);

- Pursuant to Subtitle K § 1005.2(b), the Application asserted that the Project will help achieve the desired use mix of residential and retail and service uses that will help activate a long-underdeveloped area, assist in achieving District housing goals, and bring new retail and service uses to an area of the city where such uses have long been lacking (Ex. 3);
- Pursuant to Subtitle K § 1005.2(c), the Application asserted that the Project's streetscape complements the streetscape of the adjacent Bridge District Phase 1 development and the Bridge District as a whole. The streetscape surrounding the Project will be coordinated with DDOT to ensure connectivity with existing and future planned pedestrian and bicycle connections to the east toward Parcel 6 and the historic Anacostia neighborhood (Ex. 3);
- Pursuant to Subtitle K § 1005.2(d), the Application asserted that the Project will minimize conflict between vehicles, bicycles, and pedestrians by having vehicular access to the Project be provided via a connection from the existing below-grade garage and access point in the recently completed Bridge District Phase 1, and having the Project and future building on Parcel 6 of the Bridge District share a single access point for loading. This configuration allows the entire sidewalk along Howard Road in front of the Project to remain unbroken without curb cuts, which will ensure a safe and pleasing pedestrian environment. Additionally, bike parking, both long- and short-term, will be located at grade for easy access (Ex. 3);
- Pursuant to Subtitle K § 1005.2(e), the Application asserted that the Project would minimize unarticulated blank walls adjacent to public space through facade articulation. The east, south, and west facades feature a gridded framework defined by alternating bands of light-toned masonry or metal and dark metal panels. The north facade utilizes a more modern, glass curtain wall system that maximizes views toward Poplar Point and the Anacostia River. Corner balconies oriented towards Howard Road and Poplar Point introduce additional articulation (Ex. 3);
- Pursuant to Subtitle K § 1005.2(f), the Application asserted that the Project has been designed to achieve LEED v4.0 Gold certification standards for New Construction as a baseline with plans to utilize credit substitution to achieve LEED v4.1 prerequisites and credits in nearly every category that is available.[13] Some of the key "green" features include complete electrification for the residential program of the building, rooftop solar panels that will meet or exceed the NHR zone's annual energy generation

[13] See FF No. 25; *See supra*, fn. 4.

requirement, energy efficient building enclosures and mechanical systems, and onsite stormwater collection (Ex. 3); and

- Pursuant to Subtitle K § 1005.2(g), the Application asserted that the Project would promote safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses. The ground floor of the proposed Project is designed with a minimum clear height of 14-feet and high-visibility glass storefront along the entire Howard Road street frontage. The single curb cut at the eastern end of the Property for loading, and provision of vehicle parking access through the Bridge District Phase 1 garage, will enhance safety and prioritize safe pedestrian circulation (Ex. 3).

37. The Application stated that the Applicant provided a report on the items in Subtitle K § 1005.3 as follows:

- Pursuant to Subtitle K § 1005.3(a), the Applicant will coordinate with the D.C. Department of Employment Services ("DOES") regarding apprenticeship and training opportunities during construction and operation at the site. The Applicant stated that it has been operating an internal apprenticeship and training program for local high school and college students for over eight years. The Applicant has thus far employed 12 students in paid internships to learn about real estate development. The Applicant stated that it previously partnered with a local CBE subcontractor to train local electrical apprentices who acquired on-job skills and experience at the Bridge District Phase 1 project site. The Applicant stated that it intends to continue this partnership for the Project. Additionally, once construction on the Project begins the Applicant aims to partner with the general contractor to explore ways to create and host a variety of workforce development and training opportunities and events for community members and job seekers, including students (Ex. 3);
- Pursuant to Subtitle K § 1005.3(b), the Applicant stated it has made, and will continue to make, efforts to include local businesses, especially Wards 7 and 8 businesses, in contracts for the construction or operation of the Project and the wider Bridge District. The Applicant has also been working with the Anacostia BID to pursue contracts with local cleaning, landscaping, and trash removal organizations for site cleanup (Ex. 3);
- Pursuant to Subtitle K § 1005.3(c), the Applicant will make efforts to provide commercial leasing opportunities to small and local businesses, especially Ward 8 businesses. The Applicant's placemaking strategy emphasizes small and local businesses as part of the overall retail mix for the Bridge District. Additionally, the Applicant has encouraged Ward 8 residents and other community stakeholders to refer qualified small and local businesses, and the Applicant has had several meetings with interested local entrepreneurs (Ex. 3); and
- Pursuant to Subtitle K § 1005.3(d), the Applicant has coordinated with the D.C. State Historic Preservation Officer and has studied the potential for archeological resources at the Property and other locations within the Bridge District. To date, the Applicant has completed Phase I and Phase II studies and found no historical resources on the site. The research potential of the site was exhausted during the Phase I and Phase II investigations; and therefore, no further archaeological investigations were recommended at the end of these investigations. The Applicant will continue to

coordinate with the D.C. State Historic Preservation Officer (Ex. 3).

General Design Review Standards (Subtitle X, Chapter 6)

38. The Application stated that the Project met the general design review standards of Subtitle X § 604 as follows:

- Pursuant to Subtitle X § 604.5, the Application asserted that the Project is not inconsistent with the CP based on the following:
  i. GPM – The GPM depicts the Property within a Land Use Change Area and Resilience Focus Area.[14] The Project is not inconsistent with the GPM Land Use Change Area designation. The Project will redevelop the currently vacant and underutilized site with a mix of residential, retail, and service uses. Together with Bridge District Phase 1, and the approved mixed-use development on Parcels 1 and 2 across Howard Road (Z.C. Order No. 22-39), the Project will further advance the build-out of the Bridge District, a major new, mixed-use community east of the Anacostia River that will bring substantial new housing, affordable housing, neighborhood amenities, improved access to open space, and access to employment opportunities and other community improvements. The Project is also not inconsistent with the Resilience Focus Area designation. The Project employs a site-specific resilient design and actively anticipates future flood risk by raising the elevation of the residential program of the Project above the 500-year floodplain. In addition, critical points of entry to the Building have been elevated to have thresholds above the Design Flood Elevation. The Project design also incorporates several resilient design strategies included in the DOEE's Resiliency Guidelines, including stormwater infiltration, keeping occupied spaces above the sea level rise adjusted flood elevation, green roofs, full-building electrification, rooftop solar panels, and use of drought tolerant landscaping;
  ii. FLUM – The FLUM designates the Property as Mixed Use: High Density Residential, High Density Commercial, and Institutional. The proposed density of the Project is not inconsistent with the FLUM, and the scale of development envisioned near Poplar Point in the Lower Anacostia Waterfront/Near Southwest Area Element. The Framework Element states that sites with a High Density Commercial FLUM designation have typical densities that are greater than 6.0 FAR, and sites with a High-Density Residential designation have typical densities that are greater than 4.0 FAR. The Project has a proposed density of approximately 7.16 FAR and thus is not inconsistent with the FLUM;
  iii. Lower Anacostia Waterfront/ Near Southwest Area Element – The Project is not inconsistent with the policies set forth in the Lower Anacostia Waterfront/ Near Southwest Area Element ("AW Element"). The Project will redevelop a vacant site near transit, the waterfront, and historic Anacostia with a new mixed-use development containing approximately 272 new (market rate and affordable)

[14] Although the Application does not address it, the OP Report states that the Property is also located on the edge of a Future Planning Analysis Area on the GPM (Ex. 18). The OP Report notes that the Project would not be inconsistent with the Future Planning Analysis Area designation because no rezoning is requested for the Property site and the Project would conform with already adopted CP policies and maps.

dwelling units and approximately 8,649 GFA of new retail use. Consistent with the GPM, FLUM, and AW Element policies, the Project will bring greater residential and retail development to Poplar Point and the underserved neighborhoods east of the Anacostia River at a scale that is envisioned by AW Element policies and the AWI Framework Plan, and appropriate given the site's proximity to Metrorail and other major surface roads and separation from the lower-scale pattern found in nearby Historic Anacostia (AW-1.1.2, AW-1.1.7, AW-1.1.8, AW-1.1.9, AW-2.4.3, AW-2.4.5, AW-2.4.7). The Project site will also be raised out of the five hundred-(500) year floodplain, and critical infrastructure and residential uses will be located above the established base flood elevation (AW-1.1.5, AW-1.1.6). The Project will improve vehicular, bicycle, and pedestrian access to Poplar Point and transform the area between Poplar Point and the Anacostia Metrorail into a mixed-use, multi-modal area (AW-2.4.8); and

iv. Citywide Elements – The Project is not inconsistent with and furthers various Citywide Element policies and actions that promote the creation of new multi-family market-rate and affordable housing, and retail uses with equitable access to transit and access to employment opportunities. Specifically: Land Use (LU-1.1.2: Resilience and Land Use, LU-1.2.8: New Waterfront Development, LU-1.4.2: Development Around Metrorail Stations, LU-1.4.3: Housing Around Metrorail Stations; LU-1.4.5: Design to Encourage Transit Use, LU-2.1.1: Variety of Neighborhood Types, LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods); Transportation (T-1.1.4: Transit-Oriented Development, T-1.1.7: Equitable Transportation Access, T-1.2.3: Discouraging Auto-Oriented Uses, T-2.3.2: Bicycle Network, T-2.3.3: Bicycle Network, T-2.4.1: Pedestrian Network, T-3.1.1: TDM Programs, T-3.4.1: Traveler Information Systems, T-5.2.2: Charging Infrastructure); Housing (H-1.1.1: Private Sector Support, H-1.1.3: Balanced Growth, H-1.1.4: Mixed-Use Development, H-1.1.5: Housing Quality, H-1.1.9: Housing for Families, H-1.2.1: Low- and Moderate-Income Housing Production as a Civic Priority, H-1.2.2: Production Incentives, H-1.2.3: Affordable and Mixed-Income Housing, H-1.2.9: Advancing Diversity and Equity of Planning Areas, H-1.2.11: Inclusive Mixed-Income Neighborhoods, H-1.3.1: Housing for Larger Households, H-1.3.2: Tenure Diversity, H-1.6.1: Resilient and Climate-Adaptive Housing, H-1.6.5: Net-Zero, Energy Efficient Housing); Environmental Protection (E-1.1.1: Resilience to Climate Change as a Civic Priority, E-1.1.2: Urban Heat Island Mitigation, E-1.1.6: Floodplains, Waterfronts, and Other Low-Lying Areas, E-2.1.2: Tree Requirements in New Developments, E-2.1.3: Sustainable Landscaping Practices, E-3.2.3: Renewable Energy, E-3.2.6: Alternative Sustainable and Innovative Energy Sources, E-3.2.7: Energy-Efficient Building and Site Planning, E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff, E-4.1.3: GI and Engineering, E-4.2.1: Support for Green Building); Economic Development (ED-1.1.4: Promote Local Entrepreneurship, ED-1.1.5: Build Capacity and Opportunity, ED-2.2.1: Expanding the Retail Sector, ED-2.2.3: Neighborhood Shopping, ED-2.2.4: Support Local Entrepreneurs, ED-2.2.9: Clustered Retail at Transit, ED-3.1.1: Neighborhood Commercial Vitality, ED-3.2.2: Small Business Enterprise Programs Incubators, ED-3.2.8: Certified

Business Enterprise Programs, ED-4.1.5: Learning Outside the Classroom, ED-4.2.2: Linking Job Training to Growth Occupations, ED-4.2.3: Focus on Economically Disadvantaged Populations); and Urban Design (UD-1.4.1: Thoroughfares and Urban Form, UD-2.1.1: Streetscapes That Prioritize the Human Experience, UD-2.1.4: Connections Between Public Spaces and Streets, UD-2.1.6: Minimize Mid-Block Vehicular Curb Cuts, UD-2.2.1: Neighborhood Character and Identity, UD-2.4.1: Inclusive and Diverse Neighborhood Spaces, UD-3.1.3: Public Spaces for Cultural Expression, UD-3.1.5: Sidewalk Culture, UD-3.2.5: Safe and Active Public Spaces and Streets, UD-3.3.1: Neighborhood Meeting Places, UD-4.2.1: Scale and Massing of Large Buildings, UD-4.2.2: Engaging Ground Floors, UD-4.2.3: Continuity and Consistency of Building Frontages, UD-4.2.4: Creating Engaging Facades, UD-4.2.6: Active Façades).

39. Racial Equity- The Applicant provided a Racial Equity Analysis in accordance with the requirements of the Commission's Racial Equity Tool. As described immediately above, the Applicant provided an analysis of the Project's consistency with the Citywide Elements and the AW Element of the Comprehensive Plan. The Applicant also provided evidence of its community outreach and engagement efforts regarding the Project, which included engagement with ANC 8A, ANC 8C, Anacostia BID and Coordinating Council, Poplar Point Citizens Listening Group, Ward 8 CED, neighbors, and the broader community. The Applicant made the following observations about the neighborhood in response to the Community Outreach and Engagement component of the Commission's Racial Equity Tool:
    i. The community states there is a history of development projects in Ward 8 over promising and underdelivering on community benefits as well as significant lack of community engagement and opportunities for community members to be heard and provide input on development projects;
    ii. Hiring and subcontracting practices do not emphasize Ward 8 residents, women, and returning citizens; and
    iii. Affordable housing options for larger families are very limited; strong interest in three-bedroom units to support generational families who desire to live together.

40. In response to feedback received from the community, the Applicant noted that it consolidated the parking access to the Building with the parking access to the Bridge District Phase 1 development to reduce pedestrian/vehicular conflict points along Howard Road and reduce traffic directly outside of the neighboring Cedar Tree Academy.

41. The Applicant concluded that the Project would have a positive overall impact on advancing the District's racial equity goals through the provision of streetscape and infrastructure improvements, new retail service uses, and housing and affordable housing, including three-bedroom family sized units (Ex. 3).

42. Potential Inconsistencies – The Applicant identified potential inconsistencies with specific CP policies relating to the Property's location within the 500-year floodplain (E-1.1.6) and the amount of proposed parking (T-1.1.8) exceeding Zoning Regulation requirements. With respect to the floodplain, the Applicant noted that the Project will be elevated above

the 500-year floodplain and will incorporate various sustainability measures. With respect to vehicle parking, in deriving the amount of proposed parking the Applicant sought to balance transit accessibility, expected residential parking demand, and retail parking demand by visitors to the Bridge District. The Applicant believes the amount of proposed parking strikes the right balance given these factors and does not believe the additional parking will have an adverse impact given the Property's proximity to major aerial roads and its substantial distance from nearby neighborhoods in historic Anacostia. In addition, the amount of parking only slightly exceeds the amount permitted under the Zoning Regulations before triggering the excess parking mitigation requirement. As a result, the Applicant will fund the acquisition and installation of a Capital Bikeshare station which will serve to mitigate the additional vehicle parking provided, as set forth in the Conditions hereof. The Applicant concluded that any such inconsistencies with the CP are outweighed by the Project's consistency with other competing CP policies, particularly those pertaining to land use, housing, affordable housing, economic development, and environmental protection (Ex. 3).

43. Pursuant to Subtitle X § 604.8, the Application asserted that the criteria of Subtitle X § 604.7 are met in a way that is superior to any matter-of-right development possible on the site for the following reasons:

- Pursuant to Subtitle X § 604.7(a), the Application asserted that the Project's street frontages are designed to be safe, comfortable, and encourage pedestrian activity. The Howard Road frontage is entirely devoted to active retail use that allows for multiple entrances to satisfy the NHR zone designated street standards. The active ground floor uses within the Project will be accessible via a well-designed, reconstructed public streetscape. Collectively, the active ground floor uses, and well-designed streetscape will create a safe and inviting pedestrian environment (Ex. 3);
- Pursuant to Subtitle X § 604.7(b), the Application asserted that the Project would encourage public gathering spaces and open spaces. The green courtyard between the Building and Bridge District Phase 1 will be activated by the Building's ground floor residential amenity space and associated garden patio areas, and the retail and associated retail outdoor dining areas of Bridge District Phase 1. The Project also features rooftop amenities for use by Project residents (Ex. 3);
- Pursuant to Subtitle X § 604.7(c), the Application asserted that the Project respects the historic character of Washington's neighborhoods and will not affect it. The Project is being developed in a largely undeveloped area. In addition, the area is surrounded by transportation infrastructure and parkland and thus lacks any strong urban form to which the Project might relate to and is severed from the Anacostia neighborhood to the east and south. To that end, the Project is approximately 0.40 miles from the historic Anacostia neighborhood, between which runs the I-295 freeway. As such, the Project's height and scale is not expected to have any adverse impact on historic Anacostia. In addition, the South Capitol Street ovals on the east and west sides of the Bridge have potential to become truly active public spaces that connect both sides of the Anacostia River. Furthermore, the eastern oval can serve as a gateway into Poplar Point and Anacostia Park. To that end, the Project, and the overall Bridge District can help activate and provide a backdrop to the eastern oval of the Bridge (Ex. 3);

- Pursuant to Subtitle X § 604.7(d), the Application asserted that the Project strives for attractive and inspired facade design. The Project will provide pedestrian-oriented street-frontage designs, including high ceiling clearance and glass windows at the ground floor creating pedestrian interactivity. The east, south, and west facades feature a gridded framework defined by alternating bands of light-toned masonry or metal and dark metal panels. The north façade utilizes a more modern, glass curtain wall system that maximizes views toward Poplar Point and the Anacostia River. Corner balconies oriented toward Howard Road and Poplar Point introduce additional articulation (Ex. 3);
- Pursuant to Subtitle X § 604.7(e), the Application asserted that the Project is designed with sustainable landscaping. The Project seeks to integrate landscape into spaces throughout the Property and Building. Landscaping has been integrated into spaces at the ground level, second-floor terrace, roof level, and within adjacent public space. Plantings, soil and drainage systems, and irrigation will be designed using current best practices to maximize successful plant growth and longevity to yield an attractive, mature landscape. The planting design seeks to provide year-round appeal while minimizing the need for excessive water usage or high-intensity maintenance activities like frequent fertilization, spraying, or seasonal re-planting. Native species will be incorporated in the planting designs to the maximum extent feasible. In addition, the Project will meet or exceed all Green Area Ratio ("GAR") and DOEE Stormwater Management requirements (Ex. 3, 11A2); and
- Pursuant to Subtitle X § 604.7(f), the Application asserted that the Project is designed to complement the Bridge District Phase 1 development and the larger Bridge District neighborhood. The series of public parks and publicly accessible open spaces throughout the Bridge District will support gatherings and social interaction. Further, the Bridge District's complete pedestrian and bicycle network will promote connectivity to Anacostia Park, the Anacostia Metrorail station, the historic Anacostia neighborhood, and Downtown DC (Ex. 3).

General Special Exception Standards (Subtitle X § 901.2) and Penthouse Relief Special Exception Standards (Subtitle C § 1506)

44. The Application asserted that the Project satisfies the special exception criteria of Subtitle X § 901.2(a) and (b), as required by Subtitle X § 604.6. Specifically, the Project will be in harmony with the general purpose and intent of the Zoning Regulations and CP Maps and will not tend to affect adversely the use of neighboring property because:
    - The Project will promote the public health, safety, and general welfare of District residents. Given its distance from the lower-scale development pattern of historic Anacostia, and the separation provided by the Anacostia Freeway, the Project will not have any impact on the light and air of surrounding neighborhoods. Further, given the Property's proximity to Metrorail, and bicycle and vehicular infrastructure, the additional residential density will not result in an undue concentration of population or overcrowding of land. Indeed, the Property is an ideal location for additional height and density to help address Washington, D.C.'s housing needs, and the critical need for improved neighborhood amenities east of the Anacostia River;

- Broadly, the NHR zone permits and encourages a broad mix of residential, commercial, and other uses, and the Project provides an appropriate mix of these uses, focusing on residential, including significant affordable units, many of which are larger-sized affordable units, with supporting retail and service uses. Except for the areas where the Commission has granted flexibility, the Project will meet all applicable NHR development standards; and
- The Property is surrounded by parkland, the Anacostia Metrorail station, and transportation infrastructure. Most of the property immediately adjacent to the Project is owned by affiliates of the Applicant and will be part of the overall Bridge District development. The Project will not adversely affect the use of neighboring property but rather will support the community by offering housing and retail and service uses where it is needed.

(Ex. 3).

45. The Applicant asserted that the Project satisfies the special exception criteria of Subtitle X § 901.2 and Subtitle C § 1506 for relief from the penthouse enclosing wall uniform height requirements of Subtitle C § 1503.4(a) and 1503.4(b), respectively, to allow a portion of the amenity space of the habitable penthouse to have a height of approximately twenty (20) feet, and to allow an elevator vestibule to have a height of approximately 13 feet because:
- Consistent with Subtitle X § 901.2 and Subtitle C § 1506.1(a), the relief will meet the purpose and intent of the penthouse regulations and can be granted without adversely impacting use of neighboring property;
- Consistent with Subtitle C § 1506.1(b), the Applicant designed the penthouse level such that all mechanical equipment, stairway, and elevator penthouses comply with penthouse setback requirements; and
- Consistent with Subtitle C § 1506.1(c)(2), the relief would result in a better design of the Project's penthouse structure without appearing to be an extension of the building wall.

(Ex. 3, 11).

Responses to the Application

OP

46. OP filed a report on August 29, 2025, recommending approval of the Project ("OP Report"). The OP Report found that the Application satisfied the Design Review criteria under Subtitle K § 1005 and Subtitle X, Chapter 6. The OP Report further found that, on balance, the Application would not be inconsistent with the CP or the CP maps, would further CP policies of the Land Use, Transportation, Housing, Urban Design, and Environmental Protection Elements and the Lower Anacostia Waterfront/Near Southwest Area Element, and would advance CP racial equity goals when evaluated through a racial equity lens (Ex. 18).

47. The OP Report concluded that the Applicant's requests for special exception relief from side yard, open court, ground floor clear height, and its requests for variance relief from the solar power requirement and the stormwater management requirement could be

reviewed as flexibility by the Commission, pursuant to Subtitle X § 603.1, and recommended the Commission approve this flexibility (Ex. 18).

48. The OP Report recommended approval of the Applicant's request for special exception relief for penthouse enclosing walls of unequal height (Ex. 18).

49. The OP Report stated no objection to the Applicant's requested design flexibility (Ex. 18).

50. The OP Report provided disaggregated race and ethnicity data for the District as a whole and for the Lower Anacostia Waterfront/Near Southwest Planning Area, where the Property is located, in response to the Commission's Racial Equity Tool. The data showed that homeownership rates among all racial groups in the Planning Area went down between the 2012-2016 and 2019-2023 time periods, potentially due to the large influx of apartment buildings in the Planning Area, especially around the ballpark, soccer stadium, and the Navy Yard. District-wide, Black homeownership went down by one percentage point over the same time periods, and White homeownership went up marginally. There is a starker contrast within the Planning Area between Black and White households with regards to the cost burdened households, median household income, and unemployment. OP stated that the Project could help to make progress toward alleviating these discrepancies by providing affordable units, including family-sized units, near several transportation modes, which could help populations of any skill or educational level reach employment opportunities (Ex. 18).

51. The OP Report also includes several comments on the Application that were provided by DOEE and the OP Neighborhood Planning Division (Ex. 18).

52. At the September 8, 2025, public hearing, OP reiterated its support for the Project. OP also testified that it supported the Applicant's revised roof plan and withdrawal of its request for penthouse / roof structure setback relief.

DDOT

53. DDOT filed a report dated August 29, 2025, stating that it had no objection to the Project ("DDOT Report") (Ex. 17), subject to the following condition: implement the TDM Plan as proposed in the Applicant's August 21, 2025, revised CTR (Ex. 13A[15]), for the life of the project, unless otherwise noted.

54. At the September 8, 2025, public hearing, DDOT reiterated its support for the Project.

ANC

55. ANC 8A submitted a report dated June 23, 2025 ("ANC 8A Report"), stating that at its regularly scheduled and duly noticed public meeting on March 11, 2025, with a quorum

[15] The Applicant filed a CTR dated August 6, 2025 (Ex. 11B) and then submitted a revised CTR dated August 21, 2025 (Ex. 13A) responding to comments received from DDOT. The same identical TDM Plan appears in both CTRs and is unchanged based on the Applicant's responses to DDOT (*See* FF Nos. 31, 32).

present, ANC 8A voted 5-1 to support the Application (Ex. 6). The ANC 8A Report states that ANC 8A supports the design of the Project, as well as its affordable housing program and environmental features. ANC 8A also stated that the proposed Project will advance the build-out of the Bridge District, which has brought and will continue to bring new housing (including affordable housing), long-needed neighborhood-serving amenities, and public green space to Anacostia and other neighborhoods east of the Anacostia River. The ANC 8A Report did not state any issues and concerns and ANC 8A did not appear or provide testimony at the public hearing.

56. ANC 8C did not submit a report to the case record, nor did ANC 8C appear or provide testimony at the public hearing.

Public Hearing

57. After proper notice, the Commission held a public hearing on the Application on September 8, 2025. Sohael Chowfla and Lindsay Morton testified on behalf of the Applicant. John Mitchell of HPA Architecture testified as the Project architect. Rob Schiesel of Gorove Slade testified as the Applicant's transportation consultant. Shane Dettman of Goulston & Storrs testified as the Applicant's land use planner. William Lattanzio of Wiles Mensch appeared at the hearing as the Applicant's civil engineer. The Commission qualified Mr. Mitchell, Mr. Schiesel, and Mr. Dettman as experts in their respective fields at the public hearing.

58. At the September 8, 2025, public hearing, the Applicant presented the Project and responded to questions from the Commission.

59. One witness testified in support of the Application: Kristina Noell of the Anacostia BID.

60. No individuals or organizations in opposition to the Project appeared or testified at the public hearing.

61. Five letters or testimony in support were submitted to the case record (Ex. 14-16, 20, 21).

62. No letters in opposition to the Project were submitted to the case record.

CONCLUSIONS OF LAW

Design Review Approval; Authority

1. Section 8 of the Zoning Act of 1938 (D.C. Official Code § 6-641.01 (2019 Repl.)) authorizes the Commission to undertake review and approval of a NHR zone design review application consistent with the requirements of Subtitle K, Chapter 10, and Subtitle X, Chapter 6.
2. Pursuant to Subtitle X § 600.1, the purpose of the Design Review process is to:
   a. Allow for special projects to be approved by the Zoning Commission after a public hearing and a finding of no adverse impact;
   b. Recognize that some areas of the District of Columbia warrant special attention due to particular or unique characteristics of an area or project;

c. Permit some projects to voluntarily submit themselves for design review under this chapter in exchange for flexibility because the project is superior in design but does not need extra density;
d. Promote high-quality, contextual design; and
e. Provide for flexibility in building bulk control, design, and site placement without an increase in density or a map amendment.

3. Because the Project is in the NHR zone and has frontage on Howard Road, the Applicant is required to comply with the Designated Streets criteria of Subtitle K § 1004 and the NHR zone-specific criteria of Subtitle K § 1005. In addition, pursuant to Subtitle K § 1005.2, the Project is required to meet the Design Review standards set forth under Subtitle X, Chapter 6. Subtitle X § 604.6 also provides that the Applicant must meet the special exception standards of Subtitle X, Chapter 9.

4. Pursuant to Subtitle X §§ 603.1 and 603.3, as part of the Design Review process, the Commission is authorized to grant relief from the development standards for height, setbacks, yards, lot occupancy, courts, building transitions, and any design standards of any specific zone; and except for height, the amount of relief granted is discretionary, provided that the relief is required to enable the applicant to meet all of the standards of Subtitle X § 604.

5. Pursuant to Subtitle X § 603.4, the Commission is authorized to hear a special exception or variance that would otherwise require approval of the Board of Zoning Adjustment simultaneously with a Design Review application, subject to all applicable criteria and standards. To grant special exceptions, as provided in Subtitle X § 901.2, in the judgement of the Board of Zoning Adjustment, the special exception:
   a. Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map;
   b. Will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map; and
   c. Complies with the special conditions specified in the Zoning Regulations.

6. The Commission makes the following conclusions of law based on the information provided in the record, including testimony provided at the hearing, the Applicant's statements, the OP Report, the DDOT Report, and the ANC 8A Report.

Satisfaction of the NHR Designated Streets Requirements (Subtitle K § 1004)

7. The Commission concludes that the Application meets the NHR Design Review criteria as detailed below:
   Subtitle K § 1004.2 – The Project devotes one hundred percent (100%) of its ground floor street frontage along Howard Road, except for space devoted to building entrances or required for fire control, to the preferred use categories set forth in Subtitle K § 1004.2(a)-(h).

8. The ground floor plans for the Project show that 100% of the street frontage along Howard Road is devoted to retail use with the exception of the residential lobby entrance. The minor

design flexibility requested by the Applicant to vary the types of uses designated as "retail" or "commercial" on the ground floor of the Project includes use categories that are all identified as "preferred use categories" in Subtitle K § 1004.2, with the exception of Animal Sales, Care, and Boarding (Subtitle B § 200.2(c)) (Finding of Fact ("FF") No. 35): *Subtitle K § 1004.3 – The Project complies with the design requirements set forth in Subtitle K § 1004.3(a)-(d).*

9. The Project plans, sections, and elevations show that the ground floor is designed to allow installation of pedestrian entrances that are, on average, no more than 40 feet apart without requiring structural changes. The Project does not provide any direct vehicular garage or loading access along Howard Road. The percentage of the Project's ground floor surface area containing display windows and pedestrian entrances with clear low-emissivity glass exceeds the fifty percent (50%) that is required. The Applicant has sought design flexibility from the ground floor clear height requirement, which requires a minimum clear height of 14 feet for a continuous depth of at least 36 feet from the building line along Howard Road (FF No. 35).

Satisfaction of the NHR Design Review Criteria (Subtitle K § 1005)

10. The Commission concludes that the Application meets the NHR Design Review criteria as detailed below: *Subtitle K § 1005.2(a) – The Project will help achieve the objectives of the NHR zone defined in Subtitle K § 1000.1.*

11. The Project helps achieve the NHR zoning objectives through providing preferred ground floor retail use and residential use with a variety of unit types in a high-density building constructed with high quality materials in a superior design and with significant pedestrian and bicycle infrastructure improvements (FF No. 36): *Subtitle K § 1005.2(b) – The Project will help achieve the desired use mix, with the identified preferred uses specifically being residential, office, entertainment, retail, or service uses.*

12. The Project helps achieve the desired use mix with a focus on primarily residential use and neighborhood serving retail and service uses (FF No. 36): *Subtitle K § 1005.2(c) – The Project will provide streetscape connections for future development on adjacent lots and parcels, and be in context with an urban street grid.*

13. The Project's streetscape complements the recently constructed streetscape of Bridge District Phase 1 (approved in Z.C. Order No. 21-13), which was developed by the Applicant immediately west from the Project. The streetscape surrounding the Project will provide connectivity with existing pedestrian and bicycle connections to the east toward historic Anacostia, to the west toward the South Capitol Street oval and Frederick Douglass Bridge, and along the northern edge of the Bridge District (FF No. 36): *Subtitle K § 1005.2(d) – The Project will minimize conflict between vehicles, bicycles, and pedestrians.*

14. The Project promotes a safe and efficient pedestrian experience. Vehicular access to the Project will be provided via a connection from the existing below-grade garage from the recently completed Bridge District Phase 1 development to the west of the Property, and

loading access will be provided via a single curb cut at the eastern end of the Property, which will be shared with the future development on Parcel 6 of the Bridge District. Loading circulation has been designed to occur entirely within the Property, with head-in and head-out access. As a result of the proposed vehicle and loading access for the Project, the entire sidewalk along Howard Road in front of the Building is unbroken, which will ensure a safe pedestrian environment. Additionally, bike parking, both long- and short-term, is located at grade for easy access. The at-grade bike parking has been located to provide easy access to the existing and planned bicycle lanes in and around the Bridge District (FF No. 36): *Subtitle K § 1005.2(e) – The Project will minimize unarticulated blank walls adjacent to public spaces through facade articulation.*

15. The Project does not include any unarticulated blank walls. The Project has been designed on all sides with detailed articulation and high-quality materials. The east, south, and west facades are articulated through a gridded framework defined by alternating bands of light-toned masonry or metal and dark metal panels. The vertical grid is emphasized through continuous light-colored vertical pilasters, while horizontal elements are articulated with an alternating material pattern. In contrast, the north facade utilizes a modern glass curtain wall system that maximizes views toward Poplar Point and the Anacostia River, while contrasting with the more structured facades elsewhere on the Building. Throughout the building, corner balconies oriented toward Howard Road and Poplar Point introduce additional articulation and capitalize on key view corridors (FF No. 36): *Subtitle K § 1005.2(f) – The Project will minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards.*

16. The Project is designed to achieve a minimum LEED v4.0 Gold certification standards for New Construction as a baseline. Some of the key "green" features include full building electrification, rooftop solar panels, energy efficient building enclosures and mechanical systems, and onsite stormwater collection. The Commission notes that the NHR regulations prescribe LEED v4.1 to be used for developments in the NHR zone; however, the Applicant states that meeting the NHR zone LEED requirement was confirmed satisfactory by the Zoning Administrator through using credit substitution to achieve LEED v4.1 prerequisites and credits in nearly every category that is available (FF Nos. 25, 36): *Subtitle K § 1005.2(g) – The Project will promote safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses.*

17. The Project is designed to activate Howard Road with consistent streetscape design and active ground floor uses that encourage pedestrian traffic. The majority of the ground floor along the entire Howard Road street frontage is designed with a minimum clear height of 14 feet and high-visibility glass storefront. In addition, the entire Howard Road frontage will be devoted to the preferred uses enumerated in the NHR designated street standards, with the exception of the Applicant's request to include Animal Sales, Care, and Boarding (Subtitle B § 200.2(c)) as an acceptable use. Finally, the single curb cut at the eastern end of the Property for loading, and provision of vehicle parking access through the Bridge District Phase 1 garage will enhance safety and prioritize safe pedestrian circulation (FF No. 36): *Subtitle K § 1005.3(a) – The Applicant provided a report on its coordination with*

the Department of Employment Services (DOES) regarding apprenticeship and training opportunities during construction and operation of the Project and the larger Bridge District, and the provision of any internship or training opportunities during construction and operation of the Project and the larger Bridge District, either with the Applicant or with contractors working on the project independent of DOES.

18. The Applicant has been operating an internal apprenticeship and training program for local high school and college students for over eight years. The Applicant has thus far employed 12 students in paid internships to learn about real estate development. The Applicant stated that it previously partnered with a local CBE subcontractor to train local electrical apprentices who acquired on-the-job skills and experience at the Bridge District Phase 1 project site and will endeavor to continue this partnership for the Project. Additionally, once construction on the Project begins the Applicant aims to partner with the general contractor to explore ways to create and host a variety of workforce development and training opportunities and events for community members and job seekers, including students (FF No. 37): *Subtitle K § 1005.3(b) – The Applicant provided a report on its efforts to include local businesses, especially Wards 7 and 8 businesses, in contracts for the construction or operation of the proposed project.*

19. The Applicant reported that it has and will continue to undertake efforts to attract local businesses to the Project, especially Wards 7 and 8 businesses, in contracts for the construction and operation of the Project. Additionally, the Applicant has been working with local Ward 8 businesses within the Bridge District thus far and intends to continue to do so on the Project. The Applicant has also been working with the Anacostia BID to pursue contracts with local cleaning, landscaping, and trash removal organizations for site cleanup (FF No. 37): *Subtitle K § 1005.3(c) – The Applicant provided a report on its efforts to provide retail or commercial leasing opportunities to small and local businesses, especially Ward 8 businesses, and efforts to otherwise encourage local entrepreneurship and innovation.*

20. The Applicant has committed to making efforts to provide commercial leasing opportunities to small and local business, especially Ward 8 businesses. The Applicant's placemaking strategy emphasizes small and local businesses as part of the overall retail mix for the Bridge District. Additionally, the Applicant has encouraged Ward 8 residents and other community stakeholders to refer qualified small and local businesses, and the Applicant has had several meetings with interested local entrepreneurs (FF No. 37): *Subtitle K § 1005.3(d) – The Applicant provided a report on its coordination with the State Archaeologist and any plans to study potential archeological resources at the Property, and otherwise recognize local Anacostia history.*

21. The Applicant has coordinated with the D.C. State Historic Preservation Officer and has studied the potential for archeological resources at the Property and other locations within the Bridge District. The research potential of the site was exhausted during the Phase I and Phase II investigations; and therefore, no further archaeological investigations were recommended at the end of these investigations. The Applicant stated that it will continue to coordinate with the D.C. State Historic Preservation Officer (FF No. 37).

Not Inconsistent with the Comprehensive Plan (Subtitle X § 604.5)

22. Pursuant to CP §§ 2501.4-2501.6 and 2501.8, the Commission is tasked with evaluating the Application's consistency with the CP through a racial equity lens. Consideration of equity is intended to be based on the policies of the CP and is a part of the Commission's consideration of whether the Application is "not inconsistent" with the CP, rather than a separate determination about the Project's equitable impact. The CP Framework Element states that equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities, but is not the same as equality (CP § 213.6). Further, "[e]quitable development is a participatory approach for meeting the needs of underserved communities through policies, programs and/or practices [and] holistically considers land use, transportation, housing, environmental, and cultural conditions, and creates access to education, services, health care, technology, workforce development, and employment opportunities." (CP § 213.7). The District applies a racial equity lens by targeting support to communities of color through policies and programs focusing on their needs and eliminating barriers to participate and make informed decisions (CP § 213.9). The CP Implementation Element provides guidance to help the Commission in applying a racial equity lens to its decision making. Specifically, the Implementation Element states that "[a]long with consideration of the defining language on equity and racial equity in the Framework Element, guidance in the Citywide Elements on District-wide equity objectives, and the Area Elements should be used as a tool to help guide equity interests and needs of different areas in the District." (CP § 2501.6). In addition, the Implementation Element suggests preparing and implementing tools to use as a part of the Commission's evaluation process (CP § 2501.8). The Commission released a revised Racial Equity Analysis Tool on February 3, 2023, with new components requiring applicants to include information about their community outreach and engagement efforts and OP to include disaggregated race and ethnicity data for the affected Planning Area in their respective CP consistency submissions regarding racial equity.

23. As part of the initial Application, the Applicant submitted a CP consistency evaluation. In accordance with the CP Implementation Element, the Applicant employed a racial equity lens as it prepared its CP consistency evaluation, which was guided by the Commission's Racial Equity Tool (FF Nos. 30, 38).

24. The Commission concludes that, when examined through a racial equity lens, the Project is consistent with CP goals around advancing racial equity in the District. The Project will help advance CP racial equity goals by providing substantial housing and affordable housing, not directly displacing any existing residents, spurring job training and long-term job opportunities, creating local business opportunities, furthering environmental justice goals through numerous sustainability measures, and improving access to neighborhood-serving amenities. The Applicant's evaluation indicates it conducted outreach with several community groups in addition to ANC 8A and ANC 8C. Through this outreach, the Applicant was informed by the affected community of its concerns regarding potential increases in traffic (vehicles, bicycle, and pedestrian) in and around the Property. In response to the affected community's concern, the Applicant consolidated parking access to the Building with the parking access to the Bridge District Phase 1 development to

reduce pedestrian/vehicular conflict points along Howard Road and reduce traffic directly outside of the neighboring Cedar Tree Academy. The Commission believes that the Applicant's coordinated approach to vehicular and loading access to the Project and throughout the Bridge District, and significant public realm and open space improvements that will increase pedestrian connectivity around the Property, the Bridge District, and the surrounding community, will effectively address the concerns expressed by the affected community. The Commission also notes that the disaggregated race and ethnicity data provided by OP reveals disparities in poverty, employment, rental, and housing cost burden between Black and White populations in the Planning Area, and that OP believes the Project has the potential to make progress toward alleviating these discrepancies by providing housing, affordable housing, and neighborhood-serving retail uses in close proximity to transit. Thus, the Commission finds that the Application responds to the District's racial equity goals as the Applicant utilized community outreach and engagement guidance, considered the Project's potential impact on existing racial disparities as informed by OP's disaggregated race and ethnicity data for the Planning Area, and developed the Project so that it will advance many desired CP policies/themes identified in the Commission's Racial Equity Tool (FF Nos. 38, 40, 44).

25. Based upon the Applicant's CP evaluation, including the information provided in response to the Commission's Racial Equity Tool, the Commission concludes that, when read as a whole, the Project is not inconsistent with the CP. The Commission's overall conclusion that the Project is not inconsistent with the CP is based upon the following set of conclusions:
    a. FLUM: The Property is located within an area designated on the FLUM as being appropriate for mixed-use development containing high-density commercial, high-density residential, and institutional uses. The NHR zone is intended to provide for high-density, mixed-use development, and the Project itself is a high-density development containing residential and commercial uses. Accordingly, the Commission finds that the Project is not inconsistent with the Property's FLUM designation (FF Nos. 13, 38, 40);
    b. GPM: The GPM designates the Property as within a Land Use Change Area. These areas represent vacant or underutilized land where the District envisions a change from the land use currently in existence. The Project will replace currently unimproved land with substantial new housing, lodging, and retail uses, and high-quality architectural design near the new Frederick Douglass Memorial Bridge and the Anacostia River. The Commission also believes that the Project is not inconsistent with the Property's location within a Resilience Focus Area, since the Project will incorporate several sustainable features, will be designed to achieve a LEED Gold certification, and will be raised above the 500-year floodplain. Additionally, the Commission notes that, while the Property is in a Future Planning Analysis Area, the Application is not requesting any rezoning, and OP has indicated in its Future Planning Analysis Area analysis that the Project would be in conformance with already-adopted CP policies and maps. Accordingly, the Commission finds that the Project is not inconsistent with the GPM (FF Nos. 14, 38, 40);
    c. Citywide and Area Element Policies: The Project provides a new mixed-use development on a site that is vacant and located in an area envisioned for high-density

development under the CP. The Project furthers numerous policies of the CP's Citywide Elements, including Land Use, Transportation, Housing, Environmental Protection, Economic Development, and Urban Design as well as the Lower Anacostia Waterfront/Near Southwest Area Element (FF No. 38, 40). The Project provides approximately 272 new residential units of market rate and affordable housing, including three-bedroom affordable units, and approximately 8,649 square feet of ground-floor retail use adjacent to Metrorail which will promote equitable access to transit and access to employment and opportunities as well as help catalyze new economic activity and opportunity to east of the Anacostia River neighborhoods. The Project's proximity to transit and sustainable design strategies, including rooftop solar, full building electrification, and mass timber construction, will also promote general climate resilience and environmental sustainability. The patterning, articulation, and varied material palettes of the Building's facades provide significant articulation and avoid repetitiveness. The Project's design emphasizes social interaction through active ground floor uses and the green courtyard; and the streetscape along Howard Road is designed to encourage safe pedestrian and bicycle travel. Balconies at the corners of the Building along Howard Road and facing Poplar Point will connect building residents with ground-level activity. Finally, the Project's height, density, and use of numerous resilient design strategies are consistent with CP policy guidance and the vision for development within the Poplar Point policy focus area (FF No. 38, 40); and

d. Potential CP Inconsistencies: As stated above, the Commission has determined that the Project is not inconsistent with the CP when read as a whole. In assessing the Project's CP consistency, the Commission must acknowledge instances where the Project may be inconsistent with CP policies and explain why such inconsistencies are outweighed by other competing CP policies and considerations (*See D.C. Library Renaissance Project/West End Library Advisory Grp. v. D.C. Zoning Comm'n*, 73 A.3d 107, 126 (D.C. 2013); *Friends of McMillan Park v. D.C. Zoning Comm'n*, 149 A.3d 1027, 1035 (D.C. 2016); and CP § 2504.6 (*"Recognize the overlapping nature of the [CP] elements as they are interpreted and applied. An element may be tempered by one or more of the other elements*."). According to the Applicant's CP evaluation, there is potential that the Project is inconsistent with the Transportation Element policy related to minimization of off-street parking (T-1.1.8) and the Environmental Protection Element policy regarding development within floodplains (E-1.1.6) (FF No. 38). The Commission concludes that these two potential inconsistencies are outweighed by the Project's consistency with numerous other CP policies, particularly those within the Land Use, Transportation, Housing, Environmental Protection, Urban Design, and Economic Development Elements. These potential inconsistencies are further outweighed by the Project's advancement of the District's overall and affordable housing goals set forth in the 2019 Housing Equity Report, the Project's proposed amount of affordable housing and levels of affordability, the environmental improvements that will be made to the Property, and the Project's overall consistency with the Property's FLUM designation. In particular, the Commission notes that Property will be elevated above the 500-year floodplain (FF No. 38).

Satisfaction of the General Special Exception Criteria (Subtitle X § 604.6)

Subtitle X § 604.6 – The Zoning Commission shall find that the proposed design review development will not tend to affect adversely the use of neighboring property and meets the general special exception criteria of Subtitle X, Chapter 9.

26. The Commission concludes that the Project satisfies the general special exception criteria of Subtitle X, Chapter 9:
    a. *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*
    b. *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*
    c. *Will meet such special conditions as may be specified in this title.*

27. The Project is in harmony with the general purpose and intent of the Zoning Regulations and the Zoning Map applicable to the Property. Broadly, the NHR zone permits and encourages a broad mix of residential, commercial, and other uses, and the Project provides an appropriate mix of these uses, focusing on residential, including affordable units and larger-sized units, with supporting retail and service uses (FF No. 39).

28. The Project will not tend to adversely affect the use of neighboring property but will support the community by offering housing and retail and service uses where it is needed. Other than the nearby charter school, Cedar Tree Academy, which submitted a letter in support of the Project, the properties immediately adjacent to the Project are owned by affiliates of the Applicant and will be part of the overall Bridge District development. Rather than adversely impacting neighboring properties, the Project will enhance its surroundings and the Anacostia community (FF Nos. 39, 55).

Consistency with the Urban Design Criteria (Subtitle X § 604.7)

29. The Commission concludes that the Project is consistent with the urban design criteria pursuant to Subtitle X § 604.7 as described below and in such a way that the Project is superior to a matter-of-right development in accordance with Subtitle X § 604.8.

Subtitle X § 604.7(a) – Street frontages are designed to be safe, comfortable, and encourage pedestrian activity, including:
(1) Multiple pedestrian entrances for large developments;
(2) Direct driveway or garage access to the street is discouraged;
(3) Commercial ground floors contain active uses with clear, inviting windows;
(4) Blank facades are prevented or minimized; and
(5) Wide sidewalks are provided.

30. The Project's primary pedestrian frontage is along Howard Road, where the Building's ground floor will have active retail uses with display windows. The active ground floor uses within the Project will be accessible via a well-designed, reconstructed public streetscape. Collectively, the active ground floor uses, and well-designed streetscape will create a safe and inviting pedestrian environment. The Project also provides no direct access off of Howard Road to parking or loading, instead only providing a single point of

access for loading at the east end of the Property, and uses the existing parking entrance at the Bridge District Phase 1 development to access the Project's below-grade garage (FF No. 38).

Subtitle X § 604.7(b) – Public gathering spaces and open spaces are encouraged especially in the following situations:
(1) Where neighborhood open space is lacking;
(2) Near transit stations or hubs; and
(3) When they can enhance existing parks and the waterfront.

31. The Project includes a publicly accessible green courtyard between the Building and Bridge District Phase 1 that will be activated by the Building's ground floor residential amenity space and associated garden patio areas, and the retail and associated retail outdoor dining areas of Bridge District Phase 1 to the north. The Project also features rooftop amenities for use by Project residents (FF No. 38).

Subtitle X § 604.7(c) – New development respects the historic character of Washington's neighborhoods, including:
(1) Developments near the District's major boulevards and public spaces should reinforce the existing urban form;
(2) Infill development should respect, though need not imitate, the continuity of neighborhood architectural character; and
(3) Development should respect and protect key landscape vistas and axial views of landmarks and important places.

32. The Project will not affect the historic character of Washington's neighborhoods as it is being developed in a largely undeveloped area that is separated from the established historic Anacostia neighborhood and other nearby neighborhoods. The Property is surrounded by transportation infrastructure and parkland and thus lacks any strong urban form to which the Project might relate. Indeed, the Project, and the overall Bridge District, will help activate and provide a backdrop to the South Capitol Street oval on the east side of the Frederick Douglass Memorial Bridge, which will become an active public space that connects both sides of the Anacostia River and can serve as a gateway into Poplar Point and Anacostia Park (FF No. 38).

Subtitle X § 604.7(d) – Buildings strive for attractive and inspired facade design, including:
(1) Reinforce the pedestrian realm with elevated detailing and design of first (1st) and second (2nd) stories; and
(2) Incorporate contextual and quality building materials and fenestration.

33. The Project provides pedestrian-oriented street-frontage designs, including high ceiling clearance and glass windows at the ground floor creating pedestrian interactivity. The east, south, and west facades feature a gridded framework defined by alternating bands of light-toned masonry or metal and dark metal panels. The north facade utilizes a more modern, glass curtain wall system that maximizes views toward Poplar Point and the Anacostia

River. Corner balconies oriented toward Howard Road and Poplar Point introduce additional articulation (FF No. 38).

Subtitle X § 604.7(e) – Sites are designed with sustainable landscaping.

34. The Project integrates landscape into spaces throughout the Property Building at the ground level, second floor terrace, at the roof level, and within adjacent public space. The planting design uses native species to the maximum extent possible to provide year-round appeal while minimizing excessive water usage or high-intensity maintenance. The Project will comply with all Green Area Ratio and DOEE Stormwater Management requirements (FF No. 38).

Subtitle X § 604.7(f) - Sites are developed to promote connectivity both internally and with surrounding neighborhoods, including:
(1) Pedestrian pathways through developments increase mobility and link neighborhoods to transit;
(2) The development incorporates transit and bicycle facilities and amenities;
(3) Streets, easements, and open spaces are designed to be safe and pedestrian friendly;
(4) Large sites are integrated into the surrounding community through street and pedestrian connections; and
(5) Waterfront development contains high quality trail and shoreline design as well as ensuring access and view corridors to the waterfront.

35. The Project's green courtyard and streetscape improvements will complement the Bridge District Phase 1 development, and the series of public parks and publicly accessible open spaces envisioned throughout the Bridge District. The courtyard and reconstruction of the streetscape adjacent to the Property will also promote connectivity between the Bridge District and Anacostia Park, the Anacostia Metrorail station, the historic Anacostia neighborhood, and Downtown DC (FF No. 38).

Special Exception from Penthouse Enclosing Wall Uniform Height Requirements (Subtitle X § 901.2 and Subtitle C § 1506 Criteria)

36. Pursuant to Subtitle C § 1503.4(a) and (b), walls enclosing penthouse habitable space shall be of a single, uniform height, and walls enclosing penthouse mechanical space shall be of a single, uniform height, except that walls enclosing an elevator override may be of a different single, uniform height.

37. The Commission concludes that the Applicant has satisfied the burden of proof for special exception relief from the penthouse enclosing walls uniform height requirements pursuant to Subtitle X § 901.2 and Subtitle C § 1506. The requested relief to allow a portion of the amenity space at the western end of the habitable penthouse to have a height of approximately 20 feet, and to allow the elevator vestibule that accesses the raised pool deck to have a height of approximately 13 feet is in harmony with the intent and purpose of the Zoning Regulations. The purpose and intent of the penthouse regulations is to ensure a reasonable degree of architectural harmony of penthouses and roof structures with the

building upon which they sit and with the surrounding context. The Project's proposed penthouse design, including the slightly taller portion of the habitable penthouse and slightly lower height of the elevator vestibule, will still meet the purpose and intent of the penthouse regulations as the design will still harmonize with the overall architectural design of the Building, and the penthouse and all roof structures will meet all applicable setback requirements (FF Nos. 30, 31, 39, 40, 42).

"Great Weight" to the Written Report of the ANC

38. The Commission is required to give "great weight" to the issues and concerns of the affected ANC expressed in its written report (§ 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 this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. 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)).

39. The ANC 8A Report recommended approval of the Application. The Commission concurs with ANC 8A that the Project should be approved and has given the requisite great weight to the ANC 8A Report and its recommendation. The Commission notes ANC 8A's support for the design of the Project, as well as its affordable housing program, provision of long-needed neighborhood-serving amenities, publicly accessible green courtyard, and environmental features (FF No. 49).

"Great Weight" to the Recommendation of OP

40. The Commission is required to 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)).

41. The OP Report recommended approval of the Application. The Commission concurs with OP's recommendation and testimony that the Project should be approved, including flexibility from side yard, open court, ground floor clear height, rooftop solar, and stormwater retention capacity requirements, and special exception relief for penthouse enclosing walls of unequal height. The Commission has given the requisite great weight to OP's Report and recommendation (FF Nos. 40 - 46).

DECISION

In consideration of the above Findings of Fact and Conclusions of Law, the Zoning Commission for the District of Columbia concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application for:

- Design review approval pursuant to the applicable standards and criteria of the NHR zone of Subtitle K §§ 1004, 1005, the general design review criteria of Subtitle X § 604, and the special exception standards of Subtitle X § 901.2;
- Special exception relief from the penthouse enclosing wall uniform height requirements of Subtitle C § 1503.4;
- Technical zoning flexibility from the open court requirements of Subtitle K § 1001.11; the side yard requirements of Subtitle K § 1001.8; the ground floor minimum clear height requirement of Subtitle K § 1004.3(a); the stormwater retention capacity requirement of Subtitle K § 1010.1(d); and the rooftop solar panel requirement of Subtitle K § 1010.1(a); and
- Such other design flexibility as are set forth in the Conditions hereof.

This approval is subject to the following conditions, standards, and flexibility:

Project Development

1. The Project shall be built in accordance with the plans and elevations dated August 8, 2025, and marked as Ex. 11A1-11A5 of the record, as modified by Ex. 24 dated September 8, 2025 (the "Final Plans"), and with the following design flexibility relating to the Final Plans:
    - Exterior Details – Location and Dimension: To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the plans approved by the Order. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
    - Exterior Material Type and Color: To vary the final selection of the exterior materials within the color ranges and material types, as shown on Sheets A6.03 and A6.04 of the Final Plans (titled "Materials Flex"). In the event the Applicant must deviate from the exterior material types or colors beyond the parameters of the Exterior Materials Palette and Materials Flex, the Applicant shall file an application for a Modification without Hearing for the Commission's approval;
    - Interior Components: To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical and fire control-related rooms, provided that the variations do not change the exterior configuration of the building as shown on the plans approved by the Order;
    - Number of Units: To provide a range in the approved number of residential dwelling units of plus or minus 10%;
    - Affordable Units: To vary the number and mix of inclusionary units if the total number of dwelling units changes within the range of flexibility granted, provided that the Project complies with all applicable Inclusionary Zoning requirements under Subtitle C, Chapter 10, as modified by Subtitle K §§ 1001 and 1010, as applicable;
    - Roof Elements: To vary the roof plan as it relates to the green roof areas, solar panels, planters, terraces, pool, equipment, and outdoor amenity areas, provided that no relief is required beyond that which is expressly granted by the Order. The Applicant shall have flexibility to provide accessible access to the rooftop pool deck

via ramp as shown in Ex. 3B of the case record if the proposed elevator access to the pool deck is deemed infeasible;

- Retail Frontages: To vary the final design of retail frontages of the building, including the location and design of entrances, show windows, signage, and size of retail units, in accordance with the needs of the retail tenants and/or as the result of Code or agency requirements;
- Signage: To vary the font, message, logo, and color of signage, provided that the maximum overall dimensions and signage materials are consistent with the signage on the plans approved by the Order and are compliant with the DC signage regulations;
- Retail/Commercial Use Types: To vary the types of uses designated as "retail" or "commercial" on the Final Plans to any use that is permitted as a matter-of-right in the following use categories, and to allow any such use to also satisfy the NHR zone designated streets requirement of Subtitle K § 1004.2: Retail (11-B DCMR § 200.2(bb)); Services, General (11-B DCMR § 200.2(cc)); (Services, Financial (11-B DCMR § 200.2(dd)); Eating and Drinking Establishments (11- B DCMR § 200.2(i)); Daytime Care (11-B DCMR § 200.2(h)); Entertainment, Assembly, and Performing Arts (11-B DCMR § 200.2(m)); Medical Care (11-B DCMR § 200.2(o)); Education, Private (11-B DCMR § 200.2(k)); Education, Public (11-B DCMR § 200.2(l)); and Arts, Design, and Creation (11-B DCMR § 200.2(e)), except that Animal Sales, Care, and Boarding (11-B DCMR § 200.2(c)) is also an acceptable use;
- Parking Layout: To make refinements to the approved bicycle and vehicle parking configuration, including layout, location, and number of bicycle and vehicle parking space plus or minus 10%, so long as the number of parking spaces is at least the minimum number of spaces required by the Zoning Regulations and no relief is required;
- Streetscape Design: To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division or the Public Space Committee or utilities;
- Sustainable Features: To vary the approved sustainable features of the Project, provided the total number of LEED points achievable for the Project does not decrease below the LEED Gold standard as shown on Sheet A9.01 of the Final Plans; and
- Landscape Materials: To vary the final selection of landscaping materials utilized based on availability at the time of construction.

Transportation Demand Management Measures

2. **For the life of the Project**, the Applicant shall adhere to the following TDM Plan:
   a. The following TDM strategies are proposed for the Project site as a whole:
      i. Identify Transportation Coordinators for the planning, construction, and operations phases of development. There will be a Transportation Coordinator for each tenant and the entire site. The Transportation Coordinators will act as points of contact with DDOT, goDCgo, and Zoning Enforcement and will provide their contact information to goDCgo;

ii. Transportation Coordinator will conduct an annual commuter survey of employees and residents on-site, and report TDM activities and data collection efforts to goDCgo once per year;

iii. Transportation Coordinators will develop, distribute, and market various transportation alternatives and options to the residents and customers, including promoting transportation events (i.e., Bike to Work Day, National Walking Day, Car Free Day) on the property website and in any internal building newsletters or communications;

iv. Transportation Coordinators will receive TDM training from goDCgo to learn about the TDM conditions for this project and available options for implementing the TDM Plan;

v. Will post "getting here" information in a visible and prominent location on the website with a focus on nonautomotive travel modes. Also, links will be provided to goDCgo.com, CommuterConnections.com, transit agencies around the metropolitan area, and instructions for customers discouraging parking on-street in Residential Permit Parking (RPP) zones;

vi. Provide employees and residents who wish to carpool with detailed carpooling information and will be referred to other carpool matching services sponsored by the Metropolitan Washington Council of Governments (MWCOG) or other comparable service if MWCOG does not offer this in the future;

vii. Post all TDM commitments on website, publicize availability, and allow the public to see what commitments have been promised;

viii. Offer a free SmarTrip card to every new employee and resident and a complimentary Capital Bikeshare coupon good for one ride for the first year after opening;

ix. Additional short- and long-term bicycle parking spaces at or above ZR16 requirements, providing (at a minimum) 92 long-term spaces and 16 short-term spaces;

x. Long-term bicycle storage rooms will accommodate nontraditional sized bikes including cargo, tandem, and kids bikes, with a minimum of five spaces (5%) designed for longer cargo/tandem bikes (10'x3'), a minimum of nine spaces (10%) designed with electrical outlets for the charging of electric bikes and scooters, and a minimum of 46 spaces (50%) will be located horizontally on the floor. There will be no fee to residents and employees for usage of the bicycle storage room;

xi. Following the issuance of the final certificate of occupancy for the Project, the Transportation Coordinator shall submit documentation from DOB summarizing compliance with the transportation and TDM conditions of the Order (including, if made available, any written confirmation from the Office of the Zoning Administrator) to OZ for inclusion in the IZIS case record of the case;

xii. Following the issuance of a Certificate of Occupancy for the Project, the Transportation Coordinator will submit a letter to the Zoning Administrator, DDOT, and goDCgo every five years (as measured from the final Certificate of Occupancy for the Project) summarizing continued

substantial compliance with the transportation and TDM conditions in the Order, unless no longer applicable as confirmed by DDOT. If such letter is not submitted on a timely basis, the building shall have 60 days from date of notice from the Zoning Administrator, DDOT, or goDCgo to prepare and submit such letter;

xiii. Install a minimum of eight electric vehicle (EV) charging stations;

xiv. Provide a bicycle repair station;

xv. Coordinate a way finding plan along walking routes and biking routes to the property from the Anacostia Metrorail station and nearby bike paths;

xvi. As part of Bridge District Parcels 1 and 2 TDM Plan and Z.C. Order 22-39, a 23-dock Capital Bikeshare (CaBi) station with 12 bikes will be funded and installed in a mutually agreed location coordinated with DDOT within the NHR zone and will fund one-year of maintenance and operations costs. If the construction of Bridge District Parcel 5 precedes that of Bridge District Parcels 1 and 2, then the Applicant will provide a new 23-dock Capital Bikeshare station as part of the Bridge District Parcel 5 project, with the preliminary location identified as the new public park between Bridge District Parcel 3 and the East Oval as seen in Figure 4 (of the CTR at Ex. 13A of the record). If the construction of Bridge District Parcel 5 follows that of Bridge District Parcels 1 and 2, then no additional Capital Bikeshare capacity will be added;

xvii. Designate up to two parking spaces in the vehicle parking garage for car-sharing services to use with right of first refusal;

xviii. Hold a transportation event for residents, employees, and members of the community once per year for a total of two years following the issuance of the final certificate of occupancy for the Project. Examples include resident social, walking tour of local transportation options, goDCgo lobby event, transportation fair, WABA Everyday Bicycling seminar, bicycle safety/information class, bicycle repair event, etc.);

xix. The Applicant agrees to not lease unused parking spaces to anyone other than tenants of buildings within the Northern Howard Road Zone unless the other buildings have no on-site parking;

xx. The applicant has proposed improvements as part of the larger Bridge District Development which includes the Northern Promenade shared use path, a raised crosswalk on Howard Road within the vicinity of Bridge District Parcel 5, new curb extensions on Howard Road along the site's frontage, and upgraded sidewalks and curb ramps on Howard Road along the site frontage. All these improvements aim to improve the overall pedestrian and bicyclist experience within the Bridge District development.

xxi. Redbrick is developing an approximate 1-acre public park on land owned by DDOT; and

xxii. Designed as a vibrant community gathering space, the park will include a playground, Capital Bikeshare access, and open green space for recreation and relaxation. Construction is currently underway, with completion anticipated in late summer 2025.

b. The following TDM strategies are proposed for the residential portion of the Project:
   i. Unbundle the cost of vehicle parking from the lease or purchase agreement for each residential unit, and charge a minimum rate based on the average market rate within a quarter mile;
   ii. Transportation Coordinators will subscribe to goDCgo's residential newsletter;
   iii. Provide welcome packets to all new residents that should, at a minimum, include the Metrorail pocket guide, brochures of local bus lines (Circulator and Metrobus), carpool and vanpool information, CaBi coupon or rack card, Guaranteed Ride Home (GRH) brochure, and the most recent DC Bike Map; and
   iv. Designate two (2) parking spaces for vehicles to be used by residents who carpool to work.

c. The following TDM strategies are proposed for the retail portion of the Project:
   i. Unbundle the cost of parking from the cost to lease the building or unit and only hourly, daily, or weekly rates will be charged. Free parking, validation, or discounted rates will not be offered;
   ii. Transportation Coordinator will demonstrate to goDCgo that tenants with 20 or more employees are in compliance with the DC Commuter Benefits Law and participate in one of the three transportation benefits outlined in the law (employee-paid pre-tax benefit, employer-paid direct benefit, or shuttle service), as well as any other commuter benefits related laws that may be implemented in the future; and
   iii. Employers will offer a telework program to eligible employees, contribute to health savings accounts, free gym memberships, bike tune-ups, or other programs to encourage walking or bicycling.

General

3. This Application approval shall be valid for a period of two years from the effective date of this Order. Within such time, an application for building permit must be filed as specified in Subtitle Z § 702.2. Construction must begin within three years after the effective date of this Order (Subtitle Z § 702.3).

4. 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.

FINAL ACTION

Vote (September 8, 2025): **5-0-0** (Joseph S. Imamura, Tammy Stidham, Anthony J. Hood, Robert E. Miller, and Gwen Wright to approve).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 25-07 shall become final and effective upon publication in the *District of Columbia Register*; that is, on May 1, 2026.

ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION

SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

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.

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

DISTRICT OF COLUMBIA REGISTER
2026 AGENCY SUBMISSION DEADLINE SCHEDULE

The *District of Columbia Register* is published weekly on Fridays including on public holidays that fall on a Friday. The deadline for submitting notices for publication by District agencies, boards, commissions, and public charter schools is **THURSDAY**, noon of the **PREVIOUS** week. For example, the deadline for the January 16, 2026 *District of Columbia Register* is noon on Thursday January 8, 2026.

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 19, 2026 (Martin Luther King Jr. Day) is an official District of Columbia holiday therefore, the deadline for the January 23, 2026 *District of Columbia Register* is noon on Wednesday, January 14, 2026.

If an official government holiday falls on a Thursday, the deadline for submitting documents is WEDNESDAY. Because Thursday, January 1, 2026 is New Years Day, the deadline for the January 9, 2026 *District of Columbia Register* is noon on Wednesday, December 31, 2025.

Because Thursday, November 26, 2026 is Thanksgiving Day, the deadline for submitting documents for the December 4, 2026 *District of Columbia Register* is noon on Wednesday, November 25, 2026.

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 at https://dcregs.dc.gov:



Since the deadline changes for a Register to be published during a week that has an official District of Columbia Government holiday, the 2026 holiday schedule is provided here for your convenience.

2026 District of Columbia Government Holiday Schedule	
New Year's Day	Thursday, January 1, 2026
Dr. Martin Luther King, Jr.'s Birthday	Monday, January 19, 2026
Washington's Birthday	Monday, February 16, 2026
DC Emancipation Day	Thursday, April 16, 2026
Memorial Day	Monday, May 25, 2026
Juneteenth National Independence Day	Friday, June 19, 2026
Independence Day (Observed)	Friday, July 3, 2026
Labor Day	Monday, September 7, 2026
Indigenous Peoples' Day	Monday, October 12, 2026
Veterans Day	Wednesday, November 11, 2026
Thanksgiving Day	Thursday, November 26, 2026
Christmas Day	Friday, December 25, 2026

Below is the 2026 District of Columbia Register Submission Deadline schedule.

OFFICE OF DOCUMENTS AND ADMINSTRATIVE ISSUANCES
DISTRICT OF COLUMBIA REGISTER
2026 AGENCY SUBMISSION DEADLINE SCHEDULE

D.C. Register Issue		Submission Deadline	
Vol. 73/1	January 2, 2026*	Wednesday	December 24, 2025
Vol. 73/2	January 9, 2026	Wednesday	December 31, 2025
Vol. 73/3	January 16, 2026	Thursday	January 8, 2026
Vol. 73/4	January 23, 2026*	Wednesday	January 14, 2026
Vol. 73/5	January 30, 2026	Thursday	January 22, 2026
Vol. 73/6	February 6, 2026	Thursday	January 29, 2026
Vol. 73/7	February 13, 2026	Thursday	February 5, 2026
Vol. 73/8	February 20, 2026*	Wednesday	February 11, 2026
Vol. 73/9	February 27, 2026	Thursday	February 19, 2026
Vol. 73/10	March 6, 2026	Thursday	February 26, 2026
Vol. 73/11	March 13, 2026	Thursday	March 5, 2026
Vol. 73/12	March 20, 2026	Thursday	March 12, 2026
Vol. 73/13	March 27, 2026	Thursday	March 19, 2026
Vol. 73/14	April 3, 2026	Thursday	March 26, 2026
Vol. 73/15	April 10, 2026	Thursday	April 2, 2026
Vol. 73/16	April 17, 2026*	Wednesday	April 8, 2026
Vol. 73/17	April 24, 2026	Wednesday	April 15, 2026
Vol. 73/18	May 1, 2026	Thursday	April 23, 2026
Vol. 73/19	May 8, 2026	Thursday	April 30, 2026
Vol. 73/20	May 15, 2026	Thursday	May 7, 2026
Vol. 73/21	May 22, 2026	Thursday	May 14, 2026
Vol. 73/22	May 29, 2026 *	Wednesday	May 20, 2026
Vol. 73/23	June 5, 2026	Thursday	May 28, 2026
Vol. 73/24	June 12, 2026	Thursday	June 4, 2026
Vol. 73/25	June 19, 2026*	Wednesday	June 10, 2026
Vol. 73/26	June 26, 2026	Thursday	June 18, 2026
Vol. 73/27	July 3, 2026 *	Wednesday	June 24, 2026
Vol. 73/28	July 10, 2026	Thursday	July 2, 2026
Vol. 73/29	July 17, 2026	Thursday	July 9, 2026
Vol. 73/30	July 24, 2026	Thursday	July 16, 2026
Vol. 73/31	July 31, 2026	Thursday	July 23, 2026
Vol. 73/32	August 7, 2026	Thursday	July 30, 2026
Vol. 73/33	August 14, 2026	Thursday	August 6, 2026
Vol. 73/34	August 21, 2026	Thursday	August 13, 2026
Vol. 73/35	August 28, 2026	Thursday	August 20, 2026
Vol. 73/36	September 4, 2026	Thursday	August 27, 2026
Vol. 73/37	September 11, 2026*	Wednesday	September 2, 2026
Vol. 73/38	September 18, 2026	Thursday	September 10, 2026
Vol. 73/39	September 25, 2026	Thursday	September 17, 2026
Vol. 73/40	October 2, 2026	Thursday	September 24, 2026
Vol. 73/41	October 9, 2026	Thursday	October 1, 2026
Vol. 73/42	October 16, 2026*	Wednesday	October 7, 2026
Vol. 73/43	October 23, 2026	Thursday	October 15, 2026
Vol. 73/44	October 30, 2026	Thursday	October 22, 2026
Vol. 73/45	November 6, 2026	Thursday	October 29, 2026
Vol. 73/46	November 13, 2026*	Wednesday	November 4, 2026
Vol. 73/47	November 20, 2026	Thursday	November 12, 2026
Vol. 73/48	November 27, 2026*	Wednesday	November 18, 2026
Vol. 73/49	December 4, 2026	Wednesday	November 25, 2026
Vol. 73/50	December 11, 2026	Thursday	December 3, 2026
Vol. 73/51	December 18, 2026	Thursday	December 10, 2026
Vol. 73/52	December 25, 2026*	Wednesday	December 16, 2026
Vol. 74/1	January 1, 2027*	Wednesday	December 23, 2026

*Weeks with District of Columbia Government public holidays. Last Updated December 5, 2025