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District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 26-317 to authorize the Mayor and Chief of Police to designate extended youth curfew zones
- D.C. Council schedules a public hearing on Bill 26-403, to discuss requiring the Office of the State Superintendent of Education to create a course catalogue so local education agencies can uniformly evaluate student transcripts to award partial academic credits to students in the care of D.C. (SCDC)
- D.C. Council schedules a public oversight roundtable to assess the overall state of the for-hire vehicle industry and explore ways in which the District's laws can be modernized
- Commission on the Arts and Humanities announces funding availability for the FY 2027 Arts and Humanities Fellowship Grant Program
- Department of Health seeks proposals for HIV prevention activities utilizing a syndemic approach for HIV, STI, and HBV/HCV screening and PrEP/PEP education, linkages, and outreach
- Department of Human Services modifies standards of assistance and payment levels applicable to District of Columbia residents who participate in certain public benefit programs
- Executive Office of the Mayor announces funding availability for the FY2027 Access to Jobs Grant
- District Department of Transportation establishes a permanent permit program to manage street-located outdoor dining ("Streateries") and permit fees for those who construct or operate Streateries in the public right-of-way
- DC Water and Sewer Authority schedules a public hearing to discuss proposed retail rates, charges & fees, groundwater sewer rates, and high flow filter backwash sewer rate for Fiscal Year 2027 & Fiscal Year 2028 and new District of Columbia Public Inconvenience Fee

DISTRICT OF COLUMBIA REGISTER

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ENROLLED ORIGINAL

AN ACT

D.C ACT 26-317

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 14, 2026

To amend the Juvenile Curfew Act of 1995 to extend the applicability of the curfew to 17-year-olds, to replace references to the word juvenile with youth, to authorize the Mayor and Chief of Police to designate extended youth curfew zones, to establish specific notice and signage requirements for extended youth curfew zones, to allow Advisory Neighborhood Commissions to petition the Chief of Police for an extended youth curfew zone, to provide guardrails on the enforcement of curfew violations in extended youth curfew zones, and to require the provision of youth programming when extended youth curfew zones are established.

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

Sec. 2. The Juvenile Curfew Act of 1995, effective September 20, 1995 (D.C. Law 11-48; D.C. Official Code § 2-1541 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 2-1541) is amended as follows:

(1) Strike the number "17" wherever it appears and insert the number "18" in its place.

(2) Strike the word "juvenile" wherever it appears and insert the word "youth" in its place.

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

"(b-1) The Council has determined that since 2023, the District has seen a rise in endangering situations involving unaccompanied youth, such as self-described "takeovers" unsupervised by adults or planned fights, driven by social media. The far-reaching nature of social media is a novel problem that the Council must address in new ways.".

(b) Section 3 (D.C. Official Code § 2-1542) is amended as follows:

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

"(1) "Chief of Police" means the Chief of the Metropolitan Police Department.".

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

"(1A) "Curfew hours" means:

"(A) From 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, until 6:00 a.m. on the following day, and from 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday; except, that during the months of July and August, the term "curfew hours" means from 12:01 a.m. until 6:00 a.m.; and

"(B) Extended curfew hours in extended youth curfew zones established by the Mayor or the Chief of Police pursuant to section 3a.".

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

"(3A) "Extended youth curfew zone" means a geographically defined area in which extended curfew hours established pursuant to section 3a apply.".

(4) Paragraph (5) is amended by striking the phrase "under the age of 17 years" and inserting the phrase "under the age of 18 years" in its place.

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

"(6A) "Notice of violation of curfew" means a verbal warning that informs a minor or group of minors that they are violating the terms of a curfew and that they may be arrested if they continue to violate the curfew, and identifies reasonable steps the minor or group of minors can take to avoid arrest.".

(6) A new paragraph (12) is added to read as follows:

"(12) "Youth" means any person under the age of 18 years, but does not include a judicially emancipated minor or a married minor.".

(c) New sections 3a and 3b are added to read as follows:

"Sec. 3a. Temporary extended youth curfew zones.

"(a)(1) By issuance of an order, the Mayor or the Chief of Police may designate any part of the District as an extended youth curfew zone after determining that such a designation is appropriate to protect public safety or public or private property. Within the extended youth curfew zone, the Mayor or the Chief of Police may extend the curfew hours in the District beyond the hours established in section 3(1A)(A).

"(2) Extended curfew hours established pursuant to paragraph (1) of this subsection shall not:

"(A) Begin earlier than 8:00 p.m. on any day, or extend past 6:00 a.m. of the following day;

"(B) Remain in effect for more than 4 consecutive days, except as provided for in subsection (e) of this section; or

"(C) Apply to groups of 8 or fewer minors.

"(3) In determining whether to designate an extended youth curfew zone, the Chief of Police shall consider:

"(A) Within the preceding 30 days, the occurrence of the following in the proposed extended youth curfew zone:

"(i) Youth curfew violations;

"(ii) Police reports involving minors of disturbances of the public peace as described in section 1 of An Act To confer concurrent jurisdiction on the police court of

the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Official Code § 22-1301), sections 6, 3, 9, or 16 of An act for the preservation of the public peace and the protection of property within the District of Columbia, approved July 29, 1892 (27 Stat. 323; D.C. Official Code §§ 22-1307, 22-1309, 22-1312, or 22-1318), section 211 of the District of Columbia Law Enforcement Act of 1953, approved June 29, 1953 (67 Stat. 98; D.C. Official Code § 22-1321), or section 901 of An Act relating to crime and criminal procedure in the District of Columbia, approved December 27, 1967 (81 Stat. 742; D.C. Official Code § 22-1322);

"(iii) Police reports involving minors of dangerous crimes as that term is defined in D.C. Official Code § 23-1331(3);

"(iv) Police reports involving minors of crimes of violence, as that term is defined in D.C. Official Code § 23-1331(4); or

"(v) Police reports involving minors of destruction of or damage to public or private property;

"(B) Intelligence or verifiable information indicative of an intent of 9 or more minors to gather in the proposed extended youth curfew zone in such a manner that is likely to result in substantial harm to the public safety, the safety of those gathering, or substantial damage to public or private property; and

"(C) Any other verifiable information from which the Chief of Police may ascertain that public safety or public or private property in the proposed extended youth curfew zone is likely to be endangered by the presence of unaccompanied minors in the extended youth curfew zone.

"(b) An order issued by the Mayor or the Chief of Police pursuant to subsection (a) of this section shall:

"(1) State the basis for the designation of the extended youth curfew zone;

"(2) State the boundaries of the extended youth curfew zone; and

"(3) State the days and hours during which the extended youth curfew zone shall be in effect.

"(c) Except where emergency circumstances, as determined by the Mayor or the Chief of Police and described in the order issued pursuant to subsection (a) of this section, warrant otherwise, extended youth curfew zones imposed under this section shall not take effect until at least 24 hours after the posting of the order pursuant to subsection (d) of this section.

"(d) Notice of an order issued under this section shall be promptly posted on the main website of the District government and on the website of the Metropolitan Police Department. The Mayor or the Chief of Police shall ensure that conspicuous signs are posted in the immediate area of an extended youth curfew zone. Any digital notice shall include:

"(1) A plain-language description of lawful activities that remain permitted for minors in the extended youth curfew zone; and

"(2) The locations, days, times, and transportation options for alternative youth events required pursuant to section 3b.

"(e) The Mayor or the Chief of Police may extend the time period during which an extended youth curfew zone imposed by this section shall remain in effect by issuing subsequent orders extending the time period; provided, that each such extension of the time period shall not exceed 30 days.

"(f) If members of the Metropolitan Police Department discover minors in an extended youth curfew zone during the hours the extended curfew is in effect, the Metropolitan Police Department shall:

"(1) Where there:

"(A) Is not an imminent danger of bodily injury or significant damage to property, issue at least 2 clearly audible and understandable notices of violation of curfew prior to arrest of any minor for violation of the curfew; or

"(B) Is imminent danger of bodily injury or significant damage to property, issue at least one clearly audible and understandable notice of violation of curfew prior to arrest of any minor for violation of the curfew;

"(2) Provide minors with a reasonable and adequate time to disperse; and

"(3) Capture on body-worn camera each component of the notice described in paragraph (1) of this subsection.

"(g)(1) An Advisory Neighborhood Commission ("ANC") may petition the Chief of Police to establish an extended youth curfew zone in an area within the bounds or jurisdiction of, or adjacent to the area within the bounds or jurisdiction of, the ANC. Such petition shall be approved by a formal vote of the members of the ANC.

"(2) A petition submitted pursuant to this subsection shall include the following information:

"(A) The proposed boundaries of the extended youth curfew zone;

"(B) The proposed hours of the extended youth curfew zone;

"(C) The proposed duration, in days, of the extended youth curfew zone;

"(D) The reasons why the ANC is requesting the designation of an extended youth curfew zone; and

"(E) Such other information as the Chief of Police may require.

"(3) Consideration of a petition submitted under this section and the determination of whether to designate an extended youth curfew zone in response to the petition shall be at the sole discretion of the Chief of Police.

"(h) For purposes of enforcing a violation of curfew under this section, a police officer shall not stop, question, disperse, or transport a minor based solely on:

"(1) Presence in a designated extended youth curfew zone prior to the beginning of curfew hours;

"(2) Presence in a group smaller than the threshold set forth in section 3a(a)(2)(C); or

"(3) Any other factor that, standing alone, does not constitute a violation of curfew under this act or any other law.

"(i) Notwithstanding subsection (h) of this section, the Metropolitan Police Department may issue verbal warnings of the start of curfew hours to minors beginning not more than 30 minutes before the start of curfew hours.

"Sec. 3b. Positive youth programming during extended youth curfew zones.

"(a) The Department of Parks and Recreation ("DPR") or a community-based organization designated by the Mayor, which may be supported with grant funds provided by the District, shall host at least one evening event for minors for each period that an extended youth curfew zone is in effect.

"(b) At the time of issuing an order to establish an extended youth curfew zone, the Mayor or the Chief of Police shall publicly announce the locations, days, and times of the concurrent events required under subsection (a) of this section.

"(c) The Mayor or the Chief of Police shall coordinate with the Washington Metropolitan Area Transit Authority and District agencies, including DPR and the Office of Neighborhood Safety and Engagement, to support safe access for minors to and from events held pursuant to subsection (a) of this section, including through outreach to minors and on-the-ground presence.

"(d) DPR or the designated community-based organization shall make good faith efforts to incorporate input from youth in the planning and implementation of events required under subsection (a) of this section, including input on the location, hours, and types of activities offered. To meet this requirement, DPR or the designated community-based organization may:

"(1) Conduct listening sessions, focus groups, or surveys with youth;

"(2) Partner with youth-serving community-based organizations; or

"(3) Establish short-term, compensated opportunities for youth to provide input on event design and programming.

"(e) Notwithstanding section 4(a)(1), a minor shall not be deemed in violation of curfew hours while traveling directly to or from an event held pursuant to subsection (a) of this section; provided, that the minor does not engage in any detour or stop unrelated to such activity.".

(d) Section 4(c) (D.C. Official Code § 2-1543(c)) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase "the nearest available Police District headquarters or substation or other area designated by the Metropolitan Police Department" and inserting the phrase "a designated place by the Metropolitan Police Department; provided, that the designated place is not a police district station or a juvenile detention center" in its place.

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

"(3) A minor who violates this act and is subsequently detained by the Metropolitan Police Department shall be released within a reasonable time into the custody of the minor's parent, guardian, or an adult person acting in loco parentis. If such person is not immediately available, the minor may be transported to:

"(A) The minor's residence;

"(B) Any youth programming event established under section 3b;

"(C) A 24-hour youth drop-in center;

"(D) Another safe location identified by the minor; or

"(E) If none of the above options are viable, the custody of the appropriate official at the Child and Family Services Agency.".

Sec. 3. Sunset.

This act shall expire on December 31, 2028.

Sec. 4. Applicability.

(a) Amendatory section 3b within section 2(c) and section 2(d) shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

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

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

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

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

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

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
MAY 14, 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

PR26-0707 District of Columbia Commemorative Works Committee Joe Coleman Confirmation Resolution of 2026

Intro. 05-12-2026 by Chairman Mendelson and referred to the Committee of the Whole

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PR26-0708 District of Columbia Uniform Law Commission Janene D. Jackson Appointment Resolution of 2026

Intro. 05-13-2026 by Chairman Mendelson and referred to the Committee of the Whole

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PR26-0709 District of Columbia Commemorative Works Committee Otto Condon Confirmation Resolution of 2026

Intro. 05-14-2026 by Chairman Mendelson and referred to the Committee of the Whole

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PR26-0710 Commission on Human Rights Reverend Thomas Bowen Confirmation Resolution of 2026

Intro. 05-15-2026 by Chairman Mendelson and referred to the Committee on Public Works and Operations

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Bill 26-403, "Education Continuity for Students in the Care of D.C. Amendment Act of 2025"

on

Thursday, July 9th at 11:00 a.m.
Hearing Room 412 (Track B)
John A. Wilson Building
1350 Pennsylvania Avenue NW
DC Council Website (www.dccouncil.gov)

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on **Bill 26-403**, the "Education Continuity for Students in the Care of D.C. Amendment Act of 2025." The hearing will be held at **11:00 a.m. on Thursday, July 9th, 2026.**

The stated purpose of Bill 26-430 is to require the Office of the State Superintendent of Education to create a course catalogue so local education agencies can uniformly evaluate student transcripts to award partial academic credits to students in the care of D.C. (SCDC). The legislation also contemplates the development of processes, plans, and planning teams to support students transitioning into or out of agency placements. SCDC are students in detention, commitment, incarceration, or foster care. Given that these students experience tremendous instability in their education and lives, in 2018, the D.C. Council passed Bill 22-950, the *Students in the Care of D.C. Coordinating Committee Act of 2018*, to identify and recommend solutions to the challenges these students face. One key challenge, described in the Committee report to Bill 22-950, was "ensuring that students receive credit for work completed." While **Bill 26-403** attempts to solve some logistical problems with student transitions, such as timely sharing of documents, it also addresses the issue of ensuring students receive partial credits for academic progress. Many SCDC are incarcerated for too short periods to complete full semester credits and thus, any academic progress is not recognized. The purpose of this hearing is to hear public opinion on **Bill 26-403**, and to evaluate if and how it might solve the long-standing problem of providing SCDC with academic credits for partial semesters and to support their transitions.

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 Tuesday, July 7, 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 cow@dccouncil.gov. We will make every effort to fulfill timely requests, although alternatives may be offered. Requests received in less than five business days may not be fulfilled. Witnesses will receive instructions on how to participate by Zoom prior to the hearing. If you have additional questions, please contact Bijan Verlin, Legislative Policy Advisor, at (202) 724-4865 or bverlin@dccouncil.gov.

Public witnesses may participate in person or virtually via the Internet on the Zoom Video Conference platform. Testimony should be submitted through the Council's Hearing Management System (https://lims.dccouncil.gov/hearings) in advance of the hearing. That testimony will be publicly accessible upon Committee review. If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Statements for the record should be submitted through the Hearing Management System or left by voicemail by calling (202) 430-6948 (up to 3 minutes which will be transcribed). The record will close at 5:00 pm on July 23, 2026.

Council of the District of Columbia
COMMITTEE ON PUBLIC WORKS AND OPERATIONS
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

COUNCILMEMBER BRIANNE K. NADEAU, CHAIRPERSON
COMMITTEE ON PUBLIC WORKS AND OPERATIONS

ANNOUNCES A PUBLIC HEARING ON

B26-0594, THE "CONTRACTING AND PROCUREMENT REFORM AMENDMENT ACT OF 2026"

AND

B26-0621, THE "PROCUREMENT REFORM AMENDMENT ACT OF 2026"

Wednesday, June 10th, 2026, 10:00 a.m.
John A. Wilson Building, 1350 Pennsylvania Ave., N.W., Room 412 and virtual via Zoom.

To Watch Live:

https://www.youtube.com/@dccouncilpublicworks

On **Wednesday, June 10th, 2026,** Councilmember Brianne K. Nadeau, Chairperson of the Committee on Public Works and Operations, will convene a public hearing to consider B26-0594, the "Contracting and Procurement Reform Amendment Act of 2026", and B26-0621, the "Procurement Reform Amendment Act of 2026". The hearing will be held in person in room 412 of the John A. Wilson Building and virtually via the Zoom platform beginning at 10:00am.

B26-0594, the "Contracting and Procurement Reform Amendment Act of 2026," was introduced by Councilmember Nadeau. It would expand upon and update the Procurement Practices Reform Act of 2010 to increase public transparency, improve communication between the Office of Contracting and Procurement (OCP) and District agencies and organizations contracting with the District, and streamline the contracting and procurement process.

This legislation would require OCP to create a consolidated procurement portal that combines the District's multiple existing portals into a unified system, to develop plain-language guidance and templates establishing standardized solicitations, and to provide early notice of anticipated solicitations. The bill would transfer the Office of the Ombudsman of Contracting and Procurement to the Office of the City Administrator and expands its responsibilities. It would establish a permanent pay-for-performance program under which compensation for select contracts would be tied to measurable outcomes and benchmarks.

The legislation would reform the District's Supply Schedule process to keep vendor lists updated and allow agencies to make purchases more efficiently; update requirements related to technical evaluation panels; and enhance Council oversight by requiring the Chief Procurement Officer to enter into a data-sharing agreement with the Council. Finally, the bill would update Council review procedures related to modifications and option years and apply full Council review procedures to contract modifications that increase a contact's total value above $1 million.

B26-0621, the "Procurement Reform Amendment Act of 2026," was introduced by Chairman Phil Mendelson at the request of Mayor Muriel Bowser. It would amend the Procurement Practices Reform Act of 2010 and related laws to revise procurement and contracting procedures in the District.

The Mayor's bill would update Council review and approval requirements, authorize delegation of powers by the Chief Procurement Officer, and allow the executive to enter into more sole-source and other non-competitively-procured contracts by raising the dollar threshold for certain competition mandates to $25,000. It would clarify the use of supply schedules and federal schedules, update procedures related to construction and transportation contracts, and revise uses for technical evaluation panels.

In addition, the legislation would revise procedures for suspension and debarment, contractor claims, and appeals before the Contract Appeals Board, while also strengthening protections for proprietary information submitted during procurements. It would authorize certain contracts for architectural and engineering services to be set aside for certified business enterprises. Finally, it would amend the First Source Employment Agreement Act of 1984 and the Small and Certified Business Enterprise Development and Assistance Act of 2005 to align procurement and debarment procedures and revise subcontracting plan requirements.

Those who wish to testify must register using the Council's Hearing Management System at https://lims.dccouncil.gov/hearings by **5:30 p.m. Monday, June 8th.** Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals (and any subsequent representatives of the same organizations) will be allowed a maximum of 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 publicworks@dccouncil.gov. We will make every effort to fulfill timely requests. Witnesses will receive instructions on how to participate by Zoom or in person prior to the hearing. If you have additional questions, please email publicworks@dccouncil.gov.

Testimony should be submitted through the Council's Hearing Management System, https://lims.dccouncil.gov/hearings, in advance of the hearing. Testimony will be publicly accessible upon Committee review. If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Statements for the record should be submitted through the Hearing Management System.

The record will close at 5:30 p.m. on Wednesday, June 24th, 2026.

Council of the District of Columbia
COMMITTEE ON PUBLIC WORKS AND OPERATIONS
NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

COUNCILMEMBER BRIANNE K. NADEAU, CHAIRPERSON
COMMITTEE ON PUBLIC WORKS AND OPERATIONS

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

"THE STATE OF THE FOR-HIRE VEHICLE INDUSTRY"

Tuesday, May 26, 2026, 12:00 p.m.
Hybrid in Room 120 and Virtual via Zoom

Watch live at:
https://www.youtube.com/@dccouncilpublicworks/streams

SUMMARY

The "Vehicle-for-Hire Innovation Amendment Act of 2014" established a new class of passenger for-hire service in response to the emergence and popularity of ride-hailing services, defined in D.C. Code as "private vehicles-for-hire" and commonly referred to as "transportation network companies".

The 2014 committee report observed that *"the for-hire industry in the District and throughout the world has changed dramatically in the last three years. Technology has been the primary driver of such innovation, which has moved so quickly that laws and regulations in this area have struggled to keep pace."*

Between the rapidly-changing for-hire market and emerging technologies such as autonomous vehicles, the District of Columbia finds itself in a similar situation in 2026 – in which laws and regulations are no longer keeping pace with the realities of the industry. Furthermore, there has been very little holistic analysis of the long-term impacts of reforms that are now over a decade old.

As a result, the Committee on Public Works & Operations is convening an oversight roundtable **with invited witnesses** to assess the overall state of the for-hire vehicle industry and explore ways in which the District's laws can be modernized and made more resilient. Members of the

public who are not invited to participate as live witnesses are still welcome to submit written testimony. More background information and hearing details can be found below.

BACKGROUND

Between 2009 and 2014 there were approximately 6,700 taxicab drivers licensed to operate in the District of Columbia; fewer than 10 percent of for-hire passengers in the District used ride-hailing services like Uber or Lyft.[1] A decade later, that dynamic has completely reversed, with taxis comprising 6 percent or less of the market and the overwhelming majority of trips fulfilled by ride-hailing services.

In those same six years, the public vehicle-for-hire industry in the District experienced several seismic, generational disruptions. This included tremendous turmoil with the D.C. Taxicab Commission: an FBI probe[2] uncovered an extensive bribery scandal surrounding the Commission that resulted in over two dozen arrests, including one D.C. Council staffer;[3] mounting dissatisfaction with the Taxicab Commission among District leaders drove calls for it to abolished;[4] [5] and an entirely different scandal resulted in an unexpected shift in the Council committee with jurisdiction over the taxicab industry,[6] interrupting nascent attempts at reform.

Residents and visitors were similarly dissatisfied with for-hire vehicle service in the District, especially related to the inability to pay with credit cards, the zone-based meter system, and extensive reports of discrimination in service – racial profiling in street hails and a lack of wheelchair-accessible vehicle service.[7] [8] In July 2012, the Council passed the "Taxicab Service Improvement Amendment Act of 2012";[9] among other improvements, this law required taxis to accept electronic payment options, specified meter technology improvements, and improved taxicab dispatch to underserved areas of the District.[10]

While many of these requirements substantially improved the taxicab passenger experience, other provisions – mandating a uniform taxicab color scheme and requiring taxi fleets to electrify

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[1] https://dcist.com/story/16/07/19/taxicab-reform/
[2] https://www.washingtonpost.com/local/crime/dc-taxi-official-turned-fbi-informant-recalls-role-in-corruption-probe/2012/04/02/gIQAErYhrS_story.html
[3] https://dcist.com/story/09/10/02/27-arrests-so-far-in-taxicab-briber/
[4] https://wamu.org/story/11/06/27/after_journalists_arrests_at_taxicab_commission_council_eyes_overhaul/
[5] https://washingtonian.com/2013/08/27/uber-uproar-prompts-calls-to-just-get-rid-of-dc-taxicab-commission/
[6] https://dcist.com/story/11/07/12/is-it-revenge-wells-removed-from-co/
[7] An "informal poll" conducted by Environment, Public Works, and Transportation Committee Chair Mary M. Cheh received over 4,000 responses, 69 percent of whom answered that taxicab service in D.C. was "worse than other American cities". *Source:* https://lims.dccouncil.gov/downloads/LIMS/26386/Committee_Report/B19-0630-CommitteeReport1.pdf?Id=60267
[8] A *Washington Post* poll found that District residents supported taxi service improvements by a 2-1 margin. *Source:* https://www.washingtonpost.com/local/dc-politics/dc-taxi-changes-overwhelmingly-backed-by-residents-post-poll-finds/2012/08/01/gJQAZhZNQX_story.html
[9] https://lims.dccouncil.gov/Legislation/B19-0630
[10] https://www.washingtonpost.com/local/dc-politics/dc-taxi-changes-overwhelmingly-backed-by-residents-post-poll-finds/2012/08/01/gJQAZhZNQX_story.html

on an aggressive timeline,[11] for example – only served to increase barriers to entering the taxi market for both operators and dispatch companies.

With the benefit of hindsight, both the Commission's scandals and reform efforts that focused on consumer frustration with taxis made the District vulnerable to the most significant "disruption" of that era – the emergence of app-based ride-hailing services, starting with Uber's "sedan-class" service[12] in 2011 and followed by the launch of Lyft, Sidecar, and UberX in 2013-2014, services "designed to compete with D.C.'s regulated taxicab industry."[13] [14]

The "Vehicle-For-Hire Innovation Amendment Act of 2014"[15] was passed by Council in October 2014. This law created a new class of for-hire transportation services referred to as "private vehicles-for-hire" with a unique set of regulations distinct from taxicabs or limousines ("public vehicles-for-hire"), and de-regulated taxicab fares booked through a digital dispatch service.

The District of Columbia was one of the first jurisdictions to pass legislation legitimizing and regulating ride-hailing services and thus became a model for other cities and states as those companies expanded throughout the 2010s. However, there has not been a holistic analysis of the long-term impacts of the District's chosen regulatory structure, even as the industry continues to change rapidly and other jurisdictions have since passed more modern reforms of their for-hire vehicle markets.

The District's current for-hire statutes continue to perpetuate market failures and are not sufficiently resilient to withstand current and future market shocks. This has produced poor outcomes for consumers and allowed new illegal companies to operate in the District with inadequate enforcement mechanisms.

At this roundtable, Chairperson Nadeau and the Committee will examine the current state of the for-hire passenger vehicle industry in the District (not including carriers-for-hire, i.e. food/parcel delivery), look back at the impacts of previous reforms, and chart a course towards a more robust set of laws and regulations that improve the market for both consumers and transportation providers.

Topics covered at this hearing may include:

- Comparative regulatory burdens for public and private vehicles-for-hire, including requirements for vehicle electrification, wheelchair-accessible vehicle (WAV) service, and insurance coverage;
- Improving access to WAV passenger services;

[11] https://wamu.org/story/17/08/14/no-place-charge-d-c-s-electric-cab-drivers-ask-help/
[12] https://wamu.org/story/12/12/05/uber_prevails_as_dc_council_passes_new_vehicles_for_hire_law/
[13] https://wamu.org/story/13/08/21/new_regulations_prompt_new_fight_between_dc_taxicab_commission_and_uber/
[14] https://wamu.org/story/13/08/13/with_lower_price_service_uber_again_irks_dc_regulators/
[15] https://lims.dccouncil.gov/Legislation/B20-0753

- Ensuring clarity in the definitions of for-hire vehicle services under Title 50, Chapter 31 of the D.C. Official Code;
- The impacts of the Sedan Class Amendment Act of 2012 the Vehicle-for-Hire Innovation Amendment Act of 2014, and related legislative reforms;
- Dispatch system standards, including advertised and actual wait times;
- Data reporting and data privacy standards for digital dispatch services;
- Regional and national competitiveness of passenger fares and driver pay standards in the District;
- Autonomous vehicles and the potential impact of AVs on the for-hire vehicle ecosystem;
- Operational challenges at major transportation hubs and taxi stands, including Union Station management;
- The role of the Department of For-Hire Vehicles and for-hire companies in effective curbside management.

To ensure a productive discussion, testimony of witnesses at this roundtable is permitted by invitation only, pursuant to section 602(b) of the *Rules of Organization and Procedure for the Committee on Public Works and Operations*. Other members of the public will be permitted to submit written testimony for the record.

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 publicworks@dccouncil.gov. We will make every effort to fulfill timely requests. Witnesses will receive instructions on how to participate by Zoom or in person prior to the hearing. If you have additional questions, please email publicworks@dccouncil.gov.

Written testimony should be submitted through the Council's Hearing Management System, https://lims.dccouncil.gov/hearings, in advance of the hearing. Testimony will be publicly accessible upon Committee review and will be made a part of the official record.

The record will close at 5:30 p.m. on Tuesday, June 9, 2026.

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	May 22, 2026
Protest Petition Deadline:	July 6, 2026
Roll Call Hearing Date:	July 27, 2026
License No.:	ABRA-129755
Licensee:	Logan Partnership, LLC
Trade Name:	Barrel House Café & Bar
License Class:	Retailer's Class "C" Restaurant
Address:	1341 14th Street, N.W.
Contact:	Biva Ranjeet: (202) 830-5238, bivaranjeet@gmail.com

WARD 2 ANC 2F SMD 2F04

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 27, 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 Sidewalk Café Endorsement with 72 seats.

CURRENT HOURS OF OPERATION FOR INSIDE PREMISES
Sunday through Thursday 7am – 1am, Friday and Saturday 7am – 2am
CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES
Sunday 10am – 1am, Monday through Thursday 11am – 1am, Friday 11am – 2am, Saturday 10am – 2am
CURRENT HOURS OF OPERATION FOR SUMMER GARDEN
Sunday through Thursday 7am – 11pm, Friday and Saturday 7am – 12am
CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SUMMER GARDEN
Sunday 10am – 11pm, Monday through Thursday 11am – 11pm, Friday 11am – 12am, Saturday 10am – 12am
CURRENT HOURS OF LIVE ENTERTAINMENT
Sunday through Thursday 11am – 1am, Friday and Saturday 11am – 2am
PROPOSED HOURS OF OPERATION FOR SIDEWALK CAFÉ
Sunday through Thursday 7am – 11pm, Friday and Saturday 7am – 12am
PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALK CAFÉ
Sunday 10am – 11pm, Monday through Thursday 11am – 11pm, Friday 11am – 12am, Saturday 10am – 12am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	May 22, 2026
Protest Petition Deadline:	July 6, 2026
Roll Call Hearing Date:	July 27, 2026
License No.:	ABRA-082457
Licensee:	Cuba Libre DC, LLC
Trade Name:	Cuba Libre Restaurant & Rum Bar
License Class:	Retailer's Class "C" Restaurant
Address:	801 9th Street, N.W.
Contact:	Matthew Minora: (202) 625-7700, mminora@malliosobrien.com

WARD 2 ANC 2C SMD 2C04

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 27, 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
Licensee is requesting a Streatery with 36 seats.

HOURS OF OPERATION FOR INSIDE PREMISES
Sunday through Thursday 11am – 3am, Friday and Saturday 11am – 4am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES
Sunday through Thursday 11am – 2am, Friday and Saturday 11am – 3am

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALK CAFÉ AND SUMMER GARDEN
Sunday through Thursday 11am – 2am, Friday and Saturday 11am – 3am

HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES
Sunday through Thursday 6pm – 2am, Friday and Saturday 6pm – 3am

PROPOSED HOURS OF OPERATION FOR STREATERY
Sunday through Friday 11am – 2am, and Saturday 11am – 3am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR STREATERY
Sunday through Saturday 11am – 12am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date:	May 8, 2026
Protest Petition Deadline:	August 22, 2026
Roll Call Hearing Date:	July 13, 2026
Protest Hearing Date:	August 12, 2026

License No.:	ABRA-135555
Licensee:	WEHELP, LLC
Trade Name:	Lotus Wellness
Registration/License Type:	Medical Cannabis Retailer
Address:	1430 Pennsylvania Ave S.E.
Contact:	Stacee Eloudihi; 443-613-4271; rulish.enterprises@gmail.com

WARD 6 ANC 6B SMD 6B09

Notice is given that the above-named medical cannabis retailer applicant has requested a new license to be located at **1430 Pennsylvania Avenue S.E.** Pursuant to Title 22-C of the DCMR (Medical Cannabis Program) objectors are entitled to be heard regarding the new license application. 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 **Roll Call Hearing is scheduled for July 13, 2026, at 10 a.m., Suite 4200-A, 899 North Capitol Street N.E., Washington, DC, 20002**. The **Protest Hearing date** is scheduled for **August 12, 2026, at 1:30 p.m.** All hearings before the Board are conducted virtually.

NATURE OF OPERATION

The medical cannabis retailer applicant is requesting to locate its operations at **1430 Pennsylvania Avenue S.E.** The proposed facility with approximately 850 square feet of space will provide cannabis flowers, cannabis concentrates, and a line of edible products and home delivery services to registered patients in Washington, D.C. The applicant is requesting delivery and education tasting endorsements.

HOURS OF OPERATION FOR RETAILER

Sunday – Saturday 9 am – 11 pm

HOURS OF RETAILER SALES OPEN TO THE PUBLIC

Sunday – Saturday 9 am – 11 pm

HOURS OF DELIVERY FOR RETAILER

Sunday – Saturday 10 am – 10 pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	May 22, 2026
Protest Petition Deadline:	July 6, 2026
Roll Call Hearing Date:	July 27, 2026
License No.:	ABRA-113779
Licensee:	Matchbox DC, LLC
Trade Name:	Matchbox
License Class:	Retailer's Class "C" Restaurant
Address:	750 E Street, N.W
Contact:	Anna Brundage: (571) 352-8958, licensing@thompsonhospitality.com

WARD 2 ANC 2C SMD 2C03

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 27, 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
Licensee is requesting a Streatery Endorsement with 20 seats.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES
Sunday through Thursday 11am – 11pm, Friday and Saturday 11am – 1am

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALK CAFÉ
Sunday 11am – 9:30pm, Monday through Thursday 11am – 10pm,
Friday and Saturday 11am – 12am

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR STREATERY
Sunday 9am – 9pm, Monday through Thursday 11am – 9pm, Friday 11am–11pm,
Saturday 9am – 9pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	May 22, 2026
Protest Petition Deadline:	July 6, 2026
Roll Call Hearing Date:	July 27, 2026
Protest Hearing Date:	September 16, 2026
License No.:	ABRA-136065
Licensee:	Metro Spice DC, LLC
Trade Name:	Metro Spice
License Class:	Retailer's Class "D" Restaurant
Address:	1005 1st Street, N.E., Suite 4
Contact:	Dipak Khanal: (202) 204-1533, metrospice105@gmail.com

WARD 6 ANC 6E SMD 6E07

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 27, 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 **September 16, 2026, at 1:30 p.m.**

NATURE OF OPERATION

New Retailer's Class "D" Restaurant with a Seating Capacity of 44 and Total Occupancy Load of 44.

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

Sunday through Saturday 11:30am – 10pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	May 22, 2026
Protest Petition Deadline:	July 6, 2026
Roll Call Hearing Date:	July 27, 2026
Protest Hearing Date:	September 16, 2026
License No.:	ABRA-136087
Licensee:	LRH Hospitality, LLC
Trade Name:	Pastiamo Osteria
License Class:	Retailer's Class "C" Restaurant
Address:	2614 Connecticut Avenue, N.W.
Contact:	Mohamed Zorgani: (202) 309-1491, mehdizorgani@yahoo.com

WARD 3 ANC 3C SMD 3C02

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 27, 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 **September 16, 2026, at 1:30 p.m.**

NATURE OF OPERATION

New Retailer's Class "C" Restaurant with seating for 85 and a Total Occupancy Load of 120. Two Sidewalk Café Endorsements with a Total Occupancy Load of 30 seats on each.

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

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

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

Sunday through Thursday 11am – 10pm, Friday and Saturday 11am – 11pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	May 22, 2026
Protest Petition Deadline:	July 6, 2026
Roll Call Hearing Date:	July 27, 2026

License No.:	ABRA-121216
Licensee:	Philippe DC, LLC
Trade Name:	Philippe by Philippe Chow/Merchants Marina
License Class:	Retailer's Class "C" Restaurant
Address:	635 Wharf Street, S.W.
Contact:	Sean Morris: (301) 654-6570, stm@morrisesq.com

WARD 6 ANC 6D SMD 6D06

Notice is hereby given that this licensee has requested Substantial Changes 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 27, 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 CHANGES

Expansion to increase the Total Occupancy Load from 266 to 415. The expansion includes an interior increase in capacity from 194 to 266, and the use of two (2) Summer Gardens, one with an occupancy load of 74 and the other with an occupancy load of 85.

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

Sunday through Thursday 9am – 2am, Friday and Saturday 9am – 3am

HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES

Sunday through Thursday 11am – 1am, Friday and Saturday 11am – 2am

HOURS OF LIVE ENTERTAINMENT FOR SUMMER GARDEN

Sunday through Thursday 9am – 12am, Friday and Saturday 9am – 1am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	May 22, 2026
Protest Petition Deadline:	July 6, 2026
Roll Call Hearing Date:	July 27, 2026
Protest Hearing Date:	September 16, 2026
License No.:	ABRA-128882
Licensee:	SM Quest Industries, Inc.
Trade Name:	N/A
Registration/License Type:	Medical Cannabis Retailer
Address:	1658 33rd Street N.W.
Contact:	Rashaan Mitchell; 202-486-4271; ras000273@hotmail.com

WARD 2 ANC 2E SMD 2E02

Notice is given that the above-named medical cannabis retailer applicant has requested a new license to be located at **1658 33rd Street N.W.** Pursuant to Title 22-C of the DCMR (Medical Cannabis Program), objectors are entitled to be heard regarding the new license application. 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 **Roll Call Hearing is scheduled for July 27, 2026, at 10 a.m., Suite 4200-A, 899 North Capitol Street N.E., Washington, DC, 20002**. The **Protest Hearing date** is scheduled for **September 16 at 1:30 p.m.** All hearings before the Board are conducted virtually.

NATURE OF OPERATION

The medical cannabis retailer applicant is requesting to locate its operations at **1658 33rd Street N.W.** The proposed facility with approximately 1,290 square feet of space will provide cannabis flowers, cannabis concentrates, and a line of edible products and home delivery services to registered patients in Washington, D.C. The applicant is requesting a delivery endorsement.

HOURS OF OPERATION FOR RETAILER

Sunday – Saturday 9 am – 10 pm

HOURS OF RETAILER SALES OPEN TO THE PUBLIC

Sunday – Saturday 10 am – 10 pm

HOURS OF DELIVERY FOR RETAILER

Sunday – Saturday 9 am – 9 pm

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ON
5/22/2026

Notice is hereby given that:
License Number: ABRA-125480 **License Class/Type: C Tavern**
Applicant: 205 Records, LLC
Trade Name: Wake Me Shake Me
SMD: 4C06

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

205 UPSHUR STREET NW, WASHINGTON, DC 20011

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
7/6/2026

A HEARING WILL BE HELD ON:
7/27/2026

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

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

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 AMB MIDCO, LLC (CON No. 2026-0-03) for the change of effective control of Keystone Quality Transport Company. The hearing will be held on **Thursday, June 4, 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 AMB, MIDCO, LLC, 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, June 3, 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, June 11, 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.

HISTORIC PRESERVATION REVIEW BOARD
NOTICE OF PUBLIC HEARING

The D.C. Historic Preservation Review Board will hold a public hearing to consider an application to designate the following property a historic landmark in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the property to the National Register of Historic Places:

Case No. 26-06: The Howard Theater (Amendment)
620 T Street NW
Washington, DC 20001
Applicant: DC Preservation League
Affected Advisory Neighborhood Commission: 1B

The hearing will take place at **9:00 a.m. on Thursday, June 25, 2026**. The Board hearing will be online, the details for which will be available here: planning.dc.gov/node/1176060. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2, see planning.dc.gov/node/594182).

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the address above.

A copy of the historic designation application is currently on file and available for inspection by the public at the Historic Preservation Office. It is posted on the office website at planning.dc.gov/page/pending-nominations-dc-inventory. A copy of the staff report and recommendation will be available at the office five days prior to the hearing at https://planning.dc.gov/node/1176025. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board approves the amendment to the Historic Landmark, it will be included in the D.C. Inventory of Historic Sites. The Review Board will simultaneously consider the amendment of the nomination to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District or Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

For further information, contact Kim Williams, at kim.williams@dc.gov.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PUBLIC HEARING

Tuesday, June 23, 2026
6:30 p.m.
Via Microsoft Teams or Telephone
Instructions will be provided on DC Water website prior to Hearing Date

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), in accordance with Sections 203(3) and (11) and 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996, (D.C. Law 11-111; D.C. Official Code §§ 34-2202.03(3) and (11) and § 34-2202.16 (2019 Repl.), approved Board Resolution 26-22, dated March 5, 2026, which, if adopted, would amend Sections 112 (Fees) of Chapter 1 (Water Supply) and Sections 4100 (Rates for Water Services) and 4101 (Rates and Charges for Sewer Service) of Chapter 41 (Retail Water and Sewer Rates and Charges) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR). Further, pursuant to D.C. Official Code § 34-2202.16(b), on May 7, 2026 the Board approved Resolution 26-28, to change the date of the Public Hearing from May 14, 2026 to June 23, 2026 to receive comments on the Notice of Proposed Rulemaking (NOPR) published on March 20, 2026 at 73 DCR 004508 in the *District of Columbia Register* and republished in today's edition.

Below is the draft agenda for this meeting. A final agenda and information on how to participate in the meeting remotely will be posted to the Board Calendar on DC Water's website at www.dcwater.com.

Each individual or representative of an organization who wishes to present testimony remotely or by telephone at the public hearing is requested to furnish his or her name, address, telephone number and name of the organization (if any) by calling (202) 787-2330 or emailing the request to Debra Mathis Acting Secretary to the Board at Board.Secretary@dcwater.com no later than 5:00 p.m., Friday, June 19, 2026. Other persons wishing to present testimony may testify after those on the witness list. Persons making presentations are urged to address their statements to relevant issues.

Oral presentations by individuals will be limited to five (5) minutes. Oral presentations made by representatives of an organization will not be longer than ten (10) minutes. Statements should summarize extensive written materials so there will be time for all interested persons to be heard. Oral presentations will be heard and considered, but for accuracy of the record, all statements should be written and submitted to Board.Secretary@dcwater.com. The public hearing will end when all persons wishing to testify have been heard.

Written testimony or comments on the NOPR may be submitted by mail to Debra Mathis, Acting Secretary to the Board, District of Columbia Water and Sewer Authority, 1358 Canal Street, S.E., Washington, D.C. 20003, or by email to Board.Secretary@dcwater.com. Such written testimony to be clearly marked "Written Testimony for Public Hearing, June 23, 2026" and received by 5:00 p.m. Monday, June 29, 2026.

PUBLIC HEARING ON
Proposed Retail Rates, Charges & Fees, Groundwater Sewer Rates, and High Flow Filter Backwash Sewer Rate for Fiscal Year 2027 & Fiscal Year 2028 and new District of Columbia Public Inconvenience Fee

Tuesday, June 23, 2026
6:30 p.m.
Via Microsoft Teams or Telephone
Instructions will be provided on DC Water website prior to Hearing Date

DRAFT AGENDA

1. Call to Order ..... Dr. Unique Morris-Hughes, Chair

2. Roll Call ..... Debra Mathis, Acting Board Secretary

3. Opening Statement ..... Dr. Unique Morris-Hughes, Chair

4. Opening Statement ..... David Gadis, CEO & General Manager

5. DC Water Management Presentation ..... Lola Oyeyemi, Acting CFO/EVP Finance & Procurement
   - Proposed FY 2027 & FY 2028 Retail Water and Sewer Service Rates, PILOT Fees, ROW Fees, CRIAC, Groundwater Sewer Service Rates, High Flow Filter Backwash Sewer Rates, and new District of Columbia Public Inconvenience Fee

6. Presentation by Independent Consultant ..... Amawalk Consulting Group
   - Independent Review of Proposed FY 2027 & FY 2028 Retail Water and Sewer Service Rates, PILOT Fees, ROW Fees, CRIAC, Groundwater Sewer Service Rates, High Flow Filter Backwash Sewer Rates, and new District of Columbia Public Inconvenience Fee

7. Public Witnesses
   - Pre-registered Speakers
   - Other comments (time permitting)

8. Closing Statement ..... Dr. Unique Morris-Hughes, Chair

9. Adjournment ..... Dr. Unique Morris-Hughes, Chair

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 HEARING

TIME AND PLACE: Wednesday, July 29, 2026, @9:30 a.m.
Via WebEx: https://dcoz.dc.gov/BZA07-29-2026
Via Telephone: 202-860-2110 Access Code: 2316 105 9681
Via YouTube: https://www.youtube.com/c/DCOfficeofZoning
Instructions: https://dcoz.dc.gov/release/virtual-public-hearings
Witness Sign Up: https://dcoz.dc.gov/service/sign-testify

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule but reserves the right to hear items on the agenda out of turn.

WARD FIVE

Application of:	**Jordan Cotton and Caitlin Hartman**
Case No.:	**21466**
Address:	20 R Street N.W. (Square 3101, Lot 811)
ANC:	**5E**
Relief:	Special Exception from: • the lot occupancy requirements of Subtitle E § 210.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)
Project:	To construct a one-story rear addition, to an existing, attached, two-story plus cellar, principal dwelling unit in the RF-1 Zone.

WARD TWO

Application of:	**Paramount Estate Limited Liability Company**
Case No.:	**21467**
Address:	2201 R Street N.W. (Square 2516, Lots 65 and 66)
ANC:	**2D**
Relief:	Use Variance from: • the matter-of-right uses of Subtitle U § 201 (pursuant to Subtitle X § 1002)
Project:	To construct six dwelling units in an existing, detached, four-story plus cellar building in the R-3 Zone.

WARD THREE

Application of:	**Kevin Alonzo and Jane Luxner**
Case No.:	**21468**
Address:	5020 Belt Road N.W. (Square 1756, Lot 844)
ANC:	**3E**
Relief:	Area Variance from: • the rear yard requirements of Subtitle D § 5004.1(a) (pursuant to Subtitle X § 1002)
Project:	To construct a one-story shed in the rear of an existing, detached, one-story plus basement, principal dwelling unit in the R-1B Zone.

WARD ONE

Application of:	**Jannick Damgaard and Tanja Larsen**
Case No.:	**21470**
Address:	1708 Kilbourne Place N.W. (Square 2600, Lot 83)
ANC:	**1D**
Relief:	Special Exception from: • the rear yard requirements of Subtitle E § 207.1 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2) Area Variances from: • the lot occupancy requirements of Subtitle E § 210 (pursuant to Subtitle X § 1002) • the nonconforming structure requirements of Subtitle C § 202.2 (pursuant to Subtitle X § 1002)
Project:	To construct a rear deck addition, to an existing, semi-detached, three-story plus cellar, flat in the RF-1 Zone.

WARD ONE

Application of:	**Emory United Methodist Church**
Case No.:	**21474**
Address:	1459 Columbia Road N.W. (Square 2672, Lot 718)
ANC:	**1A**
Relief:	Area Variance from: • the rear yard requirements of Subtitle F § 207.1 (pursuant to Subtitle X § 1002)
Project:	To construct a seven-story plus cellar, 87-unit apartment house addition, to an existing, detached, religious building in the RA-4 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 .

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

TIME AND PLACE: **July 23, 2026 @ 4:00 p.m.**
Via WebEx: https://dcoz.dc.gov/16-18I (to participate & watch)
Via Telephone: 1-650-479-3208 **Access code:** 2304 919 1577 (audio participation & listen)
Via YouTube: https://www.youtube.com/c/DCOfficeofZoning (to watch)
Instructions: https://dcoz.dc.gov/release/virtual-public-hearings
Witness Sign Up: https://dcoz.dc.gov/service/sign-testify

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 16-18I (Georgetown University – Amendment to and Further Processing of the Georgetown University 2017 Campus Plan @ Square 1179, Lots 805, 806, 812, 813, and a portion of 35th Street to be closed [3500 Water Street, N.W.])

THIS CASE IS OF INTEREST TO ANCs 2E & 3D

Oral and Written Testimony

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

Georgetown University (the "Applicant") filed an application on April 23, 2026, requesting the Zoning Commission ("Commission") to approve an amendment to and further processing of Georgetown University's 2017 Campus Plan (the "Application") pursuant to Subtitle X, Chapter 1 and Subtitle Z § 302 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, "Zoning Regulations of 2016," to which all subsequent references herein are made unless otherwise specified) for the property known as Lots 805, 806, 812, and 813 in Square 1179 and a portion of 35th Street to be closed (the "Property"). The Property is within the boundaries of ANC 2E.

The Property is located at 3500 Water Street, N.W. and abuts the Potomac River. The Property is located in the MU-12 zone and is predominantly surrounded by MU-12 zoning. The Property is currently occupied by the Key Bridge Boathouse, a seasonal concessionaire.

The Applicant proposes to construct a new non-motorized boathouse (the "Project"). The Project implements the Georgetown Nonmotorized Boathouse Zone Development Plan and Environmental Assessment that was prepared by the National Park Service in 2017, which identified the Property as a potential boathouse site. The Application includes a request to amend Georgetown University's 2017 Campus Plan to designate the Property as a development site for campus life / athletic use and further processing of the amended Campus Plan to authorize construction of the Project. In addition, the Applicant seeks special exception approval for "education" use within the 100-year floodplain, pursuant to Subtitle C § 1102.5, and structures

located within the 75-foot waterfront setback, pursuant to Subtitle C § 1102.1(g), as well as variance relief from the 25-foot required waterfront setback of Subtitle C § 1102.1(e) and from the Green Area Ratio requirements of Subtitle G § 211.1.

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

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

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

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

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

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

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

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it

means to participate as a party and would like more information on this, please contact OZ at dcoz@dc.gov or at (202) 727-6311.

Except for an affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status must comply with the provisions of Subtitle Z § 404. **Not less than 14 days prior to the date set for the hearing, or 14 days prior to a scheduled public meeting if seeking advanced party status consideration,** persons seeking party status **must submit, a Form 140 – Party Status Application, through the Interactive Zoning Information System ("IZIS"). This** form may also be downloaded from OZ's website at**: https://app.dcoz.dc.gov/Help/Forms.html.**

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

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

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

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

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Avez-vous besoin d'assistance pour pouvoir participer? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

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

您需要有人帮助参加活动吗？如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

Quí vị có cần trợ giúp gì để tham gia không? Nếu quí vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለመሳተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Behavioral Health ("DBH"), pursuant to the authority set forth in Sections 5113, 5115, 5117, and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.02, 7-1141.04, 7-1141.06 and 7-1141.07), hereby gives notice of the adoption of the following amendments to Chapter 34 (Mental Health Rehabilitation Services Provider Certification Standards) of Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations ("DCMR").

This rulemaking establishes requirements for Community Support services for initial, subsequent, and supplemental authorizations. Specifically, this rulemaking:

(1) Requires a consumer to have at least one (1) of the following primary diagnoses to qualify for Community Support services: (1) Schizophrenia Spectrum, Delusional, or Other Psychotic Disorders; (2) Affective (Mood) Disorders; (3) Trauma and Stressor Related Disorders; (4) Obsessive-Compulsive and Related Disorders; (5) Personality Disorders; or (6) Anxiety-Related Disorders.

(2) Links the number of Community Support service units for which a consumer is eligible to receive in a one-hundred and eighty (180) day period to their functional assessment score. The breakdown of functional assessment scores tied to the number of allowable units in this rulemaking is as follows:

DLA-20 Score	CAFAS/PECFAS Score	Number of Allowable Units	Impairment Level/Justification
1.0-3.0	120+	0	Score denotes that mental health symptoms present severe and persistent impairments in daily living activities/functioning. Consumer should be referred to a higher level of care.
3.1-4.0	80-110	200	Score denotes that mental health symptoms present serious impairments and major impact on daily living activities/functioning.
4.1-5.0	50-70	100	Score denotes that mental health symptoms present moderate impairments in daily living activities/functioning.
5.1+	0-40	0	Mental health symptoms present minimal impairment in daily functioning. Consumer may be served in a lower level of care.

The changes help consumers receive the appropriate level of care based on their current behavioral health needs and functioning, including access to clinical services and evidence-based practices, and support timely transitions to higher or lower levels of care as needed. Practitioners must use

objective criteria to assess the need for Community Support and align service utilization with standards that ensure the right level of care. This rulemaking is part of a joint effort by DBH and the Department of Health Care Finance to strengthen the behavioral health service continuum and advance integrated, whole person care, which includes shifting from reliance on nonclinical Community Support services toward greater use of clinical services.

On August 15, 2025, the Department published an initial Notice of Proposed Rulemaking in the *District of Columbia Register* at 72 DCR 009018. The Department published updates to the proposed Community Support services authorization criteria as part of a Second Notice of Proposed Rulemaking published on March 6, 2026, in the *District of Columbia Register* at 73 DCR 003204, which added specific diagnostic categories that qualify consumers for Community Support services and authorization limits based on functioning levels.

The Department received comments in response to the Second Notice of Proposed Rulemaking, which are addressed below.

Multiple commenters expressed concern that the functional assessment criteria and authorization unit thresholds in §3421.6(c) and §3421.16 rely too heavily on standardized tools with strict caps and recommended: (1) that functional assessment tools be used as guides and allow for clinical judgment to determine service levels; and (2) allow clinical summaries to justify supplemental authorization even without a decline in two (2) or more functional areas or a "significant life event". The Department declines to adopt these recommendations. Standardized functional assessment tools are necessary to ensure consistent and objective authorization determinations across providers and to align Community Support utilization with functional need. Allowing supplemental authorization without demonstrated declines in functioning or a significant life event could undermine these uniform criteria and increase the risk of inconsistent application. The Department may consider these topics in a future rulemaking as additional data becomes available.

One commenter requested that DBH continue linking Community Support service units to functional assessment scores but allow up to two hundred (200) units per one hundred and eighty (180) days for all consumers within the range of 3.1-5.0 for DLA-20 or 50-110 for CAFAS/PECFAS. The Department declines to adopt this recommendation. The proposal does not align with DLA-20 and CAFAS/PECFAS' distinction between a moderate impairment (DLA-20 score of 4.1 to 5.0; CAFAS/PECFAS score of 50-70) and a serious impairment (DLA-20 score of 3.1 to 4.0; CAFAS/PECFAS score of 80-110), and the unique needs for each level of impairment.

The commenter also noted that variable unit caps would conflict with the caseload requirements in § 3421.4—which set staff to consumer ratios of 1:20 for children/youth and 1:40 for adults—potentially leading to unpredictable workloads, reduced staff productivity, understaffing, or selective disenrollment of consumers with fewer allowable units. The Department declines to increase Community Support units merely to fit the needs of caseload requirements and encourages providers to monitor and manage caseloads to meet staffing requirements.

Commenters also raised concerns about equating CAFAS/PECFAS and DLA-20 score ranges with authorization unit thresholds, stating CAFAS/PECFAS scoring limitations can yield misleading

scores that may lead to inappropriate denials or reductions in services. Specifically, commenters stated that children/youth may underreport symptoms and CAFAS/PECFAS: (1) captures fewer functional domains than DLA-20; (2) contains subjective and resistant to change subscales; and (3) scoring groups unrelated behaviors together. Commenters recommended adjusting CAFAS/PECFAS thresholds to allow children/youth with scores below forty (40) to remain eligible for Community Support, as children/youth with lower scores may require preventive support and that restricting eligibility forces children/youth to deteriorate before receiving assistance. The Department declines to adopt this recommendation. A CAFAS/PECFAS score of forty (40) or below indicates that a child/youth is experiencing minimal functional impairment across life domains, is functioning relatively well and may only need low-intensity services. Additionally, reliance solely on the child/youth to self-report during CAFAS/PECFAS administration is not appropriate. Comprehensive scoring should include collateral information from caregivers, service providers, and other adults involved in the child/youth's care to ensure a clinically accurate assessment.

Additional concerns included contradictions between DLA20 and CAFAS/PECFAS cutoffs and clinical practice, including that the same score range triggering eligibility for more intensive clinical care such as Community Based Intervention (CBI) or Assertive Community Treatment (ACT) is also used to authorize the highest level of Community Support units. Commenters recommended: (1) eliminating the overlapping scoring structures; and (2) allowing Community Support for youth awaiting higher levels of care. The Department declines to adopt these recommendations. Some overlap in functional assessment score ranges across services is appropriate because ACT, CBI, and Community Support each serve distinct clinical purposes and rely on multiple factors beyond functional scores when determining level of care. Consumers awaiting placement into ACT or CBI may continue to receive clinically necessary services through their existing treatment plan, including Counseling, Clinical Care Coordination, and Crisis/Emergency Services when indicated, all of which do not require prior authorization. Community Support, however, is not intended to substitute for higher-acuity services while a consumer is awaiting enrollment, and modifying Community Support criteria for this purpose would be inconsistent with its rehabilitative intent. The Department may reassess ACT and CBI scoring thresholds in a separate future rulemaking.

Multiple commenters requested revisions to the diagnostic criteria in §3421.14(a) to improve clarity and ensure that both adult and child/youth populations are appropriately represented. Commenters stated that: (1) the current diagnostic categories are overly broad and could result in inconsistent authorization decisions; (2) the listed categories do not align with Diagnostic and Statistical Manual of Mental Disorders Fifth Edition terminology, potentially creating ambiguity about which diagnoses qualify for Community Support; and (3) the criteria do not explicitly include diagnoses commonly used in child and adolescent treatment, including Neurodevelopmental Disorders, which may unintentionally limit access for children/youth with clinically appropriate needs. Commenters recommended that DBH revise the rule to remove the list, or alternatively: (1) align the diagnostic groupings with the DSM; (2) add which diagnostic groups are ineligible for Community Support; and (3) expand them to include Neurodevelopmental Disorders, Bipolar and Related Disorders, Depressive Disorders, Dissociative Disorders, Disruptive Behavior Disorders, Conduct Disorders, Paraphilic Disorders, Somatic Symptom and Related Disorders, Feeding and Eating Disorders, Elimination Disorders, Sleep-Wake Disorders,

Sexual Dysfunctions, Gender Dysphoria; Attention-Deficit/Hyperactivity Disorder and Other Mental Disorders, as long as all other clinical necessity factors are met and the functional assessment score falls in an eligible range. One commenter also suggested that if DBH determines the need to offer an exhaustive list of eligible diagnoses that DBH publish a bulletin with a comprehensive list of DSM or International Classification of Diseases, 10th Revision (ICD-10) diagnoses including which are eligible or ineligible.

The Department reviewed these recommendations and has made clarifying edits to the categories in alignment with DSM and ICD-10 categories but declines to remove the list or add additional diagnostic categories at this time. The Department believes this list is broad enough to encapsulate major categories of mental disorders appropriate as the primary diagnoses for consumers to receive Community Support services. The Department may update the list in a future rulemaking. Consumers with Neurodevelopmental disorders may receive Community Support if they have a condition included in the diagnostic categories as their primary diagnosis. Additionally, DBH will publish sub-regulatory guidance to clarify acceptable ICD-10 billing codes for each of the diagnoses within these diagnostic categories.

One commenter stated that the rule does not allow individuals that may require more intensive support but do not meet ACT criteria to transition from the Moderate Community Support level (100 units/180 days) to the Serious Community Support level (200 units/180 days), creating coverage gaps and promoting unnecessary escalation to higher acuity services. The Department disagrees with this comment and offers the following clarification. In cases where a significant change occurs during an authorization period, the provider should conduct a new functional assessment and when clinically justified, submit a request for the consumer to be increased up to (200) Community Support units, minus the units already utilized, for the remainder of the one hundred and eighty (180) day authorization period.

One commenter stated that the rule reduces access to Community Support for children/youth and their families during periods of acute family stress, resource loss, or transitions and risks clinical deterioration. The commenter also stated that there are no alternatives to Community Support for children/youth and it is critical for hard-to-engage parents and caregivers who rely on concrete support such as systems navigation of basic social needs before they can participate in therapy.

The Department disagrees with these comments. Community Support delivered to a child/youth is intended for the needs of the individual that child/youth as reflected in their treatment plan. Parents and caregivers who require additional case management may access these services through sister District agencies, including the Department of Human Services, and community organizations. Parents and caregivers who themselves require behavioral health supports may access these services through DBH.

One commenter requested clarification in § 3421.14(c) that the agreement to receive services may come from either the consumer or a legal guardian. The Department agrees with this recommendation and has updated § 3421.14(c) accordingly.

One commenter requested the Department relax the requirement in § 3421.15 that for reassessing Community Support eligibility every one hundred and eighty (180) days stating that it is

administratively burdensome and risks delaying service delivery. The commenter also recommended adding safeguards to prevent gaps in services during review periods. The Department declines to adopt this recommendation. Community Support is authorized in one hundred and eighty (180) day periods to balance consumer access to care with the Department's oversight of utilization and authorization criteria. This timeframe balances a reasonable treatment planning duration and re-evaluation to ensure the services remain effective and authorization criteria.

One commenter requested the Department add language in § 3421.20 requiring the Department or its designee to reimburse services delivered during the appeal period if the denial is overturned. The Department declines to adopt this recommendation. Pursuant to Title 29 DCMR § 9508.14-17, if the hearing decision is in the favor of the consumer, services rendered during the hearing shall be reimbursed.

One commenter requested clarification in § 3434.4 as to whether Community Support delivered in institutional settings for transition or discharge planning is permitted and reimbursable. Neither the Department nor its designee will reimburse Community Support delivered in institutional settings. Clinical Care Coordination and Transition Planning may be reimbursed for transition or discharge planning for consumers leaving institutional settings, based on clinical need.

This rulemaking was adopted as final by the Director of DBH on May 8, 2026, and will be effective on the date of publication of this notice in the *District of Columbia Register*.

Chapter 34, MENTAL HEALTH REHABILITATION SERVICES PROVIDER CERTIFICATION STANDARDS, of Title 22-A DCMR, MENTAL HEALTH, is amended as follows:

Section 3421, COMMUNITY SUPPORT, is amended as follows:

Subsection 3421.6 is amended to read as follows:

3421.6 Authorization limits for Community Support services shall be as follows:

(a) Community Support services shall require prior authorization.

(b) The District shall reimburse no more than six (6) units of Community Support services per day.

(c) The number of units a consumer may receive per one hundred and eighty (180) calendar day period shall be as follows:

DLA-20 Score	CAFAS/PECFAS Score	Number of Allowable Units	Number of Allowable Supplemental Units
1.0-3.0	120+	0	0
3.1-4.0	80-110	200	50

4.1-5.0	50-70	100	25
5.1+	0-40	0	0

New Subsections 3421.14 through 3421.19 are added to read as follows:

3421.14 To qualify for Community Support services, a consumer shall meet the following clinical necessity criteria, as determined by an independently licensed qualified practitioner pursuant to § 3418:

(a) A Diagnostic Assessment of the consumer has been performed within twelve (12) months of the request for Community Support services that contains at least one (1) of the following primary diagnoses:

(1) Schizophrenia Spectrum, Delusional, or Other Psychotic Disorders;

(2) Affective (Mood) Disorders;

(3) Trauma and Stressor Related Disorders;

(4) Obsessive-Compulsive and Related Disorders;

(5) Personality Disorders; or

(6) Anxiety-Related Disorders;

(b) A functional assessment of the consumer has been performed within one hundred and eighty (180) calendar days before the request for Community Support services that documents significant impairment in the consumer's ability to perform skills necessary for independent functioning in the community due to the consumer's diagnosis that meets the requirements of § 3421.6(c).

(c) The consumer, or a legal guardian, has agreed to receive Community Support services and is capable of developing the skills to manage symptoms and make behavioral changes; and

(d) A current Plan of Care has been created within one hundred and eighty (180) calendar days before the request for Community Support services that clearly identifies interventions, services, and benefits to be performed and coordinated through Community Support services.

3421.15 Community Support services provided in accordance with § 3421.6 for subsequent one hundred and eighty (180) calendar day periods shall require authorization from the Department, and the consumer must continue to meet the criteria in § 3421.14 and must meet one (1) or more of the following clinical necessity criteria, as determined by a qualified practitioner pursuant to § 3421.12:

(a) Improvement in one (1) or more areas on the designated functional assessment tool;

(b) Maintenance or stabilization of functioning in daily life, with no observed or reported regression or exacerbation of symptoms; or

(c) Achievement of or progress toward Plan of Care goals.

3421.16 Community Support services provided in excess of the units authorized by § 3421.6 in each one hundred and eighty (180) calendar day period, shall require supplemental authorization from the Department.

(a) With the request for supplemental authorization, the provider shall submit a clinical summary signed by a qualified practitioner that demonstrates why additional units of Community Support are needed to address the change in the consumer's behavioral health and how the additional units of Community Support will support the Plan of Care goals.

(b) No request for supplemental authorization shall be granted unless the consumer continues to meet the clinical necessity criteria in § 3421.14 and there is a demonstrated clinical need for additional units based on the qualified practitioner's clinical summary and the following:

(1) A decline in two (2) or more areas on the designated functional assessment tool; or

(2) The consumer experienced a significant event impacting their independent functioning in the community within thirty (30) calendar days before the request for supplemental authorization is submitted, such as a hospitalization, a loss of housing, use of crisis/emergency services, or an arrest or incarceration.

3421.17 Audio-only Community Support services provided in excess of the audio-only units authorized in § 3421.10(d) shall require prior authorization from the Department. No request for additional units shall be granted unless there is a demonstrated clinical need for additional units based upon the need to increase coordination with collateral contacts due to a significant change in the consumer's behavioral health as described in § 3421.16.

3421.18 Providers shall not provide Community Support services to consumers unless clinically necessary as set forth in this section. Consumers who require more intensive services shall be assessed for a higher level of care. Consumers who no longer clinically require Community Support services shall be transitioned to a lower level of care.

3421.19 The Department or its designee shall provide the provider and the consumer written notice of any denial of Community Support authorization. The provider or consumer may request an administrative review by the Department within fourteen (14) calendar days of the notice.

3421.20 The Department shall promptly review a request for administrative review and provide a final written decision within fourteen (14) calendar days of the request. The provider or consumer may appeal a final decision denying Community Support authorization to the Office of Administrative Hearings pursuant to the fair hearing procedures in Title 29 DCMR § 9508.

Section 3434, REIMBURSABLE SERVICES, is amended as follows:

Subsection 3434.4 is amended to read as follows:

3434.4 Reimbursement shall be limited as follows:

Mental Health Rehabilitation Services (MHRS)	**LIMITATIONS AND SERVICE SETTING**	**BILLABLE UNIT OF SERVICE**
Diagnostic Assessment	• One (1) every one hundred eighty (180) calendar days. • Additional units allowable when there is a significant change in the consumer's mental health status. • Shall not be billed the same day as Assertive Community Treatment (ACT). • Provided only in an MHRS provider's service site, home or community setting, or residential facility of sixteen (16) beds or less unless otherwise approved by the Department.	Per occurrence.
Medication/ Somatic Treatment	• No annual limits. • Shall not be billed the same day as ACT or Intensive Day Treatment (IDT). • Provided only in an MHRS provider's service site, home or community setting, via telemedicine, or in a residential facility of sixteen (16) beds or less unless otherwise stated by the Department.	Session length for Individual Medication/Somatic Treatment is as follows: For new patients: (a) Fifteen (15) to twenty-nine (29) minutes; (b) Thirty (30) to forty-four (44) minutes; (c) Forty-five (45) to fifty-nine (59) minutes; and

Mental Health Rehabilitation Services (MHRS)	LIMITATIONS AND SERVICE SETTING	BILLABLE UNIT OF SERVICE
		(d) Sixty (60) to seventy-four (74) minutes. For existing patients: (a) Under ten (10) minutes; (b) Ten (10) to nineteen (19) minutes; (c) Twenty (20) to twenty-nine (29) minutes: (d) Thirty (30) to thirty-nine (39) minutes; and (e) Forty (40) to fifty-four (54) minutes. Session length for Group Medication/Somatic Treatment unit is fifteen (15) minutes.
Counseling	• No annual limits. • Shall not be billed the same day as IDT, Community Based Intervention (CBI), ACT, Trauma-Focused Cognitive Behavioral Therapy (TF-CBT), or Trauma Systems Therapy (TST). • Shall not be billed during a Rehabilitation Day Services encounter. • Shall be rendered face-to-face, when consumer is present, unless there is adequate documentation to justify why the consumer was not present during the session. • May be provided in individual on-site, individual off-site, or group setting. • Provided only in an MHRS provider's service site, home or community setting, via telemedicine, or in a residential facility of sixteen (16) beds or less unless otherwise stated by the	Per occurrence

Mental Health Rehabilitation Services (MHRS)	LIMITATIONS AND SERVICE SETTING	BILLABLE UNIT OF SERVICE
	Department.	
Community Support	• Prior authorization required. • Shall be billed pursuant to § 3421.6. • Shall not be billed on the same day as ACT. • Individual Community Support shall not be billed during a Rehabilitation Day Services encounter. • Group Community Support shall not be billed on the same day as Rehabilitation Day Services. • Provided only in an MHRS provider's service site, home, community setting or residential facility of sixteen (16) beds or less unless otherwise authorized by the Department. • Audio-only telemedicine shall be limited to six (6) units per one hundred eighty (180) day period, unless otherwise authorized by the Department. A provider may bill an additional 20 units of audio-only for collateral contacts, per one hundred and eighty (180) day period.	Fifteen (15) minutes. The District shall reimburse no more than six (6) units of service per day.
Crisis/ Emergency Services	• No annual limits. • ACT providers shall not bill Crisis/Emergency Services when provided to one of their current consumers. • Provided only in an MHRS provider's service site, home or community setting or via telehealth. • Provided by a Core Service Agency to their enrolled consumers.	Fifteen (15) minutes
Rehabilitation Day Services	• Prior authorization required. Two hundred seventy (270) units within a one hundred eighty (180) day period. Additional units require supplemental authorization from the Department. • Each subsequent authorization shall not exceed two hundred and seventy (270) units within a one hundred and eighty (180) day period. • Shall not be billed on the same day as Group Community Support, IDT, TF-CBT, Trauma Recovery and Empowerment Model (TREM), TST, or Clubhouse. • Shall not be billed during a Counseling or Individual Community Support encounter. • Provided only in an MHRS provider's service site.	One (1) hour. The District shall not reimburse more than six (6) hours of service per day.

Mental Health Rehabilitation Services (MHRS)	LIMITATIONS AND SERVICE SETTING	BILLABLE UNIT OF SERVICE
IDT	• Prior authorization required. Initial and subsequent authorizations shall not exceed seven (7) days at a time. • Shall not be billed on the same day as Medication/Somatic Treatment, Counseling, Rehabilitation Day Services, ACT, TF-CBT, TREM, TST, Clubhouse, or Supported Employment Services as defined in Title 22-A DCMR Chapter 37. • Provided only in an MHRS provider's service site.	One (1) day (which shall consist of at least five (5) hours of IDT services, excluding appropriate time for breaks and administrative functions)
CBI	• Prior authorization required for enrollment and continued stay (*see* § 3425 for details). • Shall not be billed on the same day as Counseling, ACT, FFT, or TF-CBT. • CBI Level II and III shall not be billed on the same day as TREM. • Provided only in an MHRS provider's service site, or home or community setting.	Fifteen (15) minutes
ACT	• Prior authorization required. Initial and subsequent authorizations shall not exceed six (6) calendar months. • Shall not be billed on the same day as Diagnostic Assessment, Medication/Somatic Treatment, Counseling, Community Support, IDT, CBI, FFT, TF-CBT, TREM, or TST. • ACT providers shall not bill Crisis/Emergency Services if provided to one of their current consumers. • ACT providers must deliver five (5) contacts per calendar month as defined in § 3426.19 and meet the requirements of § 3426.20 through § 3426.22 to receive the monthly rate.	Monthly rate
Child-Parent Psychotherapy (CPP)	• May be provided without prior authorization. • Shall not be billed on the same day as TF-CBT or TST. • Provided only in an MHRS provider's service site, home or community setting or residential facility of sixteen (16) beds or less unless otherwise approved by the Department.	Fifteen (15) minutes up to ninety (90) minutes once (1) per week

Mental Health Rehabilitation Services (MHRS)	LIMITATIONS AND SERVICE SETTING	BILLABLE UNIT OF SERVICE
TF-CBT	• May be provided without prior authorization. • Shall not be billed on the same day as Counseling, Rehabilitation Day Services, IDT, CBI, FFT, ACT, CPP, or TST. • Provided only in an MHRS provider's service site, home or community setting, or residential facility of sixteen (16) beds or less unless otherwise approved by the Department.	Fifteen (15) minutes up to ninety (90) minutes once (1) per week
TREM	• May be provided without prior authorization. • TREM shall not be billed on the same day as Rehabilitation Day Services, IDT, CBI Levels II and III, or ACT. • Provided only in an MHRS provider's service site, or residential facility of sixteen (16) beds or less unless otherwise approved by the Department.	Fifteen (15) minutes
TST	• May be provided without prior authorization. • TST shall not be billed on the same day as Counseling, Rehabilitation Day Services, IDT, FFT, ACT, CPP, or TF-CBT.	Fifteen (15) minutes
FFT	• May be provided without prior authorization. • Shall not be billed on the same day as CBI, Community Support, TF-CBT or TST.	Fifteen (15) minutes
Clinical Care Coordination (CCC)	• No annual limits. • May be provided without prior authorization. • ACT providers shall not bill CCC when provided to one of their current consumers. • May be provided in an MHRS provider's service site, home or community setting, or via telehealth. • A provider may only claim one service if multiple clinicians from that provider agency participate in the CCC service.	Fifteen (15) minutes
Intensive Care Coordination (ICC)	• Prior authorization required. • May be provided at the ICC provider's service site; or in natural settings, including at the child/youth's home or community settings; or at an out-of-home placement where the child/youth is pending discharge to the community.	Monthly rate

Section 3499, DEFINITIONS, is amended as follows:

Subsection 3499.1 is amended by amending the definition for "Clinical Care Coordination"

to read as follows:

Clinical Care Coordination ("CCC") – Coordination of care between the behavioral health clinician and the clinical personnel of an external provider (e.g., primary care, another behavioral health provider, payors, behavioral health authority, hospital).

Subsection 3499.1 is amended by adding the definition for "Community Support" after the definition of "Community Based Intervention Team ("CBI team")" to read as follows:

Community Support – Rehabilitation and environmental supports considered essential to assist the consumer in achieving rehabilitation and recovery goals that focus on building and maintaining a therapeutic relationship with the consumer.

(1) Individual Community Support – Community Support services provided for one (1) consumer.

(2) Group Community Support – Community Support services provided in a group setting.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Human Services ("DHS"), pursuant to the authority set forth in Section 552 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.52), Reorganization Plan No. 3 of 1986, effective January 3, 1987 (D.C. Official Code § 1-5074.02), and Mayor's Order 2006-50, dated April 13, 2006, hereby gives notice of her adoption of the following amendments to Chapter 58 (Temporary Assistance to Needy Families) and Chapter 72 (Standards of Assistance and Payment Levels in Public Assistance Programs) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations ("DCMR").

The rule modifies the District of Columbia's public assistance standards of assistance and payment levels applicable to District of Columbia residents who participate in the Temporary Assistance for Needy Families ("TANF"), General Assistance for Children, Interim Disability Assistance ("IDA"), and the Program on Work, Employment, and Responsibility ("POWER") public benefit programs, as required by Section 552 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.52). The rule increases the payment levels in Section 7200 of Chapter 72 of Title 29 of the DMCR for Fiscal Year 2026, which began on October 1, 2025, by the increase in the Consumer Price Index for All Urban Consumers (CPI-U) for all items from the preceding calendar year (calendar year 2024). The rule also increases the standards of assistance to match the payment levels to ensure that benefit recipients with income below the payment levels continue to meet financial eligibility standards for cash assistance programs. In addition, the rule modifies 29 DCMR § 5814.5 to direct the application of the modified payment levels for public benefits, pursuant to Chapter 72.

The payment levels in the regulation were last updated for Fiscal Year 2025. The updates to the payment levels in this rulemaking reflect the 2.9% increase in the CPI-U in Calendar Year 2024.

A Notice of Proposed Rulemaking was published in the *District of Columbia Register* on December 19, 2025, at 72 DCR 014083. DHS did not receive any comments from the public concerning the proposed rules during the thirty (30)-day comment period, which expired on January 20, 2026. No changes have been made to the text of the rules since published as proposed.

These rules were adopted by the Director of DHS as final on May 1, 2026, and shall take effect upon publication of this notice in the *District of Columbia Register*.

Title 29, PUBLIC WELFARE, of the DCMR is amended as follows:

Chapter 58, TEMPORARY ASSISTANCE FOR NEEDY FAMILIES, is amended as follows:

Section 5814, INCOME DISREGARDS, is amended as follows:

Subsection 5814.5 is amended by striking the phrase "October 1, 2024**" and inserting the phrase "**October 1, 2025**" in its place.**

Chapter 72, STANDARDS OF ASSISTANCE AND PAYMENT LEVELS IN PUBLIC ASSISTANCE PROGRAMS, is amended as follows:

Section 7200, STANDARDS OF ASSISTANCE AND PAYMENT LEVELS, is amended to read as follows:

7200 STANDARDS OF ASSISTANCE AND PAYMENT LEVELS

7200.1 The following standards of assistance and payment levels shall apply to payments made after October 1, 2025, under Temporary Assistance for Needy Families (TANF) (D.C. Official Code § 4-205.52), Program on Work, Employment, and Responsibility (D.C. Official Code § 4-205.78), General Assistance for Children (D.C. Official Code § 4-205.05a), and Interim Disability Assistance (D.C. Official Code § 4-204.07):

Family Size	Standards of Assistance	Payment Level
1	$504	$504
2	$629	$629
3	$803	$803
4	$983	$983
5	$1,136	$1,136
6	$1,335	$1,335
7	$1,532	$1,532
8	$1,691	$1,691
9	$1,863	$1,863
10	$2,024	$2,024
11	$2,133	$2,133
12	$2,295	$2,295
13	$2,399	$2,399
14	$2,530	$2,530
15	$2,628	$2,628
16	$2,762	$2,762
17	$3,026	$3,026
18	$3,098	$3,098
19	$3,158	$3,158

DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF FINAL RULEMAKING

The District of Columbia Public Library ("DCPL") Board of Trustees, pursuant to the authority set forth in An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2012 Supp.)); Section 3205 (jjj) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 39-105 (2012 Supp.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2012 Supp.)); and the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; codified at D.C. Official Code § 39-105 (2012 Repl.)); hereby gives notice of its amendment to Chapter 8 (Public Library) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the rulemaking is to amend 19 DCMR § 810 to update the Library's Code of Conduct Policy.

The Board of Library Trustees has appointed the Executive Director, through D.C. Official Code §39-105(a)(10) (2019 Supp.) to establish rules and manage the day-to-day operations of the library.

Final action to adopt these rules was taken on May 13, 2026. Notice of Proposed Rulemaking was published on April 10, 2026 at 73 DCR 005912. No comments were received in response to the Notice, and no changes have been made to this rulemaking. These final rules will be effective immediately upon publication of this notice in the *District of Columbia Register*.

Chapter 8, PUBLIC LIBRARY, of Title 19 DCMR, AMUSEMENT, PARKS, AND RECREATION is amended as follows:

Section 810, CODE OF CONDUCT POLICY, is amended to read as follows:

810 CODE OF CONDUCT POLICY

810.1 INTRODUCTION

The DC Public Library (DCPL) supports the right of all customers to free and equal access to information and use of the library without discrimination, intimidation, threat of harm or invasion of privacy. DCPL is dedicated to providing friendly, courteous and respectful service and an enjoyable, clean and comfortable environment for all customers.

The District of Columbia Public Library's (DCPL) code of conduct has three primary purposes: (1) to protect the rights and safety of all library customers, (2) to protect the rights and safety of staff members and (3) to protect the library's materials, facilities and property.

DCPL reserves the right to inspect a customer's belongings including purses, backpacks, bags, parcels, shopping bags, briefcases and other items to prevent unauthorized removal of library materials and equipment or for the health and safety of library staff and customers.

The Board of Library Trustees grants the Executive Director the authority to amend guidelines, regulations, policies and procedures during a State of Emergency or Public Health Emergency declared by the Mayor, or when necessary to protect the health, safety and welfare of employees or the public.

810.2 DEFINITIONS AND SCOPE

This code of conduct (rules) applies to all buildings and all grounds controlled and operated by DCPL (buildings and outdoor grounds are also known as "the premises") and to all customers entering in or on the premises.

Listed below are the library's behavior rules. Customers who violate these rules may be removed from the premises and excluded from all library premises for the period of time listed below, by authority of the D.C. Public Library.

810.3 ENFORCEMENT

Library staff, Library Police, and/or Metropolitan Police Department (MPD) officers may intervene to stop prohibited activities and behaviors. A violation of law may result in arrest and prosecution. Failure to comply with these rules may result in issuance of a Notice of Barring from Library property for a period of one day to five years.

If a Notice of Barring is issued, it applies to all DCPL locations and includes the suspension of DCPL privileges, including but not limited to the use of DCPL computers and other equipment. If barred, customers may have their photographs or video captured by DC Public Library staff to enforce the bar.

810.4 ADMINISTRATIVE REVIEW OF NOTICES OF BARRING

(a) An individual who receives a Notice of Barring may request an administrative review if the bar is greater than seven (7) days. This request must be made within ten (10) business days of the date on the barring notice and submitted in writing to: Director of Public Safety, Martin Luther King Jr. Memorial Library, 901 G Street NW, Washington, DC 20001 or via email at DCPLBarAppeals@dc.gov.

(b) The Executive Director or designee will issue a final decision on the administrative review of the bar within thirty (30) calendar days. The barred individual may appeal the final decision to the District of Columbia Superior Court's Civil Division within thirty (30) calendar days of the date of the notice of final decision.

810.5 REASONABLE ACCOMMODATION

Library customers who wish to request a reasonable modification of these Guidelines because of a disability or health condition may contact Library staff at 202-727-1101 or via e-mail at DCPLaccess@dc.gov.

810.6 RULES AND CONSEQUENCES

For the safety and comfort of the public and staff, and to create an environment that is favorable to library operations, the following rules and consequences apply. These activities are prohibited on library premises:

(a) **Category One Rules and Consequences:** Any customer, aged 13 and older, who violates category one rules while on library premises will be restricted from the premises until the problem is corrected. Repeated violations of category one rules may result in barring if it is determined that the customer is failing to comply with the reasonable direction of a library staff member or law enforcement officer.

Age	Each Incident
0-8	Warning and referral to caregiver
9-12	Warning and opportunity to correct the violation. Leave the Library until problem is corrected
13-17	Leave the Library until the problem is corrected
18+	Leave the Library until the problem is corrected

(1) Being on DCPL premises with bare feet or a bare chest (except breastfeeding); Clothing must cover private body parts (genitals, breasts, and buttocks). Shoes are required at all times.

(2) Being under the visible influence of any illegal substance, controlled substance, or alcohol.

(3) Storing or using bags/personal items in DCPL buildings in a manner that takes up space from other customers, blocks seating or travel pathways.

(4) Exceeding DCPL bag/personal item limits. At the Martin Luther King Jr. Memorial Library, customers may bring up to two large bags (not to exceed 36" in any dimension) and two hand-held items such as a purse, briefcase, tote, or small backpack. At all other Library locations, customers may bring one large bag (not to exceed 36" in any dimension) and two hand-held items such as a purse, briefcase, tote, or small backpack.

(5) Bringing bags/personal items (including clothing) that are infested or contaminated with pests such as insects or rodents.

(6) Leaving any bags/personal items unattended. Customers must keep personal belongings with them at all times. Unattended items will be searched and removed.

(7) Placing items or personal belongings on or against buildings, outdoor furniture, equipment or fixtures, or leaving personal belongings unattended on the premises. Unattended items on outdoor premises will be searched and removed.

(8) Being in a DCPL building while having strong, pervasive odor, including odor caused by perfume or cologne, that unreasonably interferes with library user or staff comfort, safety, use, or peaceful enjoyment of the library.

(9) Consuming food and uncovered non-alcoholic beverages outside a DCPL designated area.

(10) Lying down or taking up space intended for more than one person. Note: If you are sleeping or appear to be sleeping, staff may speak to you to determine if you need assistance.

(11) Sitting on the floor, sidewalk, etc. unless approved by a library staff member and blocking aisles, exits, staircases, pathways, or entrances.

(12) Using electronics or computers without headphones or at a volume that disturbs others.

(13) Leaving mess, garbage or spills or creating mess, garbage or spills that disrupts or interferes with library use.

(14) Soliciting, petitioning, or distributing written materials or canvassing for political, charitable, commercial, or religious purposes on the premises.

(b) **Category Two Rules and Consequences:** Any customer who violates category two rules while on library premises will be given a warning that shall remain on the customer's record for six (6) months. Subsequent offenses within a six (6) month time frame by that customer will result in that person's immediate removal and barring from all D.C. Public Library premises as follows:

Age	Initial	2nd Violation (within 6 months)	3rd Violation (within 6 months)	4th Violation (within 6 months)
0-8	Referral to caregiver	Referral to caregiver	Referral to caregiver	Referral to caregiver
9-12	Warning. If accompanied, referral to caregiver	Leave for the day	Up to 1 week	Up to 3 months, and referral to parent/guardian
13-17	Warning	Leave for the day	Up to 1 month	Up to 6 months
18+	Warning	Up to 1 month	Up to 6 months	Up to 1 year

(1) Using someone else's library card to obtain library services, including public computer use, is prohibited. Each customer must use their own library card, and these cards are non-transferrable; loaning your library card to another person is prohibited. Library cards that are repeatedly used in violation of this rule will be confiscated and will be returned to the verified owner.

(2) Bringing bicycles, scooters (unless collapsed and carried), 4-wheel grocery or utility carts, or other similar items inside library buildings, including, but not limited to, vestibules or covered doorways.

(3) Operating bicycles, scooters, roller skates, skateboards, hoverboards, or other similar items in, or on, library premises, unless as part of a library program.

(4) Bringing animals inside library buildings (with the exception of service animals), except as allowed at a library-approved event, or leaving an animal tethered and unattended on library premises.

(5) Improperly using library restrooms, including, but not limited to, bathing, shaving, or washing hair or clothing.

(6) Leaving one or more children eight (8) years old or under, who reasonably appear to be unsupervised or unattended, anywhere in or on library premises. If staff reasonably believe a child under 16 years old is truant or unlawfully absent from school, they may notify the appropriate authorities. [Please see Unattended Children Policy]

(7) Customers thirteen (13) years of age and older are prohibited from using the children's area, unless accompanying a child under the age of thirteen (13) or selecting an item from the collection.

(8) Customers twenty (20) years of age and older and children twelve (12) years of age and younger are prohibited from using the teen area unless accompanying a teen aged thirteen (13) to nineteen (19) or selecting an item from the collection.

(9) Customers thirteen (13) years of age and older are prohibited from using any restroom designated for children. Children's restrooms are for the sole use of children twelve (12) years old or younger, and their accompanying caregivers.

(c) **Category Three Rules and Consequences:** Any customer who violates category three rules while on library premises may first be informed of library rules. Subsequent offenses by that customer within one year will result in that person's immediate removal and restriction from all DCPL premises as follows:

Age	1st Violation	2nd Violation (within 1 year)	3rd Violation (within 1 year)	4th Violation (within 1 year)
0-8	Warning. Referral to caregiver	Warning. Referral to caregiver.	Warning. Referral to caregiver	Warning. Referral to caregiver

Age	1st Violation	2nd Violation (within 1 year)	3rd Violation (within 1 year)	4th Violation (within 1 year)
9-12	Warning/Referral to caregiver if accompanied. If unaccompanied, leave for the rest of day	Up to 1 week	Up to 1 month	Up to 3 months
13-17	Warning. Up to 1 week	Up to 1 month	Up to 6 months	Up to 1 year
18+	Warning. Up to 1 month	Up to 3 months	Up to 1 year	Up to 2 years

(1) Engaging in conduct that disrupts or interferes with the normal operation of the library, or disturbs library staff or customers, including but not limited to, the use of obscene language or gestures, use of profanity, conduct that creates unreasonable noise, or conduct that consists of loud or boisterous physical behavior or talking.

(2) Engaging in any form of harassment, including sexual harassment. Some infractions may be moved to Category Four if deemed necessary.

(3) Engaging in bullying as defined by the Youth Bullying Prevention Act of 2012, effective September 14, 2012 (D.C. Law 19-167; 59 DCR 7820 (June 29, 2012)).

(4) Misuse of any library property in a destructive, abusive, or potentially damaging manner, or in a manner likely to cause personal injury to themselves or others.

(5) Egregiously inappropriate restroom usage including intentionally clogging plumbing, looking into an area designed to provide privacy to a person using the area, or having more than one person in a restroom stall or a single-user restroom (unless accompanying children or adults in need of assistance).

(6) Intentionally depositing bodily fluids outside of toilets/urinals in the restrooms (urinating, defecating, spitting) or anywhere on the Library premises, including landscaping.

(7) Failure to comply with the reasonable direction of a library staff member.

(8) Smoking or other use of tobacco products, including electronic cigarettes on DCPL premises.

(9) Possessing, selling, using, or distributing illegal drugs (*including marijuana) on library property. Selling or distributing any prescribed controlled substance (e.g. Xanax) on library property. Some infractions may be moved to Category Four if deemed necessary.

(10) Possessing, selling, distributing, or consuming any alcoholic beverage, except as allowed at a library approved event.

(11) Violating any DCPL guideline or policy, including but not limited to DCPL's Computer Use Guidelines or DCPL's Photography Policy.

Entering or attempting to enter DCPL premises while barred (i.e., trespassing). Customers or persons returning to DCPL premises during a period of barring may be arrested and prosecuted for unlawful entry, pursuant to D.C. Official Code § 22-3302 (2012 Repl.).

(d) **Category Four Rules and Consequences:** Any customer who violates category four rules while on library premises will be immediately removed and restricted from all DCPL premises as follows:

Age.	Each Incident
0-8	Referral to caregiver and/or Library Police or MPD.
9-12	1 month to 5 years, based on severity, and the incident will be reported to the appropriate law enforcement agency.
13-17	3 months to 5 years, based on severity, and the incident will be reported to the appropriate law enforcement agency.
18+	1 to 5 years, based on severity, and the incident will be reported to the appropriate law enforcement agency.

(1) Committing, or attempting to commit, any activity that would constitute a violation of any Federal or District of Columbia criminal statute, ordinance, code, or law.

(2) Failure to comply with the reasonable direction of a law enforcement officer.

(3) Possessing firearms, or weapons of any kind in the library or on library property.

(4) Directing a threat, whether direct or indirect, of physical harm against an individual, group of individuals, or property. A threat includes any

words, actions or gestures that would cause an ordinary person to fear physical (including sexual) harm or injury.

(5) Assaulting (or attempting to assault), sexually assaulting (or attempting to sexually assault), or stalking anyone on DCPL premises.

(6) Engaging in sexual conduct/activity, including, but not limited to, the physical manipulation or touching of sex organs through clothing in an act of apparent sexual stimulation or gratification.

DEPARTMENT OF LICENSING AND CONSUMER PROTECTION

NOTICE OF FINAL RULEMAKING

The Director of the Department of Licensing and Consumer Protection ("DLCP"), pursuant to D.C. Official Code § 47-2853.10(a)(11) and (12); Mayor's Order 2000-70, dated May 2, 2000; and Mayor's Order 2022-149, dated September 29, 2022, hereby gives notice of her adoption of the following amendments to Chapter 37 (Barber and Cosmetology) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations ("DCMR").

This rulemaking seeks to expand the District's business economy by reducing barriers to licensure for barbers and cosmetologists while also establishing new specialty cosmetology licenses in alignment with the growing trends in the beauty industry. Specifically, the rulemaking reduces the number of training hours required for obtaining a cosmetology or barber license. The number of training hours for a barber license would be reduced from one thousand five hundred (1,500) hours to one thousand two hundred fifty (1,250) hours, and the number of training hours for a cosmetology license would be reduced from one thousand five hundred (1,500) to one thousand two hundred fifty (1,250) hours.

Additionally, the rulemaking amends the requirements for obtaining an instructor's license. Currently, a person seeking an instructor's license must complete one thousand (1,000) training hours and pass an examination. For licensed barbers and cosmetologists, this may require them to take time off from work to attend the classes, which financially burdens the licensee. Additionally, a growing number of recent graduates want to become instructors after they complete their schooling but are unable to do so. To address this, the rulemaking creates two pathways for licensure — one for those who are currently licensed as barbers or cosmetologists and another for recent graduates. Those that are currently licensed will be able to obtain an instructor's license upon providing the Board documentation establishing their qualifications, including proof of having worked in the field for at least two (2) years and professional references. Recent graduates will be able to obtain an instructor's license upon the completion of five hundred (500) training hours. For both pathways, applicants will be required to pass an examination.

In addition, the rulemaking creates two new cosmetology licenses. Recognizing the increased demand for wax-only establishments, the rulemaking creates a wax technician and a full wax and nails technician license. The rulemaking also amends the braider license by renaming it "natural hairstylist and braider" and revises the training hours to two hundred (200) to encompass the additional techniques and hair-health lessons applicants would learn in the training program. Additionally, the rulemaking eliminates the manager's license requirement, which is unique to the District and has made it difficult for establishments to open in the city. Lastly, the rulemaking makes technical amendments to the regulations, including updating the agency's name and amending terms and definitions.

On July 28, 2025, the Board of Barber and Cosmetology (Board) voted eight (8) to zero (0) to recommend to the Director the proposed changes to the licensure requirements. On September 22, 2025, the Board voted nine (9) to zero (0) to provide the Director with additional proposed changes to the licensure requirements.

A Notice of Proposed Rulemaking was published in the *District of Columbia Register* on March 27, 2026, at 73 DCR 005138. The thirty (30)-day comment period ended on April 27, 2026. DLCP did not receive any comments during the comment period, and no changes have been made to the text of the rulemaking since it was published as proposed.

The Director of DLCP adopted these rules as final on May 13, 2026, and they shall take effect upon publication of this notice in the *District of Columbia Register*.

Chapter 37, BARBER AND COSMETOLOGY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 3702, LICENSES REQUIRED, is amended as follows:

Subsection 3702.1 is amended to read as follows:

3702.1 The following licenses or certificates of registration shall be issued to natural persons as required by the Barber and Cosmetology Board pursuant to D.C. Official Code § 47-2853.08:

(a) Barber, which shall authorize the holder to engage in the practice of barbering;

(b) Cosmetologist, which shall authorize the holder to engage in the practice of cosmetology;

(c) The following cosmetology specialty licenses:

(i) Hairstylist, which shall authorize the holder to engage in the practice of hairstyling;

(ii) Natural Hairstylist and Braider, which shall authorize the holder to engage in the practices of natural hair styling and braiding;

(iii) Manicurist, which shall authorize the holder to engage in the practice of manicuring and pedicuring;

(iv) Electrologist, which shall authorize the holder to engage in the practice of electrology;

(v) Esthetician, which shall authorize the holder to engage in the practice of esthetics;

(vi) Master esthetician, which shall authorize the holder to engage in the practice of master esthetics;

(vii) Full Wax and Nails Technician, which shall authorize the holder to engage in the practice of manicuring, pedicuring, and waxing;

(viii) Wax Technician, which shall authorize the holder to engage in the practice of waxing;

(d) Barber, Cosmetology, or Specialty Cosmetology Shop and Salon Owner;

(e) Instructors;

(f) Demonstrators; and

(g) Barber, Cosmetology, or Specialty Cosmetology Independent Contract Owner.

Section 3703, QUALIFICATION FOR LICENSURE, is renamed and amended to read as follows:

3703 QUALIFICATIONS FOR LICENSURE

3703.1 To qualify for licensure under this chapter an applicant must meet the following requirements:

(a) Be at least eighteen (18) years of age;

(b) Have completed the tenth (10th) grade or higher, unless otherwise indicated;

(c) Pass the applicable examination(s);

(d) Meet the educational and experience requirements for the license applied for, as set forth in this section; and

(e) Provide the board with verification of completion of the above requirements.

3703.2 An applicant for a license by examination as a cosmetologist shall furnish proof satisfactory to the Board that the applicant has successfully completed:

(a) One thousand two hundred fifty (1,250) hours of training in a licensed school or school otherwise acceptable to the Board, which shall include the following courses of study and hours:

SUBJECT	HOURS
Manicuring/Pedicuring	50
Pressing	50
Croquinole Wave/Styling	70
Braiding	20
Shampooing	40

Permanent Wave	100
Wet Curls	70
Facials/Massage	50
Scalp Treatments	25
Dye and Bleach	100
Haircutting	100
Hairpieces	10
Chemical Straightening	200
Electrology	75
Waxing	50
Personal Hygiene	20
Ethics, Salesmanship, Courtesy, and Conduct	25
D.C. Law	20
Anatomy, Physiology, Bacteriology, Pathology, Chemistry, and Electricity	125
Sanitation	50
Total hours	1,250

or

(b) Training and experience equivalent in the judgment of the Board to one thousand two hundred fifty (1,250) hours.

3703.3 The equivalency requirement of § 3703.2(b) shall be met by furnishing proof satisfactory to the Board that the applicant is licensed in another jurisdiction within the United States of America and has one thousand two hundred fifty (1,250) hours in combined experience and training.

3703.4 An applicant for a license by examination as a hairstylist shall furnish proof satisfactory to the Board that the applicant has successfully completed:

(a) One thousand (1,000) hours of training in a licensed school or school otherwise acceptable to the Board, which shall include the following courses of study and hours:

SUBJECT	HOURS
Pressing	50
Croquinole Wave/Styling	70
Braiding	20
Shampooing	40
Permanent Wave	100
Wet Curls	70
Scalp Treatments	25
Dye and Bleach	100
Haircutting	100

Hairpieces	10
Chemical Straightening	200
Personal Hygiene	20
Ethics, Salesmanship, Courtesy, and Conduct	25
D.C. Law	20
Anatomy, Physiology, Bacteriology, Pathology, Chemistry, and Electricity	100
Sanitation	50
Total hours	1,000

or

(b) Training and experience equivalent in the judgement of the Board to one thousand (1,000) hours.

3703.5 The equivalency requirement of § 3703.4(b) shall be met by furnishing proof satisfactory to the Board that the applicant is licensed in another jurisdiction within the United States of America and has one thousand (1,000) hours in combined experience and training.

3703.6 A cosmetologist may not hold himself or herself out to the public as a specialist in any cosmetology specialty unless the cosmetologist has passed the examination for that specialty. A cosmetologist may take the examination(s) for any specialty cosmetology license at any time after passing the cosmetologist examination(s).

3703.7 An applicant for a license by examination as a barber shall furnish proof satisfactory to the Board that the applicant has acquired:

(a) One thousand two hundred fifty (1,250) hours of training in a licensed school or school otherwise acceptable to the Board, which shall include the following courses of study and hours:

SUBJECT	HOURS
Shaving/Beard Trimming	100
Styling	100
Shampooing	40
Permanent Wave	100
Wet Curls	70
Facials/Massage	50
Scalp Treatments	25
Dye and Bleach	100
Haircutting	210
Chemical Straightening	200
Personal Hygiene	20
Ethics, Salesmanship,	

Courtesy, and Conduct	25
D.C. Law	20
Anatomy, Physiology, Bacteriology, Pathology, Chemistry, and Electricity	100
Sanitation	50
Hairpieces	10
Shop Management	30
Total hours	1,250

or

(b) Training and experience equivalent in the judgement of the Board to one thousand two hundred fifty (1,250) hours.

3703.8 The equivalency requirements of § 3703.7(b) shall be met by furnishing proof satisfactory to the Board that the applicant is licensed in another jurisdiction within the United States of America and has one thousand two hundred and fifty (1,250) hours in combined experience and training.

3703.9 Upon application, the Board shall give a licensed barber who wishes to become a licensed cosmetologist in accordance with § 3703.2 up to one thousand (1,000) hours of credit for subjects previously covered in the barber training course as set forth in § 3703.7. Before being permitted to take the cosmetology practical and theory exam, the applicant shall have successfully completed two hundred fifty (250) training hours in pressing, waxing, electrology, and manicuring and pedicuring.

3703.10 Upon application the Board shall give a licensed cosmetologist who wishes to become a licensed barber in accordance with § 3703.7 up to one thousand (1,000) hours of credit for subjects previously covered in the cosmetology class A training course. Before being permitted to take the barber practical and theory exam, the applicant shall have successfully completed an additional two hundred fifty (250) training hours in haircutting, shaving/beard trimming, and shop management, and shall have passed both the theory and practical portions of the Board's cosmetology examination.

3703.11 Upon application, the Board shall give a licensed hairstylist who wishes to become a licensed cosmetologist in accordance with § 3703.2 up to one thousand (1,000) hours of credit for subjects previously covered in the hairstylist training course. Before being permitted to take the cosmetology practical and theory exam, the applicant shall have successfully completed an additional two hundred fifty (250) training hours in manicuring and pedicuring, facials/massage, electrology, and waxing, and shall have passed both the theory and practical portions of the Board's hairstylist examination.

3703.12 Upon application, the Board shall give a licensed hairstylist who wishes to become a licensed barber in accordance with § 3703.7 up to one thousand (1,000) hours of credit for subjects previously covered in the hairstylist training course. Before being permitted to take the barber practical and theory exam, the applicant shall have successfully completed an additional two hundred fifty (250) training hours in haircutting, shaving/beard trimming, shop management, and facial/massage, and shall have passed both the theory and practical portions of the Board's hairstylist examination.

3703.13 An applicant for a specialty license by examination as a natural hair and braider shall furnish proof satisfactory to the Board that the applicant has successfully completed:

(a) Two hundred (200) hours of training in a licensed school or school otherwise acceptable to the Board which shall include the following courses of study and hours:

SUBJECT	HOURS
Bacteriology and Sanitation	12
Safety, Health and DC law	6
Basic Anatomy and Physiology	5
Shampoo, Rinses, and Procedure	10
Natural Hair Coloring (No Chemicals)	6
Structure of Hair	6
Scalp Disorders and Diseases	8
Hair and Scalp Care (applications Procedures)	15
Braiding	16
Extensions	16
Twisting/Locing	16
Blowdrying	16
Cutting and Trimming	60
Ethics, Salesmanship, Courtesy, and Conduct	8
Total	200

Or

(b) Training and experience equivalent in the judgment of the Board to two hundred (200) ours of training.

3703.14 The equivalency requirement of § 3703.13(b) may be met by furnishing proof satisfactory to the Board that the applicant is licensed in another jurisdiction and has two hundred (200) hours combined experience and training.

3703.15 An applicant for a specialty license by examination as a manicurist shall furnish proof satisfactory to the Board that the applicant has acquired:

(a) Three hundred and fifty (350) hours of training in a licensed school or school otherwise acceptable to the Board, which shall include the following courses of study and hours:

SUBJECT	HOURS
Manicuring (water and oil)	100
Pedicure	25
Personal Hygiene	25
Ethics, Salesmanship, Courtesy, Conduct, Communications Skills, D.C. Law	35
Anatomy, Physiology	25
Bacteriology, Pathology	30
Chemistry	35
Electricity	20
Sanitation	30
Total hours	350

or

(b) Training and experience equivalent in the judgement of the Board to three hundred and fifty (350) hours.

3703.16 The equivalency requirement of § 3703.15(b) shall be met by furnishing proof satisfactory to the Board that the applicant is licensed in a jurisdiction within the United States of America and has three hundred and fifty (350) hours in combined experience and training.

3703.17 An applicant for a specialty license by examination as an electrologist shall furnish proof satisfactory to the Board that the applicant has completed high-school or passed the GED and acquired:

(a) Six hundred (600) hours of training in a licensed school or school otherwise acceptable to the Board, which shall include the following courses of study and hours:

SUBJECT	HOURS
Anatomy and Physiology of Skin &	100
Infection Control	50
Clinical Observation & Application	300
Modalities	50
Equipment Operation and Safety	30
Professional, Ethical and Legal Responsibilities	70

Total hours 600

or

(b) Training and experience equivalent in the judgment of the Board to six hundred (600) hours.

3703.18 The equivalency requirement of § 3703.17(b) shall be met by furnishing proof satisfactory to the Board that the applicant is licensed in another jurisdiction within the United States of America and has six hundred (600) hours in combined experience and training.

3703.19 An applicant for an esthetician license by examination shall furnish proof, satisfactory to the Board, that the applicant has

(a) Completed six hundred (600) hours of instruction at a licensed school, or school otherwise acceptable to the Board, in a combination of the following subjects:

Infection control;
Physiology and anatomy;
Skin histology;
Skin diseases and disorders;
Hair and its growth cycle;
Basic chemistry and cosmetic ingredients;
Basic facials;
Facial massage;
Electricity and facial machines;
Methods of hair removal;
Make-up;
Advanced topics and treatments; and
Scope of practice and regulatory rules;

or

(b) Training and experience equivalent in judgement of the Board to six hundred (600) hours.

3703.20 The equivalency requirement in § 3703.19(b) shall be met by furnishing proof satisfactory to the Board that the applicant is licensed in another jurisdiction within the United States of America and has six hundred (600) hours in combined experience and training.

3703.21 An applicant for a master esthetician license may apply for licensure by examination by meeting the following requirements:

(a) Applicants for licensure by examination shall furnish proof, satisfactory to the Board that the applicant has the training necessary to sit for the master esthetician's examination. Applicants shall furnish such proof by completing the application provided by the Board and providing all information requested by the Board. Proof shall include documentation that the applicant has completed the basic esthetician training set forth in 3703.23, passed the basic esthetics examination, and completed six hundred (600) hours of master esthetician training in the following subjects:

(1) Advanced sciences:

(A) Skin histology;

(B) Anatomy and physiology;

(C) Chemistry and biochemistry;

(D) Skin analysis (classification systems);

(E) Cosmetic ingredients (health, lifestyle, and nutrition);

(F) Physics (advanced modalities);

(2) Esthetics:

(A) Advanced facials;

(B) Advanced facial massage;

(C) Advanced body treatments;

(D) Advanced make-up;

(E) Advanced facial machines;

(3) Medical:

(A) Surgical procedures

(i) Plastic surgery procedures; and

(ii) Pre- and post-operation care;

(B) Non-surgical procedures;

(C) Medical terminology and intervention;

(4) Business:

(A) Business plan;

(B) Marketing;

(C) Business operations;

(D) Industry relations; and

(E) Compliance and safety.

(b) The Board may waive the training and examination requirements for a master esthetician license if the applicant holds:

(1) Either a current District esthetician license or cosmetologist license; and

(2) A National Esthetician Certification issued by the National Coalition of Estheticians Association.

3703.22 An applicant for a license by examination as a full wax and nails technician shall furnish proof satisfactory to the Board that the applicant has successfully completed:

(a) Four hundred (400) hours of training in a licensed school or school otherwise acceptable to the Board, which shall include the following courses of study and hours:

SUBJECT	HOURS
Skin Care/Treatment	30
Manicure/Pedicure	125
Waxing	50
Personal Hygiene	25
Anatomy	25
Bacteriology	25
Chemistry	35
Electricity	20
Sanitation	30
Ethics, Salesmanship, Courtesy, and Conduct	25
D.C. Law	10
Total	400

or

(b) Training and experience equivalent in the judgement of the Board to four hundred (400) hours.

3703.23 An applicant for a license by examination as a Wax Technician shall furnish proof satisfactory to the Board that the applicant has successfully completed:

(a) One hundred fifteen (115) hours of training in a licensed school or school otherwise acceptable to the Boad, which shall include the following courses of study and hours:

SUBJECT	HOURS
Skin Care	15
Skin Theory	15
Waxing	47
Wax Treatment	20
Salon Management	5
Client Consultation	8
D.C. Law	5
Total	115

or

(b) Training and experience equivalent in the judgement of the Board to one hundred fifteen (115) hours.

3703.24 An applicant may obtain an instructor's license from the Board by passing the examination and providing proof satisfactory to the Board that they:

(a) (1) Hold an active license as a barber, cosmetologist, or specialty cosmetologist in good standing from the Board

(2) Have at least two (2) years of full-time, verifiable work experience, in the practice of barbering, cosmetology, or a cosmetology specialty; and

(3) Provide the following documents:

(i) Sample lesson plans and training materials;

(ii) At least two (2) letters of recommendation or professional references from a licensed barber, cosmetologist, or specialty cosmetologist, or employer; and

(iii) Proof of satisfying the continuing education requirements as set forth in § 3730 or other similar professional development training approved by the Board; or

(b) (1) Are a recent graduate from a Board-approved barber or cosmetology school;

(2) Is a licensed barber, cosmetologist, or specialty cosmetologist; and

(3) Has completed a five hundred (500) hour course of instruction in teaching techniques that includes the following topics:

(i) Educational theory and pedagogy;

(ii) Lesson planning and curriculum development;

(iii) Classroom management and professional ethics; and

(iv) Teaching practical demonstrations and evaluating student performance.

3703.25 Each instructor's license shall be valid only for the specific practice area indicated on the license.

3703.26 Estheticians, cosmetologists, and specialty cosmetologists may manage a shop that provides services that must be provided by and supervised by individuals who possess a master esthetician license.

Section 3709, WAIVER OF EXAMINATION – BARBER INSTRUCTOR, is amended as follows:

Subsection 3709.1(a) is repealed.

Section 3710, WAIVER OF EXAMINATION: SPECIALTY COSMETOLOGY MANAGER, is repealed.

Section 3713, DISPLAY OF LICENSE, is amended as follows:

Subsection 3713.2 is amended to read as follows:

3713.2 All individual licensees shall wear or carry, either physically or digitally, their license and make it available upon request. Individual licenses shall also be placed at each station and in plain view of patrons.

Section 3714, PRELICENSURE SUPERVISED PRACTICE, is amended as follows:
Subsection 3714.11 is amended to read as follows:

3714.11 A student or applicant shall practice only under the immediate supervision of a licensed barber instructor, cosmetology instructor, or specialty cosmetology instructor.

Section, 3716, BARBERSHOPS AND COSMETOLOGY SALONS, is amended as follows:

The lead-in language to Subsection 3716.2 is amended by striking the phrase Public Health: Public Accommodations endorsement" and inserting the phrase "Beauty and Grooming Services License" in its place, and by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

Subsection 3716.4 is amended to read as follows:

3716.4 Any owner who intends to manage a salon or shop shall obtain a salon license.

Subsection 3716.7 is repealed.

Section 3717, FACILITIES AND EQUIPMENT, is amended as follows:

Subsection 3717.1 is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" in its place.

Section 3720, BOOTH RENTALS/CHAIR RENTALS/SPACE RENTING, is amended to read as follows:

3720.1 Booth renting, chair renting, or space renting, by whatever name called, is recognized by the Board as an independent business and each booth, chair, or space shall have a salon owner's license and the appropriate business licenses or registrations.

3720.2 Booth, chair, or space renting may be practiced by a licensed barber, cosmetologist, specialty cosmetologist, or instructor at a salon licensed in accordance with D.C. Official Code § 47-2851.01 *et seq*.

Section 3721, MULTIPLE LICENSES NOT REQUIRED, is amended to read as follows:

3721.1 A licensed barber instructor is permitted to practice as a barber without obtaining a separate barber license.

3721.2 A licensed cosmetology instructor is permitted to practice as a cosmetologist class A without obtaining a cosmetologist class A license.

3721.3 A licensed specialty cosmetology instructor is permitted to practice all disciplines within that specialty without obtaining any other professional specialty cosmetology license.

Section 3725, SERVICE AND PRICING POLICY, is amended as follows:

Subsection 3725.1 is amended by striking the phrase "or manager".

Section 3726, MASSAGES AND SPA TREATMENTS, is amended as follows:

Subsection 3726.1 is amended by striking the phrase "Except as permitted by § 3726.1 of this chapter" and inserting the phrase "Except as permitted by § 3726.2" in its place.

Section 3727, ENFORCEMENT AND PENALTIES, is amended as follows:

Subsection 3727.1 is amended by striking the phrase "Department of Consumer and Regulatory Affairs" and inserting the phrase "Department of Licensing and Consumer Protection" wherever it appears.

Subsection 3727.3 is amended to read as follows:

3727.3 Failure to allow and facilitate inspections by applicants or licensees shall be cause for denying a new license, or revoking or suspending an existing license, or imposing a civil fine.

Section 3730, CONTINUING EDUCATION REQUIREMENTS FOR LICENSEES, is amended as follows:

Subsection 3730.1 is amended by striking the phrase "Manager and".

Subsection 3730.5(h) is repealed.

Subsection 3730.10(b) is amended to read as follows:

(a) The death or serious and protracted illness of a member of the applicant's immediate family, which death or illness resulted in the applicant's inability to complete the continuing education requirements within the specified time; provided that, for the purposes of this subsection, the term "immediate family" means the applicant's spouse or domestic partner, any parent, brother, sister, or child of the applicant, and the spouse or domestic partner of any such parent, brother, sister, or child;

Section 3799, DEFINITIONS, is amended as follows:

The following terms and definitions are amended to read as follows:

Braider – a person who is licensed to engage in the practice of braiding.

Cosmetologist - a person licensed to engage in the practice of cosmetology.

Director – the Director of the Department of Licensing and Consumer Protection.

Electrologist - a person licensed to engage in the practice of electrology.

Esthetician – a person who is licensed to engage in the practice of esthetics.

Manager – an individual that managers the day-to-day operations of a barbershop or salon. The manager may be a barber, cosmetologist, or specialty cosmetologist.

Manicurist – a person licensed to engage in the practice of manicuring.

The following terms and definitions are added in alphabetical order to read as follows:

Braiding – styling hair into interlaced stands forming a distinctive pattern without using chemicals.

Cosmetology - the cosmetic arts, including hair styling and skin care, and any other practice of cosmetology, including the practice of esthetics and other specialty cosmetology practices regulated by the Board. The practice of cosmetology does not include shaving or trimming the beard or moustache of an individual or engaging in the practice of master esthetics.

Electrology - removing unwanted hair with an electric current or short wave alternating current, or a combination thereof.

Esthetics – the application of creams, lotions, scrubs, polishes, waxes, cosmetics, eyelashes, and other beauty treatments directly onto the skin to bring about a temporary improvement in appearance, excluding peels and microdermabrasion; and the removal of superfluous hair from the face and neck area of any person by the use of depilatories, waxing or tweezers. The practice of esthetics does not include barbering or the branches of cosmetology or specialty cosmetology, including natural hairstylist and braider, electrologist, or manicurist.

Full wax and nails technician – a person licensed to engage in the practice of waxing and manicuring.

Hair styling - styling of hair with the use of chemicals. The practice of hair styling does not include shaving or trimming the beard or moustache of an individual, nor engaging in the practice of esthetics without obtaining the applicable license.

Manicuring - applying creams, lotions, scrubs, polishes, and waxes to cosmetically treat the fingernails and hands, as well as t trimming, shaping, enhancing, and decorating the fingernails and the slight massaging of the forearms.

Master esthetician - a person who is licensed to practice as a master esthetician.

Master esthetics - esthetics and more specialized skincare treatments, including microdermabrasion, resurfacing, and chemical peel.

Natural hairstyling - forming human and synthetic hair into hairstyles, other than braids, without using chemicals. The practice of natural hairstyling does not include shaving or trimming a beard or mustache or engaging in aspects of the practice of barbering.

Natural hairstylist and braider - a person licensed to engage in the practices of natural hairstyling and braiding.

Pedicuring - applying creams, lotions, scrubs, polishes, and waxes to cosmetically treat the toenails and feet, as well as trimming, shaping, enhancing, and decorating the fingernails and the slight massaging of the legs.

Wax technician - a person licensed to engage in the practice of waxing.

Waxing - removing superfluous hair from the body area of any person by the use of depilatories or tweezers. The practice of waxing does not include barbering or any other element of the practice of cosmetology.

The definition of "Master esthetician manager" is repealed.

DISTRICT DEPARTMENT OF TRANSPORTATION
AND DEPARTMENT OF BUILDINGS

NOTICE OF FINAL JOINT RULEMAKING

The Director of the District Department of Transportation ("DDOT"), pursuant to the authority set forth in Sections 3(b), 5(a)(3)(E), 9j, and 9k of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b), 50-921.04(a)(3)(E), 50-921.18 and 50-921.19); Sections 603(b) and 604 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198, D.C. Official Code §§ 10-1141.03 and 10-1141.04); and Mayor's Order 2018-075, dated October 2, 2018; and the Director of the Department of Buildings ("DOB"), pursuant to the authority set forth in Section 401 of the Department of Buildings Establishment Act of 2020, effective April 5, 2021 (D.C. Law 23-269; D.C. Official Code § 10-564.01) and Mayor's Order 2023-148, dated December 8, 2023, hereby give notice of their adoption of the following amendments to Chapter 43 (District Department of Transportation (DDOT) Infractions) of Title 16 (Consumers, Commercial Practices, and Civil Infractions) and the addition of a new Chapter 45 (Streateries) to Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations ("DCMR").

This final rulemaking amends Title 24 to establish a permanent permit program to manage street-located outdoor dining ("Streateries") and to establish permit fees for those who construct or operate Streateries in the public right-of-way. The final rulemaking also amends Chapter 43 of Title 16 to add civil infractions for violations of Chapter 45 of Title 24.

Two changes were made from the proposed to the final rulemaking. This final rulemaking reduces the proposed public space rental fee from $20 to $15 per square foot and adds a new Section 4508 titled Public Space Committee Waivers. These changes were made in accordance with newly enacted emergency legislation, the Streatery Program Emergency Amendment Act of 2025, effective December 19, 2025 (D.C. Act 26-233; 73 DCR 59), and parallel temporary legislation.

A Notice of Proposed Rulemaking was published in the *District of Columbia Register* on May 2, 2025, at 72 DCR 5475, with a 30-day public comment period. The District Department of Transportation thoroughly reviewed and considered all public feedback throughout this rulemaking process. DDOT received eight (8) public comments on the proposed rulemaking as well as one (1) resolution from the Advisory Neighborhood Commission (ANC) 2E.

A summary of the comments received and the agencies' responses to the comments are provided below.

Public Comments

DDOT and DOB received four (4) public comments from restaurants and businesses on the proposed rules as well as four (4) comments from members of the general public on the proposed rules. Other comments received during the comment period focused on the Streatery Guidelines that were adopted by DDOT in December 2024; because the Streatery Guidelines were not a subject of the rulemaking, the comments on the Streatery Guidelines are not addressed in this rulemaking.

General Public

Three (3) of the four (4) comments that DDOT and DOB received from the general public on the proposed rules supported the Streatery program. The two (2) other comments received from the general public are discussed below.

Overhead Structures
Public Comment: One comment from the general public on the proposed rules was in overall support of the Streatery Program, but argued that overhead structures are not appropriate everywhere and should be restricted in historic districts to prevent disruption of the area's character. The commentor also stated that "the principles should be that any Streatery must be reviewed by and receive the approval of the Old Georgetown Board."
DDOT Response: While this rulemaking does allow for overhead structures to be erected, applicants who apply for a Streatery permit within the Georgetown District will be required to submit their design plans to the Old Georgetown Board for its review and recommendation. This is detailed in Subsection 4507.2 of the rules and is in concurrence with the Old Georgetown Act.

Streatery Structure Safety
Public Comment: One comment from the general public cited concerns about the safety of structures erected pursuant to the Streatery program. These safety concerns stemmed from an existing Streatery on 11th Street, NW. The comment stated that Streateries should "be limited to locations that are safe, and to facilities that improve the neighborhood appearance."
DDOT Response: The proposed rules in conjunction with the Streatery Guidelines were crafted with public safety as a top priority for consumers, pedestrians, bicyclists, and vehicle travel. Before a Streatery permit is issued, everything from the site design to the physical structure is reviewed for safety to the public and patrons. The Streatery mentioned in this comment was approved under the temporary program. The owner of this Streatery will need to reapply for a Streatery permit under the permanent program established within the proposed rules. With new requirements and parameters, DDOT will review the business's Streatery permit if they choose to reapply under the permanent program. DDOT will review the safeness of the structure, and will confirm whether the Streatery complies with the new guidelines, prior to issuing a new Streatery Permit.

ANC 2E

ANC 2E submitted comments on the proposed rules. DDOT considered the ANC's comments as part of the rulemaking process and provides the below responses to ANC 2E's specific, proposed changes:

Class 2 Infraction / Subsection 4315.2
Proposed Change: "*Clarify how a Class 2 infraction is handled for Streateries. The what (fee level?), how (process?) and who (agency?) is not defined anywhere specific to the Streateries, and existing infractions processes do not translate to streateries.*"
DDOT Response: The rulemaking amends Chapter 43 of Title 16 to add civil infractions for violations of Chapter 45 of Title 24. Subsection 4315.2 defines numerous actions that constitute a Class 2 infraction. The specific fine amounts for civil infractions are established within Title 16 of

the DCMR. These fine levels are uniformly applied across various infractions and are not typically detailed within an individual agency's rules. DDOT is the enforcing agency for these Streatery infractions, working in coordination with DOB. Notices of infraction for Class 2 violations are made pursuant to Subsection 4315.2 and are adjudicated by the Office of Administrative Hearings (OAH). This process is in accordance with the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 and 16 DCMR § 3200 and § 3201. Ultimately, it is the responsibility of the Streatery owners to address cited infractions.

Class 3 Infraction / Subsection 4315.3
Proposed Change: *"Clarify what a Class 3 infraction will mean for Streateries. Define the what, how and who will be responsible for addressing the infraction."*
DDOT Response: The rulemaking amends Chapter 43 of Title 16 to add civil infractions for violations of Chapter 45 of Title 24. Subsection 4315.3 defines numerous actions that constitute a Class 3 infraction. The specific fine amounts for civil infractions are established within Title 16 of the DCMR. These fine levels are uniformly applied across various infractions and are not typically detailed within an individual agency's rules. DDOT is the enforcing agency for these Streatery infractions, working in coordination with DOB. Notices of infraction for Class 3 violations are made pursuant to Section 4315.3 and are adjudicated by OAH. This process is in accordance with the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 and 16 DCMR § 3200 and § 3201. Ultimately, it is the responsibility of Streatery owners to address cited infractions.

Principal Arterials / Subsection 4501.6
Proposed Change: "*Clarify what type of exceptions and what exception process exists for Streateries that want to be located on roads that are classified as Primary Arterials".*
DDOT Response: The rulemaking uses the term "Principal Arterials" rather than "Primary Arterials". Subsection 4501.6 of the proposed rulemaking states that "A travel lane Streatery that occupies some, but not all travel lanes of a roadway segment shall not be in or on: Streets with a functional classification designation of Principal Arterial, Other Freeway and Expressway, or Interstate." The rules therefore prohibit Streateries located on roads classified as Principal Arterials. There are no defined exceptions or an exception process for locating Streateries on roads classified as Principal Arterials.

Alley Streateries / Subsection 4501.9
Proposed Change: *"Clarify that an Alley Streatery cannot make an alley no longer operational for 24/7 transportation needs should the alley be narrow and/or one-lane; if applicants can file for exceptions to this, clarify the what [sic] public comment process used to fully close down a public right of way like an alley."*
DDOT Response: Subsection 4501.9 of the proposed rulemaking outlines the location criteria for an Alley Streatery. It states that an Alley Streatery "Shall provide a six foot (6 ft.) clear path to service entrances" and "Shall not block access to adjacent buildings, businesses, or trash services." These provisions are designed to ensure that alleys remain operational for essential transportation needs. The intent of the rules is to integrate Streateries into the existing alley network without impeding their primary function as critical access routes. The proposed rules do not include provisions for exceptions that would allow an Alley Streatery to render an alley non-operational for 24/7 transportation needs.

Building Permit / Subsection 4506.3
Proposed Change: "*Require [that] all Streateries, including those in alleys, file a building permit*."
DDOT/DOB Response: Subsection 4506.3 of the proposed rules already addresses the requirement for a Building Permit. While a Building Permit is generally required, there are specific instances where it may not be necessary if no structure is built, such as for certain Alley Streateries, entire travel lane closures, or Streateries that are not built at the same grade as the sidewalk. The intent is to ensure that all necessary safety and structural reviews are conducted where applicable, without imposing an undue burden on business owners.

Old Georgetown Board / Subsection 4507.2
Proposed Change: *"Clarify that Streateries in the Federal Historic District will comply with Streatery Guidelines issued by the Old Georgetown Board (OGB)."*
DDOT Response: Subsection 4507.2 of the proposed rulemaking addresses this. The subsection directly mandates compliance with the Old Georgetown Act for Streateries within that district. The Old Georgetown Act and the Shipstead-Luce Act are the governing federal laws that empower entities like the Old Georgetown Board (OGB) to review and issue guidelines or conditions for development, including public space uses, within their respective jurisdictions. Therefore, the rules already requires compliance with the conditions and guidelines set forth by the OGB for Streateries within the Old Georgetown district by referencing the enabling legislation.

Restaurant Association Metropolitan Washington

The Restaurant Association Metropolitan Washington (RAMW) submitted comments on the proposed rules. DDOT considered RAMW's comments as part of the rulemaking process and provides the below responses to the specific, proposed changes.

Streatery Fees / Subsection 4510.2
Comment Summary: RAMW opposed the public space rental fee and suggested applying the sidewalk café fees at $5 per square feet instead.
DDOT Response: DDOT understands the concern regarding the public space rental fee of twenty dollars ($20) per square foot and acknowledges the suggestion to align it with sidewalk café fees at five dollars ($5) per square foot. The $20 per square foot fee for Streateries reflected careful consideration of many factors. Streateries occupy public space such as parking lanes, travel lanes, and alley ways, which represent a distinct public asset with different operational considerations and economic value compared to a traditional sidewalk cafe. The $20 fee aimed to strike a balance between supporting local businesses and providing fair payment to the public for the use of the right-of-way that would otherwise be used for parking or vehicle movement. The $20 per square foot annual fee was also considered important for the sustainable management, oversight, and enforcement of the permanent Streatery program.

Enclosures / Subsection 4503.4
Comment Summary: RAMW opposed to the prohibition of enclosures and suggested changing the proposed rules to accommodate lightweight and transparent enclosure materials.

DDOT Response: The proposed rulemaking's prohibition on fully enclosed Streateries is a fundamental aspect of the program's safety considerations. As detailed in Subsection 4503.2(b)(7), the prohibition on enclosures is to ensure Streateries remain open-air extensions of dining, preventing them from becoming permanent fully enclosed structures that could impede public space functionality, emergency access, or visual clear zones. DDOT maintains that these provisions are crucial for balancing the economic benefits of Streateries while maintaining the importance of public safety, accessibility, and the preservation of public rights-of-way. The proposed rules' restrictions regarding enclosures remain in the final rulemaking.

Existing Streateries / Section 4507
Comment Summary: RAMW requested that existing Streateries "that have demonstrated their value through four years of safe, successful operation be allowed to continue", even if they do not meet updated requirements.
DDOT Response: The intent of this rulemaking is to transition the temporary, emergency-era Streatery Program into a comprehensive, permanent framework that ensures long-term public safety, accessibility, and consistency across all Streateries. The new regulations, including design standards, operational requirements, and permitting processes, reflect extensive public engagement, lessons learned from the temporary program, and a commitment to best practices for public space management. All Streateries, new and existing, must meet the updated requirements to ensure equity, safety, and proper integration into the public right-of-way under the permanent program. No changes have been made to the rules based on this comment.

Golden Triangle Business Improvement District

The Golden Triangle Business Improvement District (GTBID) submitted comments on the proposed rules. DDOT considered the GTBID's comments as part of the rulemaking process and provides the below responses to the specific, proposed changes.

Parklets / Section 4599
Comment Summary: The GTBID requested that DDOT clarify that Streatery rules and guidelines will not impact Parklets.
DDOT Response: Subsection 4599 of the proposed rulemaking provides definitions specific to the Streatery Program. This rulemaking makes it clear that the rules and guidelines established in this rulemaking apply specifically to Streateries as defined in Subsection 4599. Other public space uses, such as Parklets, that do not fall under the definition of a Streatery are not contemplated in this rulemaking. Parklets would be governed by existing or separate DDOT public space regulations and permitting processes. This rulemaking's intent is to create a clear and consistent framework solely for the permanent Streatery Program. Therefore, no changes have been made to the rules based on this comment.

Definitions / Section 4599
Comment Summary: The GTBID proposed adopting three new definitions that would define and differentiate Streateries from Parklets and Sidewalk Extensions.
DDOT Response: This rulemaking focuses specifically on establishing a permanent framework for Streateries. The rulemaking defines "Streatery or Streateries" as well as "Sidewalk Extension" in Subsection 4599. While DDOT understands the desire for clear distinctions among

various public space uses, this rulemaking is tailored to the unique operational and design considerations of the permanent Streatery Program. The term "Parklet" is not formally defined within this specific rulemaking. Parklets generally refer to a broader category of public space that may not solely be for outdoor dining and thus would typically fall under different public space permitting and design guidelines. Therefore, no changes have been made to the rules based on this comment.

Sidewalk Extensions and Parklet / Section 4510
Comment Summary: The GTBID requested that the rulemaking should "clearly and indefinitely exempt both Parklets and Sidewalk Extensions from any type of parking meter fees or public space rental fees, including those proposed in Section 4509."
DDOT Response: The fees proposed in Section 4510, formerly Section 4509, are specific to Streatery operations, and this rulemaking does not consider Parklets for the purposes of these added and amended sections. Any consideration of fees or exemptions for other distinct public space amenities like Parklets would be addressed under a separate rulemaking. Therefore, no changes have been made to the rules based on this comment.

Block Permitting Process / Section 4500
Comment Summary: The GTBID proposed removing the requirement for BIDs and Main Street Organizations to be involved in the Streatery block permitting process. They request DDOT to "revise both the Proposed Rulemaking and Streatery Guidelines to clarify a different process."
DDOT Response: The requirement for engagement with BIDs and Main Street Organizations (MSO) is a critical element of the Streatery Block Permit process. The BIDs and MSOs serve as vital community stakeholders, who possess unique insights into the local economic landscape, business needs, and overall neighborhood dynamics. Their involvement helps ensure that Streatery Block Permits are reviewed with a detailed understanding of their potential impact on the broader commercial corridor and community, fostering a more collaborative and effective approach to public space management. While DDOT understands the desire for a streamlined process, the current framework is designed to facilitate robust community input and coordination, which is critical for the successful transition of permanent Streateries into the District's neighborhoods. DDOT considers this requirement of the rules to be essential to the program's success and aligns with community interests. Therefore, no changes have been made to the rules based on this comment.

The proposed final rules were submitted to the Council of the District of Columbia ("Council") on February 17, 2026 for its review and approval pursuant to Section 401(b) of the Department of Buildings Establishment Act of 2020, effective April 5, 2021 (D.C. Law 23-269; D.C. Official Code § 10-564.01(b)). *See* Streatery Program Rulemaking Approval Resolution of 2026, introduced by the Mayor on February 17, 2026 (Prop. Res. 26-0545). The Council, not having taken action to approve or disapprove the proposed final rules before the end of the review period, the proposed final rules were deemed approved by the Council on May 13, 2026.

On May 13, 2026, the Directors of the District Department of Transportation and Department of Buildings adopted this final rulemaking. The rules shall become effective upon the date of publication of this notice in the *District of Columbia Register*.

Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES, AND CIVIL INFRACTIONS, is amended as follows:

Chapter 43, DISTRICT DEPARTMENT OF TRANSPORTATION (DDOT) INFRACTIONS, is amended as follows:

A new Section 4315, STREATERIES INFRACTIONS, is added to read as follows:

4315 STREATERIES INFRACTIONS

4315.1 [Reserved]

4315.2 Violations of any of the following provisions shall be a Class 2 infraction:

(a) Operating a Streatery without a permit.

4315.3 Violations of any of the following provisions shall be a Class 3 infraction:

(a) Placing, on a Streatery structure, images or words viewable from the street (24 DCMR § 4502.2);

(b) Exceeding the number of seats permitted within a Streatery (24 DCMR § 4502.3);

(c) Failure to include at least one (1) ADA compliant table within a Streatery (24 DCMR § 4502.4);

(d) Failure to provide an accessible route to an ADA compliant table within a Streatery (24 DCMR § 4502.4);

(e) Use of any part of a Streatery for storage except for approved Streatery elements (24 DCMR § 4502.5);

(f) Failure to maintain a continuous physical edge to buffer outdoor dining area from adjacent vehicular traffic in Streateries located in a travel lane or parking lane excepting required gaps for safety access points (24 DCMR § 4503.2);

(g) Placing a barrier between the outdoor dining area of a Streatery and the sidewalk (24 DCMR § 4503.3);

(h) Fully enclosing a Streatery (24 DCMR § 4503.4);

(i) Bolting or permanently affixing Streatery barriers or structures to public space (24 DCMR § 4503.5);

(j) Failure to arrange Streatery furniture or fixtures in a way that provides ready access by aisles to each exit way (24 DCMR § 4504.1);

(k) Failure to keep fire protection equipment located within a Streatery in working condition, visible, and conveniently accessible (24 DCMR 4504.3);

(l) Preparing or storing food or alcohol within a Streatery (24 DCMR § 4504.4);

(m) Storing trash or refuse within a Streatery (24 DCMR § 4504.5);

(n) Erecting, maintaining, or placing a structure or enclosure to accommodate the storage of trash or refuse within a Streatery (24 DCMR § 4504.5);

(o) Placing generators or televisions within a Streatery (24 DCMR § 4513.3);

(p) Playing live or amplified music within a Streatery (24 DCMR § 4513.3);

(q) Placing ropes, chains, or fencing in a Streatery that prevents people from entering the Streatery from the sidewalk (24 DCMR § 4513.3); and

(r) Charging a fee to access a Streatery (24 DCMR § 4513.4).

4315.4 Violations of any of the following provisions shall be a Class 4 infraction:

(a) Failure to affix two (2) signs to a Streatery that indicate the business name, seating hours, seating capacity, and emergency contact information (24 DCMR § 4502.1).

4315.5 [Reserved]

Title 24 DCMR, PUBLIC SPACE AND SAFETY, is amended as follows:

A new Chapter 45, STREATERIES, is added to read as follows:

CHAPTER 45 STREATERIES

Section 4500, APPLICABILITY, PERMIT REQUIREMENT, AND CERTIFICATE OF USE REQUIREMENT is added to read as follows:

4500 APPLICABILITY, PERMIT REQUIREMENT, AND CERTIFICATE OF USE REQUIREMENT

4500.1 This chapter shall apply to all Streateries.

4500.2 No person or entity shall occupy the parking lane of a roadway, an alley, or a travel lane for the purposes of creating a Streatery without a Streatery Permit.

4500.3 No person or entity shall operate a Streatery without first having obtained a Certificate of Use.

Section 4501, STREATERY TYPES AND LOCATION CRITERIA, is added to read as follows:

4501 STREATERY TYPES AND LOCATION CRITERIA

4501.1 The Streatery types shall be:

(a) Parking lane Streateries;

(b) Travel lane Streateries; and

(c) Alley Streateries.

4501.2 A parking lane Streatery may only be located on streets with speed limits of thirty miles per hour (30 mph) or less and within:

(a) One or more parking spaces; or

(b) A sidewalk extension.

4501.3 A parking lane Streatery may be in a Residential Permit Parking ("RPP") Zone, as defined in 18 DCMR 9901, if:

(a) The Streatery is for a single business; and

(b) The parking space or spaces are directly adjacent to the business.

4501.4 A parking lane Streatery shall not be in or on:

(a) Travel lanes or alleys;

(b) Streets with a functional classification designation of Other Freeway and Expressway, or Interstate, as defined in the most recent edition of the District of Columbia Department of Transportation Standard Specifications for Highways and Structures, available from the Department's website;

(c) Rush hour restricted locations;

(d) ADA-Accessible on-street parking meter spaces;

(e) Loading zones;

(f) Bus stop pads;

(g) Zones designated by sign for picking up and dropping off passengers or goods;

(h) A Capital Bikeshare station;

(i) An area within the roadway, delineated with plastic reflective delineator posts or other physical barriers, reserved for placement and parking of bicycles, scooters, electric mobility devices and/or personal mobility devices;

(j) Parking spaces not directly adjacent to the curb; or

(k) Utility vaults or regulator station vaults.

4501.5 A travel lane Streatery that occupies some but not all travel lanes of a roadway segment may only be located on streets:

(a) Where seventy-five percent (75%) or more of the ground-floor street frontage consists of commercial uses; and

(b) That have speed limits of thirty miles per hour (30 mph) or less.

4501.6 A travel lane Streatery that occupies some but not all travel lanes of a roadway segment shall not be in or on:

(a) Streets with a functional classification designation of Principal Arterial, Other Freeway and Expressway, or Interstate, as defined in the most recent edition of the District of Columbia Department of Transportation Standard Specifications for Highways and Structures, available from the Department's website;

(b) Rush hour restricted locations;

(c) Two-way streets with only two (2) lanes of travel whose closure results in one-way vehicle circulation; or

(d) Utility vaults or regulator station vaults.

4501.7 A travel lane Streatery that occupies all travel lanes of a roadway segment may only be located on streets where seventy-five percent (75%) or more of the ground-floor street frontage consists of commercial uses.

4501.8 A travel lane Streatery that occupies all travel lanes of a roadway segment shall not be in or on:

(a) Streets with a functional classification designation of Principal Arterials, Other Freeway and Expressway, or Interstate, as defined in the most recent edition of the District of Columbia Department of Transportation Standard Specifications for Highways and Structures;

(b) Street segments with emergency facilities (*e.g.*, fire station, police station, etc.)

(c) WMATA Bus Routes or DC Streetcar Routes; or,

(d) Utility vaults or Washington Gas regulator station vaults.

4501.9 The location of an alley Streatery:

(a) Shall be located along the frontage directly adjacent to the business;

(b) Shall provide a six foot (6 ft.) clear path to service entrances;

(c) Shall not block access to adjacent buildings, businesses, or trash services; and

(d) Shall not be on vaults or grates.

4501.10 A parking lane, travel lane, or alley Streatery shall be located directly adjacent to the frontage of the permitted business.

4501.11 Notwithstanding § 4501.10, a Streatery may extend beyond the frontage of the permitted business, but only if it can provide a letter of support from the adjacent property owner along whose commercial property frontage the Streatery will extend.

Section 4502, PHYSICAL CRITERIA FOR STREATERIES, is added to read as follows:

4502 PHYSICAL CRITERIA FOR STREATERIES

4502.1 Once the Streatery is constructed, the permit holder must affix two (2) signs to the Streatery that indicate the business name, seating hours, seating capacity, and emergency contact information. The signs shall be placed on the Streatery edge facing the sidewalk and must be placed in conspicuous locations that are visible to passersby at all hours of the day.

4502.2 No images or words may be placed on any part of the Streatery structure viewable from the street.

4502.3 The number of seats allowed within a Streatery shall be determined by dividing the total square footage of the Streatery by fifteen (15) and rounding down.

4502.4 A Streatery shall include at least one (1) ADA compliant table. An accessible route shall be provided to access each accessible table with a clear floor area of thirty inches by forty-eight inches (30 in. x 48 in.) at each accessible seating location.

4502.5 No part of a Streatery may be used as storage except for approved Streatery elements.

Section 4503, STREATERY STRUCTURES AND BARRIERS, is added as follows:

4503 STREATERY STRUCTURES AND BARRIERS

4503.1 The Streatery shall comply with the provisions of this section, and applicable provisions of Chapter 2 of this title, including the requirement for a Streatery Permit, prior to the Streatery's construction or occupancy.

4503.2 If the Streatery is in a travel lane or parking lane, the Streatery shall have a continuous physical edge to buffer the outdoor dining area from adjacent vehicular traffic, except that the Director may require gaps for safety access points.

4503.3 Barriers shall not be placed between the outdoor dining area and the sidewalk.

4503.4 The Streatery shall not be fully enclosed at any time.

4503.5 Barriers and structures shall not be bolted or permanently affixed to public space.

Section 4504, SAFETY AND SANITATION STANDARDS, is added to read as follows:

4504 SAFETY AND SANITATION STANDARDS

4504.1 Any approved Streatery furniture or fixtures shall be arranged to provide for ready access by aisles to each exit way.

4504.2 All fire protection equipment shall be kept in working condition. Extinguishers, hoses, and other fire protection appliances required by the Fire Chief shall be always visible and conveniently accessible.

4504.3 Food or alcohol preparation or storage is prohibited within the Streatery area.

4504.4 Trash or refuse storage shall not be located within a Streatery, and no structure or enclosure to accommodate the storage of trash or refuse shall be erected, maintained, or placed within or adjacent to a Streatery.

Section 4505, GENERAL STREATERY PERMIT ELIGIBILITY REQUIREMENTS, is added to read as follows:

4505 GENERAL STREATERY PERMIT ELIGIBILITY REQUIREMENTS

4505.1 No Applicant shall be issued a Streatery Permit unless the proposed Streatery meets the requirements of this chapter.

4505.2 No Applicant shall be issued a Streatery Permit unless the subject property is licensed as, or has received a variance to operate, a legitimate theater, restaurant, distillery, brewery, winery, grocery store, fast food establishment, or prepared food shop.

4505.3 No Applicant shall be issued a Streatery Permit unless the Applicant provides comprehensive indemnification to the District for any costs or damages which it incurs as a result of actions taken by the permittee in connection with the exercise of any rights or privileges granted in any permit issued pursuant to this chapter.

4505.4 A Streatery Permit shall be issued when the following conditions are satisfied:

(a) The Director has received an application to occupy public space;

(b) The Director has reviewed and approved the application pursuant to this chapter;

(c) All applicable fees have been paid; and

(d) All insurance requirements and indemnification described in the permit terms and conditions have been approved and fulfilled.

Section 4506, APPLICATION PROCEDURES FOR A STREATERY PERMIT, is added to read as follows:

4506 APPLICATION PROCEDURES FOR A STREATERY PERMIT

4506.1 The Applicant shall file for a Streatery Permit, which may be either a:

(a) Streatery Block Permit; or

(b) Streatery Design Permit.

4506.2 An Applicant shall apply for both a Streatery Block Permit and a Streatery Design Permit if their application is for a:

(a) Alley Streatery;

(b) Travel lane Streatery; or

(c) Parking lane Streatery for multiple businesses.

4506.3 Each Applicant for a Streatery Permit shall file for a Building Permit, except that a Building Permit may not be required if the Streatery Permit does not require any structure to be built and is for a(n):

(a) Alley Streatery;

(b) Entire travel lane closure; or

(c) Streatery that does not require a structure to be constructed at the same grade as the sidewalk.

4506.4 An eligible Applicant for a Streatery Design Permit shall be an owner of commercial properties or eligible establishment tenants described in § 4505.2 abutting public space.

4506.5 Each application for a Streatery Design Permit shall include a signed letter of support from:

(a) An owner of the commercial property that the eligible establishment tenant occupies, if the applicant is not the owner of the commercial property; and

(b) An owner of each commercial property whose frontage is adjacent to the public space to be occupied, if the Streatery extends beyond the frontage of the business.

4506.6 The application for any Streatery Permit shall be submitted to the Director on the form and in the manner prescribed for that purpose.

4506.7 Each application for a Streatery Design Permit shall include the following:

(a) The location and address of the proposed Streatery and a description of the boundaries of the curb lane, travel lane, or alley proposed to be occupied;

(b) A statement of the days and times of the week that the Streatery will operate;

(c) A statement of the anticipated periods of use during the year and whether the Streatery is located on a snow emergency route;

(d) An electronic copy of the Streatery site plan, stamped by a structural Professional Engineer (PE) who is certified in the District, front and side

elevations, appropriate longitudinal and latitudinal sections, and a structural diagram showing the items listed in § 4506.8;

(e) Three (3) digital photographs of the surface space clearly identifying the following:

(1) Frontal view;

(2) Sharp angle right side view; and

(3) Sharp angle left side view;

(f) Elevations, including the dimensions of the Streatery;

(g) Sections, or "cut-through" drawings of the structure design that articulate complex design elements, such as how accessibility is provided;

(h) Construction details, which include:

(1) Any hardware such as fasteners to be used in the construction process;

(2) A detail showing how positive drainage flows along the curb line will be maintained, and how access to the drainage channel will be provided if it gets blocked; and

(3) Drainage calculations for spread, ponding depth, and drainage channel capacity;

(i) Utility access plan;

(j) Copy of the Certificate of Occupancy;

(k) Building Permit application, where applicable;

(l) Copy of the Business License;

(m) Copy of the rental lease agreement, if the applicant is not the owner of the property;

(n) Letter of support, if any, from the Single Member District for Streateries within Residential Parking Permit (RPP) spaces;

(o) Signed maintenance and operation agreement; and

(p) Point of contact information.

4506.8 The site plan required under § 4506.7(d) shall show the following:

(a) The width, length, and location of the Streatery areas in relation to the parking lane, travel lane, or alley;

(b) The location of all tables, chairs, jersey barriers, railings, planters, and platforms;

(c) The seating capacity of the Streatery and the location of access ways and aisles;

(d) The separation between the edge of the parking lane and the Streatery space;

(e) The total distribution of the public right of way, including width and length of the sidewalk, parking lane, or travel lane occupied by and adjacent to the Streatery and the location of any public improvements within or adjacent to the Streatery, including, but not limited to, bicycle racks, Capital Bikeshare stations, utility poles, fire hydrants, signs, posts, parking meters, bus stops, bus shelters, Metrorail station entrances, trees and tree grates, and utility vaults;

(f) Any proposed improvements to the public space, including electrical connections and installations, new sidewalk, walls, platforms, lighting, landscaping, plantings, railings, or other forms of weather protection. This information shall be accompanied by the manufacturer's detailed standards and location schedule;

(g) The location of the Streatery in relation to the property line, sidewalk, parking lane, travel lane, street curb(s), and to any other Streatery located on the block face;

(h) The location, height, and dimensions of any overhead structure, if any, and whether the overhead structure will be in fixed positions or capable of retraction, folding, or otherwise being moved;

(i) Any object to be affixed or attached to the overhead structure of the Streatery;

(j) The height and dimensions of any platforms, floors, walls, and dividers;

(k) All Streatery construction and structural parts, including the structural adequacy of each;

(l) The location of any fire escapes, drop ladders, and stairs;

(m) The grade of the adjacent sidewalk if the topography deviates from the District standard sidewalk grade;

(n) The location of any fire protection systems, equipment, or appliances;

(o) The location of any public utility cut-offs; and

(p) The spread calculations demonstrating that the depth and width of flow meet Department requirements established in the most recent iteration of the Department's Design and Engineering Manual, available from the Department's website.

4506.9 A Streatery Block Permit application shall include a:

(a) Site plan; and

(b) Curbside management and delivery plan.

4506.10 The Applicant shall give appropriate notice of the application by posting on the proposed Streatery location a notice that an application for a Streatery Permit has been filed with the Director. The notice shall be posted in the manner set forth in this section.

4506.11 Notices shall be posted at each street frontage of the property involved and on the front of the building located on the property. All notices shall be in plain view of the public.

4506.12 Notices shall be on paper having a minimum size of eight and one-half inches by eleven inches (8 $^{1}/_{2}$ in. x 11 in.).

4506.13 Each notice shall be approved by the Director.

4506.14 Each notice shall include the following information:

(a) The date of the application;

(b) The nature of the application;

(c) The name of the Applicant;

(d) The Advisory Neighborhood Commission within which the property is located;

(e) The property or properties involved; and

(f) The name, address, and electronic mail address of the person designated by the Director to receive written comments.

4506.15 Within five (5) calendar days after the date the Streatery Permit application has been filed, each Applicant shall file with the Director a sworn affidavit demonstrating compliance with the notice provisions of this section.

4506.16 Each Applicant shall make a reasonable effort to maintain the posted notice by checking the signs at least every five (5) calendar days and by posting new notices as necessary.

4506.17 A Streatery Permit application for a Streatery that would occupy a parking lane for multiple businesses or is in a travel lane or alley shall include a:

(a) Site plan; and

(b) Curbside management and delivery plan.

4506.18 The site plan described in §§ 4506.7 and 4506.8 shall include:

(a) Building façade(s), addresses, and associated building entrances;

(b) Existing sidewalk widths;

(c) Existing curb cuts and/or driveways;

(d) Existing bike lanes, bus routes, and bus stops;

(e) For alley Streateries, existing trash services;

(f) Existing parking spaces with dimensions and descriptions of curbside regulations for the affected area;

(g) Dimensions of any existing tree boxes, bioretention areas, or other landscaping located in the public space within the proposed impacted area;

(h) Existing parking meters; and

(i) The proposed Streatery footprint and dimensions, including setback dimensions.

4506.19 An Applicant for a Streatery Permit shall apply to the Director of the District Department of Buildings for a Certificate of Use pursuant to 24 DCMR § 306.

Section 4507, STREATERY PERMIT REVIEW PROCESS, is added to read as follows:

4507 STREATERY PERMIT REVIEW PROCESS

4507.1 The Director may only approve a permit that:

(a) Complies with all applicable laws and regulations;

(b) Provides a reasonable degree of safety for life and property from the hazards of fire and explosions in accordance with the D.C. Fire Code;

(c) Complies with § 4503; and

(d) Does not adversely affect the public health and safety.

4507.2 If the proposed Streatery is located within areas subject either to the "Shipstead Luce Act" D.C. Official Code § 6-611.01 *et seq*.), or to the "Old Georgetown Act" (D.C. Official Code § 6-1201 *et seq*.), the Applicant shall comply with the conditions of the Shipstead-Luce Act, approved May 16, 1930 (Public Law 71-231; D.C. Official Code § 6-611.01 *et seq*.); or Section 2 of the Old Georgetown Act of 1950, approved September 22, 1950 (64 Stat. 904; D.C. Official Code § 6-1202), and, in either event, 24 DCMR § 205.

4507.3 If the proposed Streatery is located within an "Historic District," as defined in D.C. Official Code § 6-1102(5), or is attached to an "Historic Landmark" as defined in D.C. Official Code § 6-1102(6), the application shall be referred to the Historic Preservation Review Board, in accordance with the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official § 6-1101 *et seq*.).

4507.4 The Director shall determine whether the proposed Streatery may have an adverse effect on the pedestrian or vehicular traffic in the area, whether the proposed Streatery is in compliance with applicable provisions of Chapter 2 of this title, and whether the proposed Streatery is in compliance with the provisions of this chapter. The Director shall also approve the design of the proposed Streatery and shall forward copies of the application and the plan to the Fire Chief and the Director of the District Department of Buildings.

4507.5 The Director of the District Department of Buildings shall notify the Director and Applicant of his or her comments, including a recommendation, as described in § 4507.6 and § 4507.7, within fifteen (15) business days of receipt of the plan and application for a Streatery Permit.

4507.6 The Director of the District Department of Buildings shall verify the ownership of the subject property and whether the property is zoned for or has been granted a variance for the proposed use.

4507.7 Where applicable, the Director of the District Department of Buildings shall review and preliminarily approve the necessary building permit and shall determine whether the structural adequacy and safety of the proposed construction, and the framing and materials of the proposed Streatery are in accordance with the provisions of this chapter and the applicable provisions of the D.C. Building Code.

4507.8 The Director shall forward the site plan to the following entities and persons for their review and comments:

(a) The affected Advisory Neighborhood Commission;

(b) The public utility companies that operate or maintain equipment or service in the area beneath the proposed Streatery; and

(c) The owner or occupants of the adjacent property.

4507.9 The persons, groups, and agencies listed in § 4507.8(a) and (c) shall forward their comments to the Director within thirty (30) business days of receipt of the plan and application.

4507.10 The utility companies listed in § 4507.8(b) shall notify the Director and Applicant of their comments within fifteen (15) business days of receipt of the plan and application.

4507.11 If a District agency or a utility company has objections or conditions that have not been resolved by the Applicant prior to the end of the fifteen (15) business day review period, the application and the plan shall be returned to the Applicant for resolution of the objections or satisfaction of the conditions.

4507.12 If the Director has returned the application to the Applicant for resolution of the objections or conditions, the Applicant shall forward a revised plan and application to the Director.

4507.13 If the application is approved, and when the fees as outlined in § 4510.2 have been paid, as outlined in § 4510.1, the Director shall issue the Streatery Permit.

4507.17 Within five (5) business days of the satisfaction of the requirements of §§ 4506 and 4507, the Director shall forward the application, the plan, and all received comments to the Chairperson of the Public Space Committee and notify the Applicant that the materials have been forwarded.

4507.18 Once the Applicant receives notice that the application, plan, and comments were forwarded to the Chairperson, the Applicant shall post a notice that the Public Space Committee will conduct a hearing of the Streatery application. The notice shall be posted at least 30 days before the hearing, and shall contain the hearing's date, time, and location.

4507.19 The notice required under § 4507.18 shall be posted according to the provisions of §§ 4506.12 - 4506.15.

Section 4508, **PUBLIC SPACE COMMITTEE WAIVERS**, **is added to read as follows:**

4508 PUBLIC SPACE COMMITTEE WAIVERS

4508.1 The Public Space Committee may waive the following program requirements; provided, that the waiver would not create an undue risk to pedestrians or other roadway users:

(a) The minimum required distance between Streateries and curb cuts, driveways, alleys, and trees;

(b) The prohibition on Streatery enclosures or vertical support structures that exceed forty-two (42) inches in height; and

(c) The maximum seating capacity of a Streatery.

4508.2 A Streatery permit holder that receives an exception under § 4508.1 shall apply for a Streatery permit renewal through the Public Space Committee every two (2) years.

Section 4509, AUTOMATIC EXPIRATION OF STREATERY PERMITS, is added to read as follows:

4509 AUTOMATIC EXPIRATION OF STREATERY PERMITS

4509.1 A Streatery Permit shall automatically expire if the construction of the proposed Streatery is not commenced within ninety (90) calendar days from the effective date of the Streatery Permit.

4509.2 A Permittee may request that the Director approve a delay in the construction of the Streatery. The request shall be in writing and shall provide sufficient reasons for the delay.

4509.3 If the construction is commenced within the prescribed period but is not completed within six (6) months from the date the Streatery Permit was issued, the Director shall revoke the Streatery Permit due to a lack of construction activities.

4509.4 The Director may approve one request for delay in the progress of the construction of a Streatery. The delay shall not exceed three (3) months.

Section 4510, FEES FOR STREATERY PERMITS, is added to read as follows:

4510 FEES FOR STREATERY PERMITS

4510.1 The appropriate fees, pursuant to this chapter, shall be paid in person or online by credit card, echeck, check or money order, payable to the D.C. Treasurer.

4510.2 The annual public space rental fee for a Streatery Permit shall be assessed at twenty dollars ($20) per square foot.

4510.3 The permit fee for a Streatery Permit shall be two hundred and sixty dollars ($260).

Section 4511, CERTIFICATE OF USE, is added to read as follows:

4511 CERTIFICATE OF USE

4511.1 An Applicant shall, after receiving a Streatery Permit, apply to the Director of the Department of Buildings for a Certificate of Use.

4511.2 The Director of the Department of Buildings shall issue a Certificate of Use when the following conditions have been satisfied:

(a) The Streatery has been inspected and the issuance of a Certificate of Use has been approved by the Director and the Director of the Department of Buildings;

(b) The Streatery complies with the requirements of this chapter, with the terms and conditions of the Streatery Permit and, where applicable, the Building Permit;

(c) The Streatery has been inspected by the Fire Chief; and

(d) All applicable fees, including all present and past Streatery rental fees, have been paid.

4511.3 If the Streatery does not comply with the requirements of § 4511.2, the request for a Certificate of Use shall be denied.

4511.4 Where applicable, the Applicant shall be informed by the Director of the Department of Buildings of the reasons why the Certificate of Use has been denied.

4511.5 The Applicant shall have sixty (60) calendar days to correct any deficiencies and to reapply for a Certificate of Use pursuant to § 4511.1.

4511.6 A Certificate of Use shall be valid for twelve (12) months and shall be renewed annually on the date specified on the certificate.

4511.7 An Applicant shall apply for a renewal of the Certificate of Use in accordance with § 4511.2.

Section 4512, FINES FOR AND REVOCATION OF STREATERY PERMITS AND CERTIFICATES OF USE, is added to read as follows:

4512 FINES FOR AND REVOCATION OF STREATERY PERMITS AND CERTIFICATES OF USE

4512.1 A Streatery Permit issued by the Director may be revoked at any time upon reasonable determination, which may include the following reasons:

(a) There is a public need for the use of the parking lane, alley, or travel lane;

(b) The Permittee has failed to make use of the public space for a period of more than six (6) consecutive months after the effective date listed on the Streatery Permit; or

(c) The Permittee has failed to complete the construction of the Streatery within six (6) months.

4512.2 The failure to comply with public space requirements pursuant to Sections 4502-4504 or Section 4513 of this Chapter is a Class 3 infraction that the Department will enforce pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.01 et seq.), and 16 DCMR §§ 3200 and 3201.

4512.3 The Permittee shall restore the public space within seventy-two (72) hours following the revocation of a Streatery Permit or Certificate of Use.

4512.4 A person shall not operate a Streatery subsequent to the revocation of a Streatery Permit, unless a new Streatery Permit and a new Certificate of Use has been issued pursuant to this chapter.

4512.5 If a Streatery Permit has been revoked pursuant to § 4512.1, the Director of the District Department of Buildings, upon the recommendation of the Director, may reissue the Building Permit if the Applicant certifies that the construction will comply with the provisions of the initial Building Permit and the initial Streatery Permit, and that the construction will be completed within six (6) months from the date the permits were reissued.

4512.6 The Director shall reissue a Streatery Permit, and the Director of the District Department of Buildings shall restore and reissue a Certificate of Use, when the conditions that caused the revocation to be issued have been corrected.

4512.7 Any costs incurred by the Department, the District Department of Buildings, and any other District agency, as determined by the Director and the Director of the District Department of Buildings, in connection with the revocation and the issuance of a new Streatery Permit and a new Certificate of Use, shall be paid by the Applicant before the Streatery Permit and the Certificate of Use are reissued.

4512.8 The Director shall notify the Permittee that their Streatery Permit has been revoked by mail at the Permittee's address and electronic mail address provided to the Director.

4512.9 The Director of the Department of Buildings shall notify the Permittee that their Certificate of Use permit has been revoked in a manner specified in Section 113.5.5 of Title 12A of Building Code Supplement of 2017 (12-A DCMR 113.5.5).

4512.10 Any notices of infraction made pursuant to this section shall be adjudicated by the Office of Administrative Hearings pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 et seq.) and 16 DCMR § 3100 *et seq.*

4512.11 A Permittee whose Streatery Permit the Department proposes to revoke pursuant to § 4512.1 may, within five (5) business days of receipt of the notice of revocation, request a hearing. The hearing shall be conducted pursuant to the D.C. Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1208, D.C. Code § 2-509).

Section 4513, ADDITIONAL GENERAL STANDARDS FOR ALL STREATERIES, is added to read as follows:

4513 ADDITIONAL GENERAL STANDARDS FOR ALL STREATERIES

4513.1 All Streateries shall be classified as a Group A-2 Assembly as defined in § 303.3 of the D.C. Building Code, and shall comply with all applicable requirements of a Group A-2 Assembly.

4513.2 All electrical installations including appliances and fixtures in a Streatery shall comply with NEC 2014 as amended by Title 12, Subsection C of the District of Columbia Municipal Regulations.

4513.3 The following are not permitted within a Streatery:

(a) Generators;

(b) Live or amplified music;

(c) Televisions; or

(d) Ropes, chains, or fencing used to prevent people from entering the space from the sidewalk.

4513.4 The Permittee shall not charge a fee to access a Streatery.

4513.5 A Permittee shall reapply for a new permit if any changes are proposed to the terms of an approved Streatery Permit.

Section 4599, DEFINITIONS, is added to read as follows:

4599 DEFINITIONS

4599.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed, unless otherwise provided:

ADA – Title III of the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 353; 42 U.S.C. § 12181 et seq.).

Alley Streatery – a Streatery that provides expanded outdoor dining within an alley network adjacent to one (1) or multiple food establishments.

Alter or alteration - a change in the design or configuration of either the exterior or interior of a Streatery or its site; including railings, walls, roof, awning, sign, or flooring.

Applicant - a person who is applying for or who has obtained a Streatery Permit.

Building Permit - a permit issued by the District Department of Buildings that authorizes performance of a specified activity.

Certificate of Use - a one (1) year renewable certificate, issued by the District Department of Buildings, pursuant to 24 DCMR § 306, authorizing the operation of a Streatery in the public space.

Chairperson - the Chairperson of the Public Space Committee.

D.C. Building Code- the District of Columbia Building Code (2017), referred to as the "Building Code," which consists of the 2015 edition of the International Building Code (IBC), published by the International Code Council (ICC), as amended by the Building Code Supplement of 2017 (12-A DCMR), *available at* https://dob.dc.gov/sites/default/files/dc/sites/dob/publication/attachments/2017%20District%20of%20Columbia%20Building%20Code_Part%201.pdf.

D.C. Fire Code - the District of Columbia Fire Code (2017), referred to as the "Fire Code," which consists of the 2015 edition of the International Fire Code (IFC), published by the International Code Council (ICC) and available at https://codes.iccsafe.org/content/IFC2015, as amended by the Fire Code Supplement of 2017 (12-H DCMR).

D.C. Vehicles and Traffic Regulations - Title 18 of the District of Columbia Municipal Regulations, "Vehicles and Traffic."

Department - the District Department of Transportation.

Design - the physical features of a Streatery, including:

(a) Height, depth, width, appearance, texture, color, dimensions, and nature of materials and signage; and

(b) Interior features, including the table layout, the flooring, the lighting, and the width and the location of aisles and accessways.

Director - the Director of the Department, or his or her designated agent.

District - the District of Columbia.

Fire Chief - the Fire Chief of the District, or the Fire Chief's designated agent.

Legitimate Theater – A building, or a part of a building, that is designed and used for the presentation of live plays and other forms of dramatic performance. The facility typically has a stage or other performing area plus tiers of seats for the audience, or other arrangements for the audience to sit or stand to view the performance.

Owner - the holder of the legal title to real property as recorded in the Office of the Recorder of Deeds in the Office of Tax and Revenue of the District of Columbia.

Parking lane Streatery – a Streatery that provides expanded outdoor dining within the parking lane adjacent to one or multiple food establishments.

Parking lane Streatery for multiple businesses – a Streatery that provides expanded outdoor dining within the parking lane for and adjacent to multiple food establishments.

Permittee – an entity that has been issued a Streatery Permit.

Prepared food – food that is assembled, but not heated by means other than microwave or toaster, on the premises of a prepared food shop.

Prepared food shop – a place of business that offers seating or carry out service, or both, and which is principally devoted to the sale of prepared food, non-alcoholic beverages, or cold refreshments. This term includes an establishment known as a sandwich shop, coffee shop, or ice cream parlor.

Public space - all the publicly owned property between the property lines on a street.

Public Space Committee - the committee established in 2009 for the purpose of making final determinations in cases involving the use of public space as specified by Mayor's Order No. 2009-114 dated June 18, 2009.

Restaurant – a place of business that does not meet the definition of a "fast food establishment" or "prepared food shop", where food, drinks, or refreshments are prepared and sold to customers primarily for consumption on the premises. Any facilities for carryout shall be clearly subordinate to the principal use providing prepared foods for consumption on the premises.

Sidewalk - the portion of surface space located between the curb line and the building line intended for the use of pedestrians.

Sidewalk Extension - a section of roadway adjacent to the curb that is designated for pedestrian use, and not for parking or vehicular traffic.

Streatery or Streateries - any authorized occupation of the parking lane of a roadway or use of designated parts of an alley network or travel lane used specifically for outdoor dining.

Streatery Block Permit – a Streatery Permit for either a parking lane Streatery for multiple businesses, or a Streatery in an alley or travel lane.

Streatery Design Permit – a Streatery Permit for the structural and design elements of the outdoor dining area.

Streatery Permit – a permit for a Streatery, issued by the Director of the District Department of Transportation pursuant to the provisions of this chapter and Chapter 2 of this title, authorizing the use and occupation of public space in the District of Columbia.

Travel lane Streatery – a Streatery that provides expanded outdoor dining by occupying one travel lane, multiple travel lanes, or the entire roadway.

DEPARTMENT OF FOR-HIRE VEHICLES

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of For-Hire Vehicles ("Department"), pursuant to the authority set forth in Sections 29h through 29m of the Department of For-Hire Vehicles Establishment Act of 1985, effective March 21, 2025 (D.C. Law 25-301; D.C. Official Code §§ 50-301.29h–50-301.29m), hereby gives notice of his intent to adopt a new Chapter 22 (Carrier-for-Hire) and amend Chapter 99 (Definitions) to Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations ("DCMR").

The proposed rules would establish a comprehensive regulatory framework for carrier-for-hire companies and operators—entities that connect customers to delivery services for parcels, food, and beverages through a digital dispatch platform. In recent years, the growth of app-based delivery services has created a significant new sector within the for-hire industry, requiring clear standards for registration, data reporting, vehicle verification, and consumer protection.

The proposed rules respond to these developments by establishing registration and operating requirements for carrier-for-hire companies; clarifying compliance responsibilities for operators; creating uniform data submission requirements to support transportation planning and public safety; and aligning Department oversight with statutory mandates in the Carrier-for-Hire Oversight and Enforcement Amendment Act of 2024, effective March 21, 2025 (D.C. Law 25-301; 72 DCR 000742)

These proposed rules also contribute to greater transparency, accountability, and safety in the delivery marketplace while balancing operational flexibility for companies and workers. They also promote consistency across all entities providing for-hire services in the District.

The Director hereby gives notice of his intent to take final rulemaking action to adopt these rules as final in not less than thirty (30) days after the publication of this notice in the *District of Columbia Register*.

Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended as follows:

A new Chapter 22, CARRIERS-FOR-HIRE, is added to read as follows:

CHAPTER 22: CARRIERS-FOR-HIRE

Sections

2200 Application and Scope
2201 General Provisions
2202 Carrier-For-Hire Companies – Registration
2203 Carrier-For-Hire Companies – Operating Requirements
2204 Carrier-For-Hire Operators – Requirements
2205 Reserved

2206 Prohibitions
2207 Penalties

2200 APPLICATION AND SCOPE

2200.1 This chapter establishes regulations for companies, operators, and vehicles that participate in providing carrier-for-hire delivery services in the District of Columbia, as defined in Chapter 99.

2200.2 Carrier-for-hire companies and operators shall comply with all applicable provisions of this title, unless specifically exempted by this chapter.

2200.3 The definitions in Chapter 99 of this title shall apply to all terms used in this chapter.

2200.4 Where a provision of this chapter conflicts with a provision of another chapter of this title, the more restrictive provision shall govern.

2201 GENERAL PROVISIONS

2201.1 Each carrier-for-hire company operating in the District shall be registered with the Department in accordance with this chapter.

2201.2 Nothing in this chapter shall be construed to create or imply a contractual, agency, or employer-employee relationship between the District and any carrier-for-hire company or operator.

2202 CARRIER-FOR-HIRE COMPANIES – REGISTRATION

2202.1 A carrier-for-hire company shall not operate in the District unless it is registered with the Department as provided in this section.

2202.2 Each carrier-for-hire company operating in the District on the effective date of this chapter shall register with the Department within fifteen (15) business days after the effective date of this chapter. All other carrier-for-hire companies shall register with the Department before commencing operations in the District.

2202.3 Each carrier-for-hire company shall apply for registration on a form provided by the Department and shall submit the following:

(a) Proof that the company is licensed to do business in the District of Columbia;

(b) A Certificate of Clean Hands issued by the Office of Tax and Revenue (OTR);

(c) A Certificate of Good Standing issued by the Department of Licensing and Consumer Protection (DLCP);

(d) Proof of a registered agent located in the District;

(e) An illustration or photograph of the trade dress to be used by the carrier-for-hire company, in accordance with § 2203;

(f) A written description of the company's delivery dispatch platform, in accordance with the operational standards set forth in § 2203.2;

(g) Proof that the company has a zero tolerance policy, as required under § 2203.4, that includes current Department contact information;

(h) A detailed explanation of the verification process the company uses to ensure that each operator identifies the specific motor vehicle used to make deliveries while logged into the company's delivery dispatch platform;

(i) Contact information for at least one (1) designated representative who will serve as the point of contact for compliance and enforcement matters, including a dedicated email address and telephone number; and

(j) A signed declaration disclosing any fines issued to the carrier-for-hire company or enforcement actions taken against the carrier-for-hire company by the Department or another District agency and the status of any appeal or review.

2202.4 Each registration application shall be signed under oath by an authorized representative of the company and shall be accompanied by a filing fee of one hundred dollars ($100) for each initial registration, and fifty dollars ($50) for each renewal registration.

2202.5 (a) The Department shall review each registration application within five (5) business days after receiving the application to determine whether the application is complete. An application that fails to include all required documents or information shall be deemed incomplete.

(b) If the application is incomplete, the Department shall provide notice to the applicant. The notice shall set forth the reasons why the application was determined to be incomplete and may state that the Department will not further review the application until the documents or information necessary to complete the application are provided to the Department by the applicant. The Department's failure to identify, in the notice, documents or information needed to complete or properly consider the application shall not preclude the Department from later requesting such documents or information.

(c) Within ten (10) business days of when the Department determines that it has received a complete application, the Department shall approve or deny the application and notify the applicant of its approval or denial. If the Department denies the application, it shall notify the applicant of the reasons for the denial. Instead of denying an application, the Department may notify the applicant of the deficiencies in the application and allow the applicant the opportunity to address the deficiencies, if, in the Department's judgment, the deficiencies may be readily resolved,

2202.6 The Department may deny registration if the company is not in compliance with this chapter or other applicable law.

2202.7 Registrations issued under this section shall be valid for two (2) years unless suspended or revoked by the Department.

2202.8 A carrier-for-hire company shall apply for renewal at least fourteen (14) calendar days prior to expiration of its current registration, using the form and procedures established by the Department.

2202.9 Each registered carrier-for-hire company shall notify the Department within five (5) business days of:

(a) Any change of the registered agent designated in the application pursuant to § 2202.3(d);

(b) Any change in the contact information required by § 2202.3(i); or

(c) Discovery of any materially false, incomplete, or misleading information submitted in connection with its registration application.

2203 CARRIER-FOR-HIRE COMPANIES – OPERATING REQUIREMENTS

2203.1 Each carrier-for-hire company shall:

(a) Maintain a current and accurate registry of all carrier-for-hire operators and associated motor vehicles actively operating on its delivery dispatch platform including, for each operator, the operator's name, mailing address, and telephone number, and for each associated motor vehicle, the make, model, and license plate number, and the state in which the license plate was issued;

(b) Establish and implement a verification process requiring each operator to identify the specific vehicle used to make deliveries while logged into the company's platform;

(c) Deny access to the dispatch platform to any operator or vehicle not authorized for carrier-for-hire delivery under this chapter;

(d) Maintain a current registered agent for service of process and maintain current contact information for a point of contact for resolution of compliance and enforcement issues; and

(e) Maintain a list of any operators found to have been in violation of the zero tolerance policy and the dates and duration of their exclusion from the matching platform for dispatch.

2203.2 Each carrier-for-hire company shall maintain and submit to the Department a written description of how its delivery dispatch system operates, including:

(a) How customers are matched with operators;

(b) The method for tracking pickup and drop-off locations;

(c) Any technology used to calculate distances and mode classification; and

(d) Any material operational updates or changes, promptly after the update or change or upon request by the Department.

2203.3 Each carrier-for-hire company shall submit to the Department and the District Department of Transportation (DDOT) the following data within thirty (30) calendar days after the end of each calendar quarter, in a format determined by the Director:

(a) The total number of operators who utilized the company's delivery dispatch during the reporting period;

(b) A log of anonymized trip data for each delivery originating or terminating in the District, including:

(1) Latitude and longitude of origin and destination (to three decimal degrees);

(2) Date and time of the request, pickup, and drop-off;

(3) Delivery mode class (Class 1, 2, 3, or 4) as defined in Section 9901.1; and

(4) Total miles traveled within the District by motor vehicle, bicycle, or on foot, including both travel en route to pick-up and en route to drop-off;

(c) Any additional anonymized data required by rule for public safety, congestion management, and transportation planning, including road improvements, traffic management, transit service planning and the allocation of public monies for those purposes; and

2203.4 Each carrier-for-hire company shall:

(a) Establish a zero-tolerance policy prohibiting the use of or impairment by alcohol or drugs while an operator is logged into the company's delivery dispatch system;

(b) Immediately suspend for the duration of the investigation, a carrier-for-hire operator upon receiving a written complaint through regular mail or electronic means containing a reasonable allegation that the operator violated the zero tolerance policy;

(c) Conduct an internal investigation into all allegations in a timely and thorough manner;

(d) Take actions the carrier deems appropriate for violation of the zero tolerance policy if its investigation substantiates the allegation of a violation; and

(e) Promptly provide to the Department the name and contact information of any operator the carrier-for-hire company determines violated the zero tolerance policy, and the dates and duration of any suspension from the carrier-for-hire company's delivery dispatch platform.

2203.5 Each carrier-for-hire company shall:

(a) Retain records related to operator onboarding, vehicle verification, trip data, and complaints for a minimum of three (3) years;

(b) Cooperate with any audit, inspection, or investigation initiated by the Department; and

(c) Provide requested records or data to the Department upon reasonable notice.

2203.6 Each carrier-for-hire company shall:

(a) Anonymize all trip data submitted pursuant to § 2203.3 and exclude from such data any personally identifiable information (PII) about customers or operators; and

(b) Securely store and encrypt or otherwise protect data from unauthorized access.

2203.7 As provided in D.C. Official Code § 50-301.29h(c), data submitted pursuant to § 2203.3 is exempt from public disclosure under D.C. Official Code § 2-532.

2203.8 In addition to the requirements of §§ 2203.01-2203.6, each carrier-for-hire company shall:

(a) Promptly transmit to the Department information known to the company relating to any report made to the Metropolitan Police Department or reported through the District's 911 or 311 system or other governmental reporting system regarding a carrier-for-hire operator of the company who is alleged to have:

(1) Violated any law or regulation relating to blocking sidewalks, bicycle paths, driveways, doorways, or other rights-of-way when dispatched through the carrier's delivery system;

(2) Committed a moving violation with their carrier-for-hire vehicle;

(3) Diverted, destroyed, or unduly delayed a carrier-for-hire delivery;

(4) Stolen property when dispatched through the carrier's delivery system; or

(5) Otherwise committed a civil infraction or violation of criminal law when dispatched through the carrier's delivery system; and

(b) Upon request of the Department, provide to the Department relevant data associated with an incident referenced in a Metropolitan Police Department (MPD) report, provided the delivery occurred during the timeframe specified in the report;

2203.9 The Department may publish or share conclusions derived from submitted data, provided that:

(a) The published material does not contain any full original trip records submitted by a carrier-for-hire company; and

(b) The published material derived from submitted data is anonymized and aggregated across all carrier-for-hire companies, and shared information is aggregated across multiple carrier-for-hire companies.

2203.10 Each carrier-for-hire business shall establish and maintain a trade dress policy that:

(a) Includes a trade dress that is sufficiently large and color-contrasted to be readable during daylight hours at a distance of at least fifty (50) feet, is

reflective, illuminated, or otherwise patently visible in darkness, and includes:

(1) A consistent and distinctive logo, insignia, or emblem identifying the carrier-for-hire business and its associated operators;

(2) A removable vehicle decal for carrier-for-hire operators transporting goods by motor vehicle; and

(3) A removable decal for carrier-for-hire operators who provide service by foot, bicycle, scooter, or other non-motorized vehicle, to be displayed either on a high-visibility vest or helmet or prominently affixed to a branded delivery bag or carrier.

(b) Requires:

(1) That the carrier-for-hire vehicle decal be displayed in a specific location on the vehicle at all times when the operator is logged into the carrier-for-hire company's associated or affiliated digital dispatch service, and removed at all other times;

(2) That carrier-for-hire operators using non-motorized modes of delivery wear the high-visibility vest or helmet or carry the delivery bag or carrier with the approved carrier-for-hire decal clearly visible while engaged in carrier-for-hire activity, and remove or conceal such items when not providing service; and

(3) That all trade dress be used in a manner consistent with all applicable laws, including DMV regulations and Department regulations.

(c) A carrier-for-hire company shall provide compliant trade dress to a carrier-for-hire operator before the operator begins providing service for the company. The Department may, by rule, authorize the temporary use of trade dress for a limited period of time after a carrier-for-hire operator registers with a carrier-for-hire company in accordance with D.C. Official Code § 50-301.29k(d).

2204 CARRIER FOR-HIRE OPERATORS – REQUIREMENTS

2204.1 No individual shall operate as a carrier-for-hire operator in the District unless they are registered with a carrier-for-hire company that is properly registered with the Department.

2204.2 Each individual seeking to operate as a carrier-for-hire operator shall submit an application for registration through a process designated by the carrier-for-hire company.

2204.3 Each carrier-for-hire company's application to operate as a carrier-for-hire operator shall require the applicant to provide the following information, and no application without the required information shall be approved by the carrier-for-hire:

(a) The operator's full legal name and current mailing address and telephone number;

(b) A copy of a valid government-issued driver's license if the operator will use a motor vehicle for deliveries, or a valid government-issued photo identification for other operators; and

(c) Documentation of any motor vehicle(s) to be used by the operator for carrier-for-hire services, including license plate number, make, model, and year; or an affirmation that the operator shall travel solely by foot, bicycle, public transit, or another form of transportation other than a motor vehicle operated by the operator.

2204.4 If making delivery by motor vehicle, all carrier-for-hire operators shall only use vehicles that meet the verification requirements established by the carrier-for-hire company, and shall verify the vehicle in use before logging into the company's delivery dispatch platform.

2204.5 Carrier-for-hire operators shall comply with the zero-tolerance policy adopted by the carrier-for-hire company under § 2203 and shall not operate while under the influence of alcohol, illegal drugs, or any impairing substances.

2204.6 Carrier-for-hire operators shall cooperate with any investigation initiated by the Department and provide requested information related to trip activity, conduct, or compliance with applicable laws and rules.

2205 RESERVED

2206 PROHIBITIONS

2206.1 No carrier-for-hire company shall operate in the District of Columbia without valid registration issued by the Department in accordance with this chapter.

2206.2 No individual shall act as a carrier-for-hire operator unless they are:

(a) Registered through a DFHV-approved carrier-for-hire company; and

(b) Operating a vehicle that is registered with and verified by the carrier-for-hire company and associated with the operator on the company's delivery dispatch platform.

2206.3 No carrier-for-hire company or operator shall provide false, misleading, or materially incomplete information to the Department, including false, misleading, or materially incomplete information in registration filings, data submissions, or insurance documentation.

2206.4 No carrier-for-hire operator shall:

(a) Submit false or misleading information in the operator's application to a carrier-for-hire company;

(b) Use or be under the influence of alcohol or drugs while logged into a delivery dispatch platform;

(c) Continue operating while under investigation for a zero-tolerance policy violation;

(d) Fail to cooperate with a DFHV or a carrier-for-hire company investigation related to compliance with this chapter;

(e) Continue operating while suspended following a substantiated violation of the zero-tolerance policy during the specified suspension period;

(f) Engage in a carrier-for-hire delivery without displaying the carrier's approved trade dress; or

(g) Violate any rules or laws, including WMATA regulations, while enroute to pick up a delivery or during the course of such a delivery. Such violations include operating a bicycle or motorized vehicle on a sidewalk where prohibited, obstructing a sidewalk or public space with a delivery vehicle, operating a vehicle in a dangerous or reckless manner, or committing theft or another criminal act.

2206.5 No carrier-for-hire company shall:

(a) Fail to maintain an up-to-date operator and vehicle registry;

(b) Dispatch or authorize an unverified vehicle or unregistered operator;

(c) Fail to notify the Department of any change to the company's registered agent for service of process or the company's authorized representative for compliance and enforcement matters;

(d) Fail to provide timely and complete data required under this chapter;

(e) Fail to notify the Department of any material changes to its delivery dispatch platform;

(f) Fail to respond to a request by the Department relating to an operational update or change;

(g) Fail to provide its registered carriers with approved trade dress;

(h) Fail to maintain insurance as required by the Department.

2207 PENALTIES

2207.1 Any violation of this chapter may result in civil enforcement action, including:

(a) Suspension or revocation of registration;

(b) Fines or penalties; or

(c) Temporary or permanent disqualification of an operator.

2207.2 As provided in D.C. Official Code § 50-301.29l(c) and (d), the Department may impose a civil fine for any violation of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301.01 *et seq.*) or this chapter, including the following violations:

(a) Operating without registration;

(b) Knowingly submitting false or misleading information;

(c) Failing to comply with the Department's zero-tolerance policy requirements;

(d) Failing to submit required data, insurance documentation, or updates;

(e) Failing to furnish trade dress to operators, failing to require the use of trade dress, or failing to use trade dress; and

(f) Failing to conduct any background checks required by § 2204.8 or to take the required action in light of information uncovered in a background check or updated information regarding operators or carrier owners.

2207.3 Before a civil fine or registration suspension becomes final, the affected party shall be afforded an opportunity for a hearing in accordance with the procedures

established by the Office of Administrative Hearings and Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq*.).

2207.4 Penalties imposed under this section shall be in addition to any other remedies available under District law or regulations.

Chapter 99, DEFINITIONS, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:

Section 9901, DEFINITIONS, is amended by adding the following definitions:

9901.1 "Carrier-for-hire" means a class of transportation service by which a network of private operators, couriers, or carriers provide delivery within the District, by any means or mode of transportation, of parcels, food, or beverages to customers for compensation.

"Carrier-for-hire company" means an organization, corporation, partnership, or sole proprietorship, operating in the District, that uses delivery dispatch to connect customers to specific carrier-for-hire operators. The term:

(a) Includes a third-party meal delivery platform as defined in section 2(6) of the Fair Meals Delivery Act of 2022 (D.C. Law 24-292; D.C. Official Code § 48-651(6));

(b) Does not include an organization, corporation, partnership, or sole proprietorship who facilitates, offers, or arranges for the delivery of goods solely by vehicles that are required to be registered with the Federal Motor Carrier Safety Administration or that require a commercial driver's license to operate pursuant 49 U.S.C. § 31301 *et seq.*; and

(c) Does not include an individual or entity delivering cannabis with a valid courier license issued pursuant to D.C. Official Code § 7-1671.05a.

"Carrier-for-hire industry" means all companies, associations, owners, operators, or any person who, by virtue of employment, contract, or office, is directly involved in providing or facilitating the provision of carrier-for-hire services within the District.

"Carrier-for-hire operator" means an individual who is registered with a carrier-for-hire company for the purpose of being connected to a customer through the company's delivery dispatch to deliver a parcel, food, or beverage in exchange for compensation. The term includes a food delivery worker as defined in D.C. Official Code § 48-651(2A) and does not include an individual delivering parcels, food, or beverages as an employee of, or under contract with, a specific business, if the

business is primarily responsible for the production of the items or goods being delivered.

"Class 1" means any of the following delivery modes: pedestrians, electric mobility devices as defined in D.C. Official Code § 50-2201.02(6A), bicycles, electric bicycles as defined in D.C. Official Code § 50-921.27(5), e-cargo bikes as defined in D.C. Official Code § 50-921.27(4), and other non-motorized means of transportation.

"Class 2" means an electric-powered motor vehicle that has a seat or saddle for the use of the operator and is designed to travel on no more than 3 wheels in contact with the ground, is a motor-driven cycle or a motorcycle, as defined in 18 DCMR § 9901.1, and is not a Class 1 delivery mode.

"Class 3" means a motor vehicle powered by an internal-combustion engine that has a seat or saddle for the use of the operator and is designed to travel on no more than 3 wheels in contact with the ground, is a motor-driven cycle or motorcycle, as those terms are defined in 18 DCMR § 9901.1, and is not a Class 1 or Class 2 delivery mode.

"Class 4" means all motor vehicles not classified as Class 1, 2, or 3.

"Customer" means an individual purchasing and requesting the delivery of a parcel, food, or beverage, who is connected to a specific carrier-for-hire operator by a carrier-for-hire company's delivery dispatch.

"Delivery dispatch" means a website, mobile application, or other internet service or platform used by a carrier-for-hire company to connect a customer with a specific carrier-for-hire operator to fulfill a delivery.

"Delivery mode" means the means of transportation used by a carrier-for-hire operator to provide delivery service.

"Hospitality industry" means any person or entity involved in the operation, management, support, or ownership of a restaurant, catering business, hotel business, conference business, travel business, tourism business, tour business, or tour guide business.

"Industry member" means a person experienced in the transportation or hospitality industry.

All persons desiring to comment on the subject matter of this proposed rulemaking should submit written comments by email to dfhv.publiccomments@dc.gov or by mail to the Department of For-Hire Vehicles, 2235 Shannon Place, S.E., Suite 3001, Washington, D.C. 20020, no later than thirty (30) days after the publication of this notice in the *District of Columbia Register*. Copies of this

rulemaking can be obtained at www.dcregs.dc.gov or by contacting the Department of For-Hire Vehicles at the address above.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE PROPOSED 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)), 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), and Mayor's Order 2024-115, dated July 1, 2024, hereby gives notice of his intent to adopt of the following proposed amendments to Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*.

DHCF is the single state agency responsible for the administration in the District of the State Medicaid program under Title XIX of the Social Security Act and the Children's Health Insurance Program under Title XXI of the Social Security Act. The proposed rulemaking amends guidelines for Private Duty Nursing (PDN), which is provided to beneficiaries who require a greater need for nursing services than that of an intermittent skilled nurse. Under the proposed rules, PDN services are provided by a registered nurse (R.N.) or a licensed practical nurse (L.P.N.) for beneficiaries requiring complex and continuous medical intervention. Under the proposed rules, a beneficiary shall only be considered as requiring complex and continuous medical intervention if 1) the beneficiary requires more individualized and continuous care for complex health care needs that are medically necessary to enable the beneficiary to remain at home rather than a hospital or nursing facility; or 2) the beneficiary is dependent on ventilator equipment or other technology where discontinuation of the technology is likely to result in immediate deterioration of the beneficiary's vital signs.

The proposed rulemaking also clarifies the requirements of reimbursable PDN services, who can submit an order for PDN services, and plan of care processes. The proposed rulemaking also updates the requirements and timeline for PDN orders and prior authorization requests.

The rule corresponds to an amendment to the District's State Plan for Medical Assistance (State Plan), which was approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, effective October 1, 2025. DHCF projects no fiscal impact in FY 2026.

Chapter 9, MEDICAID PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 947, PRIVATE DUTY NURSING SERVICES, is amended as follows:

Subsections 947.2 and 947.3 are amended to read as follows:

947.2 Private Duty Nursing services are services provided by a registered nurse (R.N.) or a licensed practical nurse (L.P.N.) for beneficiaries as defined in § 947.5, who:

(1) Require more individualized and continuous care than is available from a visiting nurse under the Skilled Nursing Home Health Services benefit available under the State Plan for Medical Assistance, and

(2) Need the service to enable them to remain in a home setting rather than a hospital or nursing facility.

947.3 To be eligible for Medicaid reimbursement, Private Duty Nursing services must be ordered by a physician and provided to a beneficiary in his or her own home or anywhere normal life activities take place in accordance with a plan of care developed by an R.N.

Paragraph (a) of Subsection 947.4 is amended to read as follows:

(a) An order for Private Duty Nursing services from the beneficiary's physician certifying that the services are medically necessary in accordance with the requirements set forth in this section; and

Subsections 947.5, 947.6, 947.7, and 947.8 are amended to read as follows:

947.5 Private Duty Nursing services shall be considered medically necessary only if the beneficiary requires complex and continuous medical intervention. A beneficiary shall only be considered as requiring complex and continuous medical intervention if the beneficiary meets the following criteria:

(a) The beneficiary requires more individualized and continuous care for complex health care needs that are medically necessary to enable the beneficiary to remain at home rather than a hospital or nursing facility; or

(b) The beneficiary is dependent on ventilator equipment or other technology where discontinuation of the technology is likely to result in immediate deterioration of the beneficiary's vital signs.

947.6 (a) To be reimbursed by Medicaid, an order for Private Duty Nursing services shall be:

(1) Signed by a physician knowledgeable about the beneficiary's needs and conditions, certifying that the services ordered reflect the health status and needs of the beneficiary, and that the beneficiary is eligible for the service; and

(2) Submitted with documentation that includes the relevant sections of the clinical record demonstrating medical necessity.

(b) DHCF shall assess and assign the amount, frequency, and duration of Private Duty Nursing services.

947.7 For all Medicaid reimbursable Private Duty Nursing services, the ordering physician shall:

(a) Document that a face-to-face encounter, related to the primary reason the beneficiary requires Private Duty Nursing services, occurred between the beneficiary and a health practitioner listed in § 947.8, within thirty (30) days before the start of services and within thirty (30) days before the order; and

(b) Document all evidence supporting medical necessity for the service in the clinical record.

947.8 The face-to-face encounter required to provide Medicaid reimbursement of Private Duty Nursing services must be related to the primary reason the beneficiary requires Private Duty Nursing services and may be conducted by one of the following health practitioners:

(a) The ordering physician;

(b) A nurse practitioner working in collaboration with the ordering physician; or

(c) A physician assistant acting under the supervision of the ordering physician.

Subsection 947.9, 947.10, 947.11, 947.12, and 947.13 are amended to read as follows:

947.9 The plan of care referenced in § 947.3 shall be developed and signed by an R.N. who is employed or under contract to the Private Duty Nursing services provider. The signature of the R.N. on the plan of care constitutes a certification that the plan of care accurately reflects the health status and needs of the beneficiary and that the services identified in the plan of care are in accordance with the physician's order defined in Subsections 947.6 and 947.7.

947.10 The plan of care shall be developed by an R.N. in collaboration with the ordering physician, the Home Care Agency, the beneficiary, and the beneficiary's caregiver. The plan of care shall be optimized for efficient and effective delivery of care in the home setting, such as selection of regimens that use less frequent dosing, as medically appropriate, and use of technologies and durable medical equipment to augment or supplement home care as appropriate.

947.11 The beneficiary's physician shall review and, if necessary, amend the initial plan, and approve such plan by signing it, within thirty (30) days of the development of the plan of care, and noting his or her license number and National Provider Identification number on the plan of care.

947.12 The plan of care shall be reviewed, updated, and signed by the physician every sixty (60) calendar days.

947.13 The signature of the physician on an initial or subsequent plan of care constitutes a certification that the plan of care accurately reflects the health status and needs of the beneficiary.

Subsection 947.19 is amended to read as follows:

947.19 Medicaid reimbursable Private Duty Nursing services shall include the following duties:

(a) Conducting initial assessments and periodic reassessments every sixty (60) calendar days to develop and update a plan of care;

(b) Coordinating the beneficiary's care and referrals among all Home Care Agency providers;

(c) Implementing preventive and rehabilitative nursing interventions;

(d) Administering medications and treatment as prescribed by a health practitioner, pursuant to the District of Columbia Health Occupations Revision Act of 1985, as amended, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201 *et seq.*), as outlined under the plan of care;

(e) Submitting daily progress notes and summary notes to DHCF or its designee at least once every sixty (60) calendar days;

(f) Making necessary updates to the plan of care, reporting any changes in the beneficiary's condition to his or her physician and obtaining orders to implement those updates;

(g) Instructing the beneficiary and/or caregiver on treatment regimens identified under the plan of care;

(h) For R.N.s who supervise services delivered by nurses, home health aides and personal care aides, duties shall include the following:

(1) Supervising the beneficiary's nurse(s) and aide(s) on site, at least once every sixty (60) calendar days;

(2) Ensuring that new or revised physician orders have been obtained, as needed, and every sixty (60) calendar days thereafter, reviewed and updated, as needed, to promote continuity of care;

(3) Reviewing the beneficiary's plan of care;

(4) Monitoring the beneficiary's general health outcomes, including taking vital signs, and conducting physical and mental health assessments;

(5) Determining if the beneficiary has any unmet needs, based on health outcomes and assessments;

(6) Ensuring that all home health services are provided safely and in accordance with the plan of care;

(7) Ensuring that the beneficiary and/or caregiver has received education on any needed services;

(8) Ensuring the safe discharge or transfer of the beneficiary;

(9) Ensuring that the physician receives progress notes when the beneficiary's health condition changes, or when there are deviations from the plan of care, including beneficiary's noncompliance with the plan of care;

(10) Ensuring that a summary report of the visit has been sent to the physician every sixty (60) calendar days; and

(11) Reporting any instances of abuse, neglect, exploitation or fraud to DHCF to promote a safe and therapeutic environment in accordance with 17 DCMR § 5414.

(i) Verifying the beneficiary's equipment and supplies are in proper working condition and being maintained and/or replenished as outlined in the plan of care; and

(j) Following plan of care emergency protocols and the Home Care Agency's emergency policies.

Subsections 947.23 through 947.38 are amended and Subsection 947.39 is added to read as follows:

947.23 Progress notes during each visit shall meet the standards of nursing care established under 17 DCMR §§ 5414 and 5514, and include notations regarding the following:

(a) Any unusual health or behavioral events or changes in status;

(b) Any matter requiring follow-up on the part of the service provider, physician, or DHCF; and

(c) A clearly written statement of the beneficiary's progress or lack of progress, medical conditions, functional losses, and treatment goals as outlined in the plan of care that demonstrates that the beneficiary's services continue to be reasonable and necessary.

947.24 The nurse shall prepare summary notes every sixty (60) calendar days which summarize the daily progress notes and bring attention to any matter requiring follow-up on the part of the service provider, physician, or DHCF.

947.25 Private Duty Nursing services shall be reimbursed by Medicaid for up to twelve (12) hours a day with a prior authorization issued by DHCF, in accordance with the requirements set forth under Subsections 947.26 – .27. Beneficiaries may also qualify for additional hours if they meet the requirements referenced under Subsection 947.28.

947.26 To be eligible for Medicaid reimbursement, all requests for Private Duty Nursing services shall be prior authorized by DHCF or its designee. Prior authorization requests must be accompanied by documentation from the medical record that supports the medical necessity of the request. Prior authorization shall be determined by the following criteria:

(a) The beneficiary meets the criteria set forth in Subsection 947.5;

(b) The plan of care meets the criteria set forth in Subsections 947.9 and 947.10;

(c) The beneficiary's needs can be safely met in the home setting;

(d) The beneficiary's Medicaid-funded services are being delivered in a cost-effective manner appropriate to the beneficiary's level of care;

(e) Medical necessity is supported by documentation from the medical record; and

(f) Medical necessity is determined based on generally accepted standards of health care practice and the clinical appropriateness, the type, duration, frequency, site, and duration of the service.

947.27 Authorized Private Duty Nursing hours shall be determined by the time required to perform nursing tasks.

947.28 DHCF may authorize additional hours of Medicaid reimbursable Private Duty Nursing services above the twelve (12) hour per day limit for a beneficiary if DHCF determines that additional hours are medically necessary, as set forth in Subsection 947.5.

947.29 DHCF shall perform audits to ensure that Medicaid payments are consistent with efficiency, economy and quality of care and made in accordance with federal and District rules governing Medicaid.

947.30 The audit process shall be routinely conducted by DHCF to determine the appropriateness of services rendered and billed to Medicaid. These audits shall be conducted on-site or through an off-site, desk review.

947.31 Each provider shall allow access to relevant records and program documentation upon request and during on-site audits or reviews by DHCF, authorized District of Columbia government officials and representatives of the United States Department of Health and Human Services.

947.32 Each provider shall maintain complete and accurate records reflecting the specific Private Duty Nursing services provided to each beneficiary for each unit of service billed. Such records shall be maintained for a period of ten (10) years or when all audits have been completed, whichever is longer.

947.33 Private Duty Nursing services shall be reimbursed according to the fee schedule published on DHCF's website at www.dc-medicaid.com.

947.34 The Medicaid reimbursement rate for an initial assessment, reassessment or supervisory visit by an R.N. shall be reimbursed according to the fee schedule published on DHCF's website.

947.35 In order to bill for a fifteen (15) minute unit of Private Duty Nursing services, a provider shall ensure that documentation of the visit shows Private Duty Nursing services were provided for at least eight (8) minutes during the fifteen (15) minute unit.

947.36 Private Duty Nursing services shall not be reimbursable by Medicaid when such services are only limited to the activities of daily living (ADLs), responsibilities of a personal care assistant (PCA), or solely to monitor for potential medical emergency events.

947.37 Medicaid reimbursable Private Duty Nursing services shall have the following service limitations:

(a) Assessments, reassessments or supervisory visits of a skilled nurse or aide shall not be included in the calculation of the daily Private Duty Nursing hourly limit;

(b) When a private duty nurse performs the duties described under Subsections 947.19(b) – (g), (i), and (j) during an initial assessment, reassessment, or supervisory visit, these services shall not be billed separately as Private Duty Nursing services under the twelve hour (12) daily hourly limit, but shall be included as part of the rate paid for an initial assessment, reassessment, or supervisory visit; and

(c) When a private duty nurse needs to provide assistance with ADLs during an assessment, or supervisory, or Private Duty Nursing visit, the Home Care agency shall ensure that activities performed during the assessment, supervisory, or Private Duty Nursing visit are only billed as Private Duty Nursing services and may not also be billed as skilled nursing or personal care aide services.

947.38 DHCF shall not reimburse a home care agency for concurrent delivery of Private Duty Nursing and personal care aide services unless the home care agency is able to demonstrate that concurrent services are necessary in order to maintain the beneficiary's health and safety, as determined by DHCF.

947.39 In order to receive Medicaid reimbursement for Private Duty Nursing services, a beneficiary shall not concurrently receive Skilled Nursing services under the State Plan.

A new Subsection 947.99 is added to read as follows:

947.99 **DEFINITIONS**

Continuous care – services provided to a patient through intensive visits (such as multiple times a day, or daily for an extended period of time) instead of visits provided intermittently (such as once per day — on an irregular or inconsistent basis — or once per week).

Home setting – a non-institutional residence that serves as the beneficiary's private and primary place of residence, such as a private home or apartment. This excludes facility-based or institutional settings, including but not limited to assisted living residences, group homes, and intermediate care facilities.

Complex health care – care given to beneficiaries with multiple chronic conditions requiring ongoing medical care, regular monitoring, lifestyle and comprehensive care management and coordination by a multidisciplinary team of health professionals to prevent complications.

Comments on the proposed rule shall be submitted, in writing, to Melisa Byrd, Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, NW, Suite 900S, Washington, D.C. 20001, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *District of Columbia Register*. Copies of the proposed rule may be obtained from the above address.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), pursuant to the authority set forth in Sections 203(3) and (11) and 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216); D.C. Official Code §§ 34-2202.03(3) and (11), § 34-2202.16 (2012 Repl.)); and Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2019 Repl.)); is extending the public comment period for the proposed rulemaking to amend Section 112 (Fees) of Chapter 1 (Water Supply) and Sections 4100 (Rates for Water Service) and 4101 (Rates and Charges for Sewer Service) of Chapter 41 (Retail Water and Sewer Rates and Charges) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR).

The Notice of Proposed Rulemaking for the amended rates, charges and fees for FY 2027 and FY 2028 was published in the *District of Columbia Register* (DCR) on March 20, 2026 at 73 DCR 004508. The original sixty-two (62) day public comment period, scheduled to end on May 21, 2026, is being extended to June 29, 2026.

Copies of the Notice of Proposed Rulemaking may be obtained from DC Water at the 1385 Canal Street, S.E., Washington, D.C. 20003 or by contacting Ms. Debra Mathis, Acting Secretary to the Board, District of Columbia Water and Sewer Authority, at (202) 787-2330. The proposed rules are also posted on DC Water's website, which includes the *DC Water FY 2027-FY 2028 Cost of Service Study Report*, dated March 2026, that provides the basis for the rate and fee proposals, *Independent Review of the Proposed Budget and Rates for FY 2027 and FY 2028*, dated March 2026, a Rate Comparison Tool that can be used to help customers understand the impact of these rate and fee changes, and other information about the rate making process. This information can be found on DC Water's Finance webpage under Ratemaking at: https://www.dcwater.com/about-dc-water/finance.

The Public is also invited to attend and testify at the Public Hearing on June 23, 2026. Please see the Notice of Public Hearing published in this edition of the *District of Columbia Register*. Instructions to participate by Microsoft Teams or telephone will be provided on DC Water website prior to Public Hearing date. Comments should be submitted to Debra Mathis 1385 Canal Street, S.E., Washington, D.C. 20003 or by email to Board.Secretary@dcwater.com. All comments received by Monday, June 29, 2026 will be considered.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), pursuant to the authority set forth in Sections 203(3) and (11) and 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3); D.C. Official Code § 34-2202.03(3) (2019 Repl.)); and Section 6(a) 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 that at its regularly scheduled meeting on May 7, 2026, the Board approved Resolution #26-27 to adopt and propose rulemaking to add a new Chapter 42 (DC Water House by House Lead Pipe Replacement Assistance Program) to Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations.

The purposed new chapter establishes the DC Water House by House Lead Pipe Replacement Assistance Program (HBH LPRAP) to provide assistance to replace the "eligible portion of the lead service line" located in the District of Columbia i.e. the portion of the lead water service line located on private property and/or any portion of the lead water service line remaining on public property after a partial lead water service line replacement. The HBH LPRAP is intended to compliment the District's LPRAP program to provide funding from non-ratepayer funds when District funds are insufficient. The proposed regulations establish a process to apply for HBH LPRAP benefits, for DC Water to confirm eligibility and make a benefit determination, for the owner's HBH LPRAP contractor to complete the work and for DC Water to make payment for work that has been completed, as noted herein.

The Board requests comments on this proposed rulemaking. The Board hereby gives notice of the intent to adopt these rules as final in not less than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*. Instructions for submitting comments are located at the end of this notice.

This proposed rulemaking, if finalized and after publication in the *District of Columbia Register*, will become effective October 1, 2026.

Title 21 DCMR, WATER AND SANITATION, is amended by adding a new Chapter 42, DC WATER HOUSE BY HOUSE LEAD PIPE REPLACEMENT ASSISTANCE PROGRAM, to read as follows:

CHAPTER 42 DC WATER HOUSE BY HOUSE LEAD PIPE REPLACEMENT ASSISTANCE PROGRAM

4200 DC WATER HOUSE BY HOUSE LEAD PIPE REPLACEMENT ASSISTANCE PROGRAM
4201 APPLICATION PROCESS
4202 ELIGIBILITY
4203 LEAD PIPE REPLACEMENT

4204 BENEFITS
4205 DENIAL OR REVOCATION OF BENEFITS
4206 ADMINISTRATIVE APPEALS
4299 DEFINITIONS

4200 DC WATER HOUSE BY HOUSE LEAD PIPE REPLACEMENT ASSISTANCE PROGRAM

4200.1 DC Water adopts these regulations to establish and implement the requirements for the DC Water House by House (HBH) Lead Pipe Replacement Assistance Program (LPRAP) for eligible property owners to receive assistance to replace the eligible portion of the lead water service line.

4200.2 As defined in section 4299, the "eligible portion of the lead service line" is the portion of the lead water service line located on private property and/or any portion of the lead water service line remaining on public property after a partial lead water service line replacement.

4201 APPLICATION PROCESS

4201.1 To allow DC Water to determine the eligibility of an applicant to receive HBH LPRAP assistance, the District property owner or their authorized representative shall complete and submit to DC Water a HBH Lead Water Service Line Replacement Application (HBH LSLR Application).

(a) For a property owned by one person, that property owner or their authorized representative to act on behalf of the property owner must complete and submit an HBH LSLR Application.

(b) For a property owned by multiple persons, at least one of the property owners or an authorized representative to act on behalf of the property owners must complete and submit a HBH LSLR Application.

(c) As a condition of eligibility, each applicant shall sign a release, or provide electronic acknowledgement, that authorizes DC Water to obtain or verify information necessary to process the HBH LSLR Application or for reporting purposes.

(d) An applicant requesting HBH LPRAP assistance must mark "HBH LPRAP' on the HBH LSLR application and submit the completed application to DC Water through DC Water's website or mail to:

DC Water - Private LSL Replacement Project
5000 Overlook Avenue, SW, COF Bldg., 5th Floor
Washington, DC 20032

4201.2 An authorized representative of the property owner(s) may apply on behalf of the property owner(s) if the representative provides:

(a) A written document signed by a property owner designating the authorized representative to act on their behalf of the property owner(s); or

(b) Other documentation that affirms that the authorized representative is authorized to act on their behalf of the property owner(s).

4201.3 After submitting the HBH LSLR Application, the applicant shall notify DC Water of any change in ownership of the property before the work begins.

4202 ELIGIBILITY

4202.1 To be eligible for a HBH LPRAP assistance, the applicant shall be the property owner or authorized representative of the property owner(s) of a property in the District of Columbia that has an eligible portion of the lead water service line.

4202.2 DC Water shall determine whether the property has an eligible portion of the lead water service line if the portion of the water service line on private property and/or the portion in public space remaining after a partial lead water service line replacement is confirmed to be a lead water service line.

4202.3 The material of the water service line on private property or remaining in public space after a partial lead water service line replacement shall be confirmed to be a lead water service line based on:

(a) Information on DC Water's Water Service Information Map (available at https://dcwater.com/leadmap/) designates the water service line material as "verified lead" on private property and/or the portion in public space remaining after a partial lead service line replacement;

(b) Information provided by the residential property owner or authorized representative confirms the water service line material located on private property and/or the portion in public space remaining after a partial lead water service line replacement is a lead water service line; or

(c) Information from the property owner's contractors completed test pit that confirms the water service line material located on private property and/or the portion in public space remaining after a partial lead water service line replacement is a lead water service line.

4202.4 Each applicant shall cooperate fully in establishing eligibility by providing documentation or other proof of:

(a) Property ownership by the applicant for the property to be benefited; and

(b) Additional information that DC Water may require, which is relevant to establishing eligibility.

4202.5 DC Water may obtain the information used in determining eligibility from any relevant sources.

4202.6 DC Water shall complete the eligibility and benefit determination within thirty (30) days after it receives a completed application, or, in the event of an unexpected or extenuating circumstance that affects DC Water, such as a natural disaster, as promptly thereafter as possible, except that the following shall toll the timeline:

(a) An applicant's failure to supply information to document facts stated in an application;

(b) An applicant's refusal to permit DC Water to inspect their property, including the location inside where the pipe enters the structures;

(c) DC Water's inability to make contact with an applicant after three (3) attempts;

(d) Evidence of misrepresentation in an application;

(e) A failure to respond by a third party from whom DC Water has requested necessary information and over whom DC Water has no control; or

(f) A delay in receipt of necessary information over which DC Water has no control.

4202.7 DC Water shall notify the applicant of the eligibility and benefit determination, which shall expire within ninety (90) days or at the end of the fiscal year, whichever occurs first.

4202.8 If the lead pipe replacement is not completed within ninety (90) days from the date of approval or before the end of the fiscal year in which the application was approved, whichever occurs first, DC Water may require the applicant to reapply for HBH LPRAP assistance.

4203 LEAD PIPE REPLACEMENT

4203.1 An applicant approved for HBH LPRAP assistance shall complete the following actions to receive benefits:

(a) Contract with a DC Water HBH LPRAP approved contractor;

(b) Sign and date the estimate of the project costs, and the HBH LPRAP approved contractor shall submit the estimate along with all required documentation for the replacement of the eligible portion of the lead service line to DC Water for approval.

(c) If the project cost estimate exceeds the reasonable caps in section 4204.2, DC Water may:

(1) Approve the estimate that exceeds the reasonable caps;

(2) Require the applicant to sign a statement acknowledging that costs that exceed the reasonable caps will not be covered by DC Water under HBH LPRAP Assistance Program and will be the sole responsibility of the property owner(s); or

(3) Require the applicant to submit an additional estimate for further consideration.

(d) Upon DC Water's approval of the estimate, obtain the District Department of Buildings required permits.

(e) Prior to initiating any field work, the applicant's HBH LPRAP approved contractor shall:

(1) Notify DC Water at least one (1) day prior to initiating an emergency repair/replacement work.

(2) Notify DC Water at least five (5) business days prior to initiating any field work for non-emergency replacement work.

(f) Notify DC Water of any change in ownership of the property before the work begins.

(g) Conduct a test pit or approved alternative test method and inspect the point of entry to confirm the water service line material;

(1) If the test pit or alternative method and point of entry inspection confirms the water service line material is not a lead water service line; STOP all service line replacement work and submit the report results (tap card), signed by the HBH LPRAP approved contractor, to DC Water within thirty (30) days.

(2) If the test pit or alternative method and point of entry inspection confirms the eligible portion of the water service line material is a

lead water service line, complete the replacement of the lead water service line, keep the excavation open, notify DC Water to inspect the site and submit report (tap card), signed by the HBH LPRAP approved contractor, to DC Water within thirty (30) days of the replacement; and

(h) Within thirty (30) days of completing the test pit in (g)(1) or lead water service line replacement in (g)(2), submit the HBH LPRAP approved contractor's invoice for 1) the test pit costs or 2) the lead water service line replacement costs and any additional information required by DC Water.

4204 BENEFITS

4204.1 HBH LPRAP assistance is a one-time benefit per eligible District property, subject to the availability of funds:

(a) DC Water shall pay 100% of the actual replacement costs to the DC Water HBH LPRAP approved contractor, which are subject to the reasonable caps provided in section 4204.2;

(b) The HBH LPRAP assistance shall be provided to the HBH LPRAP approved contractor only after:

(1) The eligible applicant's HBH LPRAP approved contractor completes a test pit or approved alternative testing method and point of entry inspection and confirms the water service line is not lead and submits an invoice and any required documentation to DC Water within thirty (30) calendar days of completing the work; or

(2) The eligible applicant's HBH LPRAP approved contractor completes the test pit or approved alternative testing method and point of entry inspection and confirms the water service line is a lead water service line and the HBH LPRAP approved contractor:

(A) Completes the replacement of the eligible portion of the lead water service line and keeps the excavation open, pending DC Water's inspection;

(B) Notifies DC Water as soon as practicable of completion of the work to conduct the inspection;

(C) DC Water inspects the work; and

(D) The contractor submits an invoice and any required documents to DC Water within thirty (30) calendar days of completing the work.

4204.2 The project costs shall be in accordance with the following:

(a) The reasonable caps on replacement costs by type of work shall be equal to:

(1) Three thousand six hundred dollars ($3,600) for mobilization and demobilization work for a test pit or alternative testing method where the water service line is not a lead water service line;

(2) Six thousand two hundred dollars ($6,200) for mobilization, demobilization, identifying location of curb stop, test pit, excavation, backfill, restoration, penetration, and replacement of lead water service line where the length of the lead portion is eleven (11) linear feet or less;

(3) Three thousand seven hundred dollars ($3,700) for mobilization, demobilization, identifying location of curb stop, test pit, excavation, backfill, restoration, penetration, and replacement of lead water service line where the length of the lead portion is more than eleven (11) linear feet and, as applicable:

(A) Two hundred forty-five dollars ($245) per foot of one inch (1”) pipe to be replaced;

(B) Two hundred ninety-five dollars ($295) per foot of one and one-quarters inch (1.25”) pipe to be replaced;

(C) Three hundred seventy dollars ($370) per foot of one and one-half inch (1.5”) pipe to be replaced;

(D) Four hundred fifty dollars ($450) per foot of one and three-quarters inch (1.75”) pipe to be replaced;

(E) Five hundred fifteen dollars ($515) per foot of two inch (2”) pipe to be replaced; and

(4) Six hundred dollars ($600) for installation of the curb stop and cub stop box where the curb stop cannot be located or a new curb stop is otherwise deemed necessary.

(b) Additional costs for permits, inspectors, restoration, and industry adjustments, including changes in material costs and labor costs will be

considered on a case-by-case basis upon submission of documentation. Approval of additional costs above the reasonable caps are subject to available funding.

(c) Each year, as of the first business day in December, the reasonable caps in this section shall automatically increase by the percentage, if any, by which the Washington, D.C. All Items Consumer Price Index for all Urban Consumers in the Washington-Arlington-Alexandria, DC-VA-MD-WV Core-Based Statistical Area (or such successor area that includes Washington, DC) ("the Urban Consumer Price Index") for October of the calendar year exceeds the Urban Consumer Price Index for October of the previous year. Each such inflation adjustment shall be posted to the DC Water's website.

4204.3 If DC Water determines that remaining available funds may be insufficient to provide HBH LPRAP assistance during a fiscal year, DC Water may:

(a) Suspend the process of taking new applications; or

(b) Suspend the process of awarding new assistance and place the application on the waitlist.

4205 DENIAL OR REVOCATION OF BENEFITS

4205.1 If an applicant is determined ineligible for HBH Lead Pipe Replacement Assistance Program, DC Water will provide to the applicant notice of ineligibility or revocation, to include:

(a) A statement of the determination of ineligibility and an explanation of that determination;

(b) A statement of the action that the applicant must take, if any, to be found eligible; and

(c) Notice of the applicant's right to appeal the determination, as provided in § 4206.

4205.2 If DC Water determines that a prior eligibility decision for HBH Lead Pipe Replacement Assistance Program was based on material error, falsity, misrepresentation, concealment, omission, or fraud, DC Water will:

(a) Reopen the application;

(b) Inform the applicant of DC Water's final action or intended action;

(c) Provide the applicant with a reasonable opportunity to respond;

(d) Revise or revoke the determination of eligibility; and

(e) Take all steps authorized by law to recover any funds provided, if applicable.

4205.3 The applicant shall not have a right to appeal a reduction, suspension, or revocation of the benefit based on a lack of available funding.

4206 ADMINISTRATIVE APPEALS

4206.1 With respect to a matter governed by §§ 4201 to 4205 of this chapter, an applicant adversely affected or aggrieved by an action of DC Water may file a written appeal to the General Manager of DC Water, or the General Manager's designee, stating the basis of the appeal, and providing any information or material that would support a change to DC Water's action. The appeal must be filed within fifteen (15) calendar days after receipt of DC Water's action.

4206.2 The General Manager shall review the applicant's appeal and issue a notice of final action. The decision of the General Manager or the General Manager's designee upon appeal shall become the final action of DC Water.

4206.3 An applicant may seek review of the General Manager's notice of final action by filing a petition for an administrative hearing to request a hearing before the DC Water Administrative Hearing Officer within fifteen (15) days of the date of the General Manager's notice of final action as provided in 21 DCMR § 412.

4299 DEFINITIONS

DC Water – the District of Columbia Water and Sewer Authority.

Eligible portion of the lead service line – the portion of the lead water service line located on private property and/or any portion of the lead water service line remaining on public property after a partial lead water service line replacement.

House by House ("HBH) Lead Pipe Replacement Assistance Program – The DC Water House by House Assistance Program that provides eligible properties with assistance for the replacement of the eligible portion of the lead water service line.

Lead water service line – for purposes of this chapter, the pipe supplying potable water from the water main to the first connection in a property whose material is lead or galvanized.

Partial Lead Water Service Line – The lead water service line that remains after the replacement of a portion or all of the lead water service line in public space with a nonlead water service line from the watermain to the property line.

Replacement Costs – exploratory, construction, and restoration costs incurred under the HBH LPRAP Assistance Program.

All persons desiring to comment on this Notice of Proposed Rulemaking should submit comments in writing not later than June 22, 2026 - thirty (30) days after the date of the publication of this notice in the *District of Columbia Register*. Comments should be submitted to Debra Mathis, Acting Secretary to the Board, District of Columbia Water and Sewer Authority, 1385 Canal Street, S.E., Washington, D.C. 20003 or by email to Board.Secretary@dcwater.com. Copies of the Notice of Proposed Rulemaking may be obtained from DC Water at the same address or by contacting Ms. Mathis at (202) 787-2330.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), pursuant to the authority set forth in Sections 203(3) and (11) and 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3); D.C. Official Code § 34-2202.03(3) (2019 Repl.)); and Section 6(a) 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 that at its regularly scheduled meeting on May 7, 2026, the Board approved Resolution #26-27 to adopt and propose rulemaking to add a new Chapter 43 (DC Water House By House Priority Full Lead Water Service Line Replacement Assistance Program) to Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations.

The purposed new chapter establishes the DC Water House By House Priority Full Lead Water Service Line Replacement Assistance Program (HBH Priority Replacement Assistance Program) to provide assistance to expedite the replacement of the full lead water service line in public space and on private property that meet high risk criteria: 1) occupied by pregnant/nursing women; 2) occupied by children under 6; 3) occupied by person with elevated blood lead levels; 4) property is a child development facility, and 5) lead water level exceeds the EPA lead action level; or 6) property has a leaking or broken lead water service line on private property.

The proposed regulations establish a process to apply for HBH Priority Full Lead Water Service Line Replacement Assistance benefits, for DC Water to confirm eligibility and complete the full lead water service line replacement, as noted herein.

The Board requests comments on this proposed rulemaking. The Board hereby gives notice of the intent to adopt these rules as final in not less than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*. Instructions for submitting comments are located at the end of this notice.

This proposed rulemaking, if finalized and after publication in the *District of Columbia Register*, will become effective October 1, 2026.

Title 21 DCMR, WATER AND SANITATION, is amended by adding a new Chapter 43, DC WATER HOUSE BY HOUSE PRIORITY FULL LEAD WATER SERVICE LINE REPLACEMENT ASSISTANCE PROGRAM, to read as follows:

CHAPTER 43 DC WATER HOUSE BY HOUSE PRIORITY FULL LEAD WATER SERVICE REPLACEMENT ASSISTANCE PROGRAM

4300 DC WATER PRIORITY FULL LEAD WATER SERVICE LINE REPLACEMENT ASSISTANCE PROGRAM
4301 APPLICATION PROCESS FOR AN EMERGENCY OR FULL LEAD WATER SERVICE LINE REPLACEMENT

4302 ELIGIBILITY
4303 PRIORITY EMERGENCY LEAD WATER SERVICE LINE REPLACEMENT
4304 PRIORITY FULL LEAD WATER SERVICE LINE REPLACEMENT
4305 BENEFITS
4306 DENIAL OR REVOCATION OF BENEFITS
4307 ADMINISTRATIVE APPEALS
4399 DEFINITIONS

Chapter 43, DC WATER PRIORITY FULL LEAD WATER SERVICE LINE REPLACEMENT ASSISTANCE PROGRAM, of Title 21 DCMR, WATER AND SANITATION, is added to read as follows:

4300 DC WATER PRIORITY FULL LEAD WATER SERVICE LINE REPLACEMENT ASSISTANCE PROGRAM

4300.1 DC Water adopts these regulations to establish and implement the requirements for the DC Water House By House - Priority Lead Water Service Line Replacement (HBH Priority Replacement) Assistance Program for eligible property owners to receive assistance to perform an emergency replacement of a leaking or broken lead water service line on private property or to expedite a full lead water service line replacement on their property and in public space.

4301 APPLICATION PROCESS FOR AN EMERGENCY OR FULL LEAD WATER SERVICE LINE REPLACEMENT

4301.1 To allow DC Water to determine the eligibility of an applicant to receive HBH Priority Replacement Assistance to perform an emergency replacement of a leaking or broken lead water service line on private property or to expedite a full lead water service line replacement, the District property owner or their authorized representative shall complete and submit to DC Water or DC Water Contractor a HBH Lead Water Service Line Replacement Application (HBH LSLR Application).

(a) For a property owned by one person, the property owner or their authorized representative to act on behalf of the property owner must complete and submit a HBH LSLR Application.

(b) For a property owned by multiple persons, at least one of the property owners or an authorized representative, to act on behalf of the property owner(s), must complete and submit a HBH LSLR Application.

(c) As a condition of eligibility, each applicant shall sign a release or provide electronic acknowledgement that authorizes DC Water to obtain or verify information necessary to process the HBH LSLR Application or for reporting purposes.

(d) An applicant requesting an expedited full lead water service line replacement must mark "Emergency" on the HBH LSLR application and provide the completed application to DC Water or DC Water's Contractor.

(e) An applicant requesting an emergency replacement must mark "Priority" on the HBH LSLR application and submit the completed application to DC Water.

4301.2 An authorized representative of the property owner(s) may apply on behalf of the property owner(s) if the representative provides:

(a) A written document signed by the property owner designating the authorized representative to act on their behalf of the property owner(s); or

(b) Other documentation that affirms the authorized representative is authorized to act on behalf of the property owner(s).

4301.3 After submitting the HBH LSLR Application, the applicant approved for HBH Priority Replacement assistance shall notify DC Water of any change in ownership of the property before the work begins.

4302 ELIGIBILITY

4302.1 To be eligible for the HBH Priority Replacement assistance, the applicant shall be the property owner or authorized representative of the property owner(s) of a property in the District of Columbia that meets the priority replacement criteria and has 1) a full lead water service line or 2) a leaking or broken lead water service line on private property.

4302.2 DC Water shall determine whether the property has a leaking or broken lead water service line on private property based on the information provided in a plumber/contractor's report or DC Water report attesting to: 1) a leaking or broken water service line on private property and 2) the portion of the water service line on private property is confirmed to be a lead water service line.

4302.3 DC Water shall determine whether the property has a full lead water service line if the portion of the water service line on private property and the portion in public space are confirmed to be a lead water service line.

4302.4 The material of the water service line on private property and/or in public space shall be confirmed to be a lead water service line based on:

(a) Information on DC Water's Water Service Information Map (available at https://dcwater.com/leadmap/) designates the water service pipe material as "verified lead" on private property and/or in public space.

(b) Information provided by the property owner(s) or their authorized representative confirms water service pipe material located on private property and/or in public space is a lead water service line.

(c) Information provided in the property owner(s) plumber/contractor's report confirms the water service pipe located on private property is leaking and the material is a lead water service line.

(d) Information from DC Water's report that confirms the water service pipe material located on private property is lead water service line.

4302.5 The property owner or authorized representative of the property owner(s) shall submit a HBH LSLR Application and supporting documentation that meets one or more of the following priority emergency or full lead water service line replacement criteria:

(a) Property is occupied by a pregnant or nursing mother;

(b) Property is occupied by a child under 6;

(c) Property is occupied by a person with a blood lead value that exceeds the U.S. Centers for Disease Control and Prevention (CDC) level of three and five hundredths (3.5) micrograms of lead per deciliter of blood (µg/dL), or such more stringent standard as may be established by the CDC;

(d) Property has a lead water level exceeding the U.S. Environmental Protection Agency (EPA) Lead Action Level of fifteen (15) parts per billion (ppb) or ten (10) ppb after November 1, 2027, or such more stringent standard as may be established by EPA;

(e) Property is a child development facility, including a child development center, home or expanded home, licensed by the D.C. Office of the State Superintendent of Education (OSSE); or

(f) Property has a leaking or broken lead water service line on private property.

4302.6 As a condition of eligibility, the applicant shall sign a release, or provide electronic acknowledgement, that authorizes DC Water to obtain or verify information necessary to process the application or for reporting purposes.

4302.7 The applicant shall cooperate fully in establishing eligibility by providing documentation or other proof of:

(a) Property ownership by the applicant for the property to be benefited; and

(b) Additional information that DC Water may require, which is relevant to establishing eligibility.

4302.8 DC Water may obtain the information used in determining eligibility from any relevant sources.

4303 PRIORITY EMERGENCY LEAD WATER SERVICE LINE REPLACEMENT

4303.1 An applicant requesting an expedited review and emergency replacement of the leaking or broken lead water service line on private property shall comply with the following requirements:

(a) Immediately call the DC Water 24-Hour Water and Sewer Emergency Number at 202-612-3400;

(b) Provide DC Water a copy of the plumber/contractor's report, if available;

(c) Permit DC Water or DC Water's Contractor to conduct an inspection of the water service line on their property and point of entry;

(d) Upon determination by DC Water that the property has a leaking or damaged lead water service line, complete, sign, and submit a HBH LSLR Application as required in 4301.1, and marking "Emergency" under the priority criteria; and

(e) Provide any information requested by DC Water or DC Water's Contractor.

4303.2 Upon notice of a leaking or broken lead water service line on property, DC Water shall:

(a) Respond to the property owner confirming there is a leak on private property;

(b) Turn off the water at the curb stop (if feasible and necessary); and

(c) Confirm whether the water service line is a lead water service line by reviewing the plumber/contractor report and/or inspecting the service line at the location of the leak/break (if feasible) or inside the property at the point of entry.

4303.3 If DC Water determines the property has a leaking/broken lead water service line and the property owner or authorized representative completes and signs a HBH LSLR Application, DC Water shall assign a DC Water Contractor to perform the replacement on private property and public space if that portion is also a lead water service line.

4304 PRIORITY FULL LEAD WATER SERVICE LINE REPLACEMENT

4304.1 An applicant requesting an expedited full lead service line replacement, shall complete and sign HBH LSLR Application and submit it to DC Water through DC Water's website or mail to:

DC Water - Private LSL Replacement Project
5000 Overlook Avenue, SW, COF Bldg., 5th Floor
Washington, DC 20032

4304.2 DC Water shall review and complete the eligibility and benefit determination within thirty (30) days after it receives a completed application, or, in the event of an unexpected or extenuating circumstance that affects DC Water, such as a natural disaster, as promptly thereafter as possible, except that the following shall toll the timeline:

(a) An applicant's failure to supply information to document facts stated in an application;

(b) Applicants' refusal to permit DC Water to inspect their property, including the location inside where the pipe enters the structure;

(c) DC Water's inability to make contact with an applicant after three (3) attempts;

(d) Evidence of misrepresentation in an application;

(e) A failure to respond by a third party from whom DC Water has requested necessary information and over whom DC Water has no control; or

(f) A delay in receipt of necessary information over which DC Water has no control.

4304.3 DC Water shall notify the applicant of the eligibility and benefit determination.

4304.4 If DC Water determines the applicant is eligible for HBH Priority Lead Water Service Line Replacement assistance, DC Water's Contractor shall contact the property owner or authorized representative to schedule the replacement.

4304.5 If DC Water's Contractor determines the water service pipe material located in public space or on private property is not lead, DC Water shall revoke the approval for HBH Priority Lead Water Service Line Replacement benefits.

4304.6 If DC Water determines the applicant is not eligible, the applicant may follow the procedures to appeal that decision as provided in Section 4306.

4304.7 Applicant approved for HBH Priority Lead Water Service Line Replacement benefits to replace a full lead service line shall complete the following actions to receive benefits:

(a) Schedule the work with the DC Water Contractor and ensure the owner or authorized representative is present at the property during the work.

(b) Inform the DC Water Contractor of any hidden hazards or property defects during the initial site visit. Examples of hidden hazards could include an electric or gas line leading to a yard lighting fixture or a buried fuel tank for home heating oil.

(c) Take detailed pre-construction and post-construction photos inside and outside the home to help the DC Water Contractor restore the area as close as possible to pre-existing conditions once the work is completed.

(d) Make the area near the point of entry (POE), where the water service line enters the building, accessible to the DC Water Contractor by removing any furniture, shelves, appliances, etc. that may prevent the contractor from accessing the POE.

(e) Remove any trees, plants, shrubs, etc. within the work area prior to the start of the work.

(f) Ask DC Water or the DC Water Contractor any questions about the work.

(g) Notify DC Water of any change in ownership before the work begins.

4305 BENEFITS

4305.1 A HBH Priority Lead Water Service Line Replacement assistance is a one-time benefit per eligible District property:

(a) DC Water's Contractor shall perform the emergency replacement of full lead water service line replacement at no cost to the owner.

(b) The HBH Priority Lead Water Service Line Replacement assistance shall be subject to availability of funds.

4305.2 If DC Water determines that remaining available funds may be insufficient to provide relief during a fiscal year, DC Water may:

(a) Suspend the process of taking new applications; or

(b) Suspend the process of awarding new assistance and place the application on the waitlist.

4306 DENIAL OR REVOCATION OF BENEFITS

4306.1 If an applicant is determined ineligible for HBH Priority Lead Water Service Line Replacement benefits, DC Water will provide to the applicant notice of ineligibility, to include:

(a) A statement of the determination of ineligibility and an explanation of that determination;

(b) A statement of the action that the applicant must take, if any, to be found eligible; and

(c) Notice of the applicant's right to appeal the determination, as provided in section 4307.

4306.2 If DC Water determines that a prior eligibility decision for HBH Priority Lead Water Service Line Replacement benefits was based on material error, falsity, misrepresentation, concealment, omission, or fraud, DC Water will:

(a) Reopen the application;

(b) Inform the applicant of DC Water's final action or intended action;

(c) Provide the applicant with a reasonable opportunity to respond;

(d) Revise or revoke the determination of eligibility; and

(e) Take all steps authorized by law to recover any funds provided, if applicable.

4306.3 The applicant shall not have a right to appeal a denial or revocation of the HBH Priority Lead Water Service Line Replacement benefit based on a lack of available funding.

4307 **ADMINISTRATIVE APPEALS**

4307.1 With respect to a matter governed by §§ 4301 to 4306 of this chapter, an applicant adversely affected or aggrieved by an action of DC Water may file a written

appeal to the General Manager of DC Water, or the General Manager's designee, stating the basis of the appeal, and providing any information or material that would support a change to DC Water's action. The appeal must be filed within fifteen (15) calendar days after receipt of DC Water's action.

4307.2 The General Manager shall review the applicant's appeal and issue a notice of final action. The decision of the General Manager or the General Manager's designee upon appeal shall become the final action of DC Water.

4307.3 An applicant may seek review of the General Manager's notice of final action by filing a petition for an administrative hearing to request a hearing before the DC Water Administrative Hearing Officer within fifteen (15) days of the date of the General Manager's notice of final action as provided in 21 DCMR § 412.

4399 DEFINITIONS

DC Water -- the District of Columbia Water and Sewer Authority.

House by House (HBH) Priority Full Lead Water Service Line Replacement Program – The DC Water House by House Assistance Program that provides eligible properties with assistance to expedite the full lead water service line replacement on their property and in public space.

Lead water service line – the pipe supplying potable water from the water main to the first connection in a property whose material is lead or galvanized.

Partial Lead Water Service Line – The lead water service line that remains after a partial replacement where the lead water service line in private property is replaced with a nonlead water service line from the watermain to the property line and the portion of the water service line in public space is a lead water service line.

All persons desiring to comment on this Notice of Proposed Rulemaking should submit comments in writing not later than June 22, 2026 - thirty (30) days after the date of the publication of this notice in the *District of Columbia Register*. Comments should be submitted to Debra Mathis, Acting Secretary to the Board, District of Columbia Water and Sewer Authority, 1385 Canal Street, S.E., Washington, D.C. 20003 or by email to Board.Secretary@dcwater.com. Copies of the Notice of Proposed Rulemaking may be obtained from DC Water at the same address or by contacting Ms. Mathis at (202) 787-2330.

DEPARTMENT OF YOUTH REHABILITATION SERVICES

NOTICE OF FIFTH PROPOSED RULEMAKING

The Director of the Department of Youth Rehabilitation Services (DYRS), pursuant to the authority set forth in Sections 107(a) and 108(h)(3) of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code §§ 2-1515.07(a) and 2-1515.08(h)(3)), and Mayor's Order 2026-047, issued April 8, 2026, hereby gives notice of his intent to adopt the following amendments to Chapter 12 (Community Placement of Juvenile Offenders) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*.

The proposed rules will revise DYRS's community placement process, including standards for community placement agreements, the process for revoking community placements, and the process for appealing revocations of community placements.

This notice is the fifth in a series of notices of proposed rulemakings. The first Notice of Proposed Rulemaking was published on June 12, 2015, in the *District of Columbia Register* at 62 DCR 008326. The Second Notice of Proposed Rulemaking was published in the *District of Columbia Register* on May 6, 2016, at 63 DCR 006952. The Third Notice of Proposed Rulemaking was published in the *District of Columbia Register* on October 15, 2021, at 68 DCR 010769. And the Fourth Notice of Proposed Rulemaking was published in the *District of Columbia Register* on November 18, 2022, at 69 DCR 014279. In this Fifth Notice of Proposed Rulemaking, the Department made the following changes to the proposed rules:

1. The Department eliminated the Community Status Review Hearing Panel and altered all language throughout accordingly.

2. The Department restructured the regulations and eliminated sections regarding the Department's internal processes to make the regulations more concise and understandable. Since the current regulations were published, the Superior Court of the District of Columbia issued Administrative Order 22-09, ensuring that all committed youth are appointed post-commitment counsel. Consequently, the Department simplified the regulations given that all youth will have representation at the proceedings.

3. The Department added additional rationales for the Department to seek a Community Status Review Hearing beyond violations of a Community Placement Agreement.

4. The Department modified the notice provisions throughout the regulations.

5. The Department limited the decision made by the Hearing Officer at the conclusion of the Community Status Review Hearing to solely whether the youth violated their Community Placement Agreement or is a risk to public safety.

6. The Department provided authority to the Deputy Director of Youth and Family Programs to determine a youth's level of restrictiveness after the Hearing Officer has found that the youth violated their Community Placement Agreement or is a risk to public safety.

7. The Department modified the proposed appeals sections.

8. The Department modified the definitional provisions of this chapter by adding some definitions and modifying others.

9. The Department limited the choice of representation during the Community Status Review Hearing process to legal counsel.

10. The Department provided that all parties have the right to appeal the results of the Community Status Review Hearing and the determination on level of restrictiveness from the Deputy Director of Youth and Family Programs to the Director.

The Director also gives notice of his intent to adopt these rules as final, in not less than thirty (30) days after publication of this notice in the *District of Columbia Register*.

Chapter 12, COMMUNITY PLACEMENT OF JUVENILE OFFENDERS, of Title 29 PUBLIC WELFARE, of the District of Columbia Municipal Regulations, is amended to read as follows:

1200 GENERAL PROVISIONS

1200.1 The Department of Youth Rehabilitation Services (DYRS) administers community placements for delinquent children who are committed to the legal custody of DYRS by the D.C. Superior Court.

1200.2 Community placement is an alternative to placement in a hardware secure facility. This placement option consists of placing youth in the least restrictive environment consistent with the youth's needs and public safety while being closely supervised by DYRS staff.

1200.3 Community placements include: group homes, therapeutic group homes, the youth's own home, foster homes, and similar community placements.

1200.4 Not all youth will benefit from a community placement and community placements of some youth will create public safety risks. Therefore, some youth in DYRS's custody are placed in hardware secure facilities rather than in community placements.

1200.5 In addition, a certain number of youth who DYRS places in community placements will later be charged with or adjudicated guilty of committing an additional criminal offense, will breach their Community Placement Agreement (CPA), will engage in other behavior that poses a risk to public safety, or will be unsuccessfully

discharged. In such instances, a thorough review and potential modification or revocation of the youth's community placement is warranted.

1200.6 This chapter establishes the general standards for determining whether a youth should be placed in a community placement and a process to review and determine whether continued community placement of a youth serves the youth's needs and does not create a public safety risk.

1200.7 DYRS shall follow the procedures set forth in this chapter when reviewing a youth's community placement and determining where the youth is placed based on that review.

1200.8 DYRS shall inquire whether a youth and/or caretaker who is non-English-speaking, deaf, or who because of a hearing or other communications impediment cannot readily understand or communicate by spoken English, requires a qualified interpreter. Upon such inquiry, DYRS shall comply with all relevant obligations established by law.

1201 COMMUNITY PLACEMENTS

1201.1 DYRS shall place youth in the least restrictive available community placement environment only after a determination that such placement:

(a) Serves the youth's needs; and

(b) Is consistent with public safety.

1201.2 DYRS shall have sole discretion to make specific placement decisions for youth committed to its custody.

1201.3 DYRS retains jurisdiction over the community placement status of youth committed to DYRS's custody until one (1) of the following occurs:

(a) DYRS terminates the commitment;

(b) The commitment expires; or

(c) The Court terminates DYRS's jurisdiction.

1201.4 DYRS Case Managers shall work closely with youth in a community placement and their caretakers to provide the services necessary for rehabilitation to take place.

1202 COMMUNITY PLACEMENT AGREEMENTS

1202.1 Each youth in a community placement shall be required to enter into and adhere to

the terms of a Community Placement Agreement (CPA) that provides conditions for release that support the youth's rehabilitation and ensures public safety while the youth is in the community.

1202.2 The terms of a CPA may include requirements that the youth:

(a) Attend school or employment regularly;

(b) Meet curfews;

(c) Refrain from the illegal use of controlled substances, including marijuana (if expressly prohibited in the CPA pursuant to D.C. Code § 2-1515.05(h-1));

(d) Comply with all other federal, state and local laws, rules and regulations; and

(e) Abide by all court orders and directives of DYRS case management staff.

1202.3 Before asking the youth to sign the CPA, the DYRS case manager shall thoroughly explain the terms of the CPA to the youth and, if applicable, the youth's caretaker. The youth may consult counsel of record or alternate counsel before signing the CPA. The youth's acknowledgment of the release conditions of the CPA and the youth signing the CPA shall occur prior to DYRS placing the youth in the community placement.

1202.4 If a youth's community placement is a private residence, the caretaker shall also sign the CPA as a condition of DYRS placing the youth in the private residence.

1202.5 If a youth is moved from one community placement location to another community placement location, a new CPA shall be signed as soon as practicable.

1202.6 DYRS shall hold youth who have entered into a CPA accountable for behavior that poses a risk to public safety or that is contrary to the terms of the CPA.

1202.7 Failure to comply with the terms of the CPA or posing a risk to public safety may result in the youth being placed in an alternative community placement or the youth's community placement being revoked.

1203 STANDARDS FOR PETITIONING FOR REVOCATION OF A COMMUNITY PLACEMENT OR A MORE RESTRICTIVE COMMUNITY PLACEMENT

1203.1 This section establishes standards DYRS shall follow in determining whether to seek the revocation of a community placement or a more restrictive community placement.

1203.2 **Mandatory Petitions:** The DYRS Case Manager shall file a petition to revoke a community placement when the DYRS case manager becomes aware that a youth in a community placement has been charged with the commission, attempted commission, or conspiracy to commit any of the following:

(a) Murder, manslaughter, or assault with intent to kill;

(b) First degree and second degree sexual abuse and child sexual abuse, or assault with intent to commit one of these offenses;

(c) Robbery or assault with intent to commit robbery;

(d) Carjacking;

(e) Burglary;

(f) Kidnapping;

(g) Arson;

(h) Malicious disfigurement;

(i) Mayhem;

(j) Unregistered firearm and/or unlawful ammunition;

(k) Carrying a pistol without a license;

(l) Possession of a dangerous weapon;

(m) Aggravated assault;

(n) Assault with significant bodily injury;

(o) Assault with a dangerous weapon;

(p) Assault on a police officer (felony);

(q) Strangulation;

(r) Gang recruitment, participation, or retention by the use or threatened use of force, coercion, or intimidation;

(s) Extortion or blackmail accompanied by threats of violence; or

(t) Any offense while armed with a firearm.

1203.3 **Discretionary Petitions:**

(a) The DYRS Case Manager, with the written approval of the Case Manager Supervisor and Program Manager, may file a petition to revoke the community placement of a youth or to seek a more restrictive community placement when the DYRS Case Manager becomes aware that:

(1) The youth in the community placement has violated one or more terms of their CPA;

(2) The youth in the community placement has been unsuccessfully discharged from a community placement; or

(3) The behavior of the youth in the community placement poses a risk to public safety.

(b) If the youth is (1) not compliant with the CPA, (2) unsuccessfully discharged from a community placement, or (3) exhibits behaviors posing a risk to public safety and the DYRS Case Manager chooses not to file a petition pursuant to paragraph (a) of this subsection, the DYRS Case Manager shall review the CPA with the youth and request the youth's signature on a new CPA with the same or updated terms. If the youth does not sign the new CPA, the DYRS Case Manager may file a petition to revoke the community placement or to seek a more restrictive community placement.

1204 PETITION FOR REVOCATION OF COMMUNITY PLACEMENT OR MORE RESTRICTIVE COMMUNITY PLACEMENT

1204.1 A petition for revocation of a community placement or more restrictive community placement under § 1203.2 or § 1203.3 shall be filed by the DYRS Case Manager with the hearing officer. The petition shall be filed within the following timeframes:

(a) If DYRS removes the youth from their community placement to a hardware secure facility on an emergency basis pursuant to § 1205, the petition shall be filed by midnight on the following business day after the emergency removal; provided, that for good cause shown by the DYRS Case Manager and found by the Hearing Officer, the petition may be filed later than one (1) business day after the emergency removal.

(b) If DYRS removes the youth from their community placement to a more restrictive staff secure placement on an emergency basis pursuant to § 1205, the petition shall be filed within five (5) business days after the emergency removal; provided, that for good cause shown by the DYRS Case Manager

and found by the Hearing Officer, the petition may be filed later than five (5) business days after the emergency removal.

(c) In all other cases, the petition shall be filed within a reasonable time after the DYRS Case Manager is notified of the youth being charged with a crime listed in § 1203.1 or the determination that a revocation of community placement or more restrictive community placement is warranted under § 1203.3.

1204.2 The DYRS Case Manager shall, at a minimum, include with the petition the following information, to the extent applicable:

(a) The date and time of the offense(s) or violation(s);

(b) The report of the arresting officer;

(c) The nature and seriousness of the criminal charge(s), CPA violation(s), or unsuccessful discharge from a community placement or the facts supporting that the youth is a risk to public safety;

(d) The progress of the youth in community placement before the offense or violation took place;

(e) A copy of the CPA with required signatures;

(f) The DYRS Case Manager's effort to identify and secure additional or alternative services that might be provided to the youth in the community; and

(g) Supporting documents relied upon in the petition.

1204.3 The DYRS Case Manager shall provide the youth and the youth's counsel or alternate counsel with a copy of the petition and the information indicated by § 1204.2 within one (1) business day after the filing of the petition and shall document service of the petition and information in the DYRS case management system.

1204.4 If the Hearing Officer finds that service has not been properly effectuated under this subsection, the Hearing Officer may:

(a) Dismiss the hearing without prejudice; or,

(b) For good cause, permit the DYRS Case Manager twenty-four (24) hours to effectuate service of the petition and within a reasonable amount of time, reschedule the hearing to a date agreeable to both parties. During this time, if the youth is securely detained, the youth shall remain in that status. All other youth shall remain in their community placement.

1204.5 If a petition is dismissed without prejudice, the time frames for filing a new petition in § 1204.1 will restart on the day of the dismissal.

1205 EMERGENCY REMOVALS PRIOR TO FILING A PETITION

1205.1 A youth may be removed from a community placement and placed in a hardware secure facility, or more restrictive community placement, before a petition is filed under § 1204.1, before a decision is issued by the hearing officer under § 1208.22, or before a decision is made by the Deputy Director of Youth and Family Programs under § 1209.5, if the case worker determines the youth presents a clear and present danger to the youth or others and immediate removal from a community placement is in the best interest of the youth or the public. Removals from a community placement under this section are referred to as Emergency Removals.

1205.2 The following standards and procedures shall apply to an Emergency Removal that is implemented without the youth's consent:

(a) If the youth has been charged with the commission, attempted commission, or conspiracy to commit any of the crimes listed in § 1203.2, the DYRS Case Manager may implement an Emergency Removal of the youth without prior review or approval by their Case Manager Supervisor or the Program Manager;

(b) In all other circumstances, the DYRS Case Manager shall not implement Emergency Removal of a youth until the Case Manager receives the written approval of their Case Manager Supervisor and the Program Manager.

(c) The DYRS Case Manager shall request a custody order from the court for the youth so that the Metropolitan Police Department (MPD) may take the youth into custody if the youth is unwilling to be removed by DYRS.

(d) The DYRS Case Manager shall submit a petition to revoke the youth's community placement to the Hearing Officer within one (1) business day of the removal. The DYRS Case Manager shall also provide a copy of the petition to the Deputy Director of Youth and Family Programs within the same time period.

(e) Within one (1) business day after the filing of the petition, the Deputy Director of Youth and Family Programs or their designee shall make an independent determination whether there is a reasonable basis to believe that the youth presents a clear and present danger to themself or others and immediate removal from a community placement is in the best interest of the youth or the public based on the Community Status Review Hearing petition. If the Deputy Director of Youth and Family Programs or their designee finds that there is such a reasonable basis, the youth shall continue

to be securely held until the conclusion of the administrative or D.C. Superior Court appeal process, if applicable.

(f) If the Deputy Director of Youth and Family Programs or their designee determines that there is not such a reasonable basis for removal, DYRS shall return the youth to their community placement, and the petition shall proceed in accordance with §1204.

(g) DYRS shall notify the Office of the Attorney General, Juvenile Section of each Emergency Removal.

1205.3 The following standards and procedures shall apply to Emergency Removals with the youth's consent:

(a) The Case Manager, the youth, and the youth's counsel of record or an alternate counsel, if the counsel of record is unavailable, shall sign a written waiver of the reasonable basis determination and a written consent to the Emergency Removal.

(b) Before the youth signs the written waiver and consent, the youth must be given the opportunity to consult with the youth's counsel of record, or an alternate counsel, if the counsel of record is unavailable.

1206 NOTICE OF COMMUNITY STATUS REVIEW HEARING; TIMING

1206.1 The Community Status Review Hearing is the hearing held by a Hearing Officer on a petition to revoke a youth's community placement.

1206.2 The Hearing Officer shall convene each Community Status Review Hearing within a reasonable time period after the date the petition is filed and shall hold the hearing at a DYRS location determined by the Hearing Officer.

1206.3 Within a reasonable time period for the parties to prepare, the Hearing Officer shall provide written notice of the hearing to the youth's counsel of record or alternate counsel, and the DYRS Case Manager, of the time, date, and location of the Community Status Review Hearing and deadlines for exchanging supporting.

1206.4 For good cause shown by either party, or upon the joint request of the parties, the Hearing Officer may continue the hearing to a later date and time that is available for all parties.

1206.5 (a) The status of a D.C. Superior Court case related to a youth's alleged § 1203.2 offense shall not serve as the sole basis for continuing a mandatory Community Status Review Hearing.

(b) The dismissal of a charge or case related to an alleged § 1203.2 offense

pursuant to a plea agreement in D.C. Superior Court shall not serve as the sole basis for the dismissal of a Community Status Review Hearing by the Hearing Officer.

1206.6 In accordance with the deadlines set forth in the notice of hearing provided by the Hearing Officer, the DYRS Case Manager shall provide the youth's counsel or alternate counsel with a copy of:

(a) The police report, if any and available, regarding the alleged conduct that is the basis for the petition;

(b) The CPA;

(c) The DYRS Case Manager's recommendation for the youth's level of restrictiveness;

(d) All documents DYRS relied on in forming the basis for the revocation recommendation; and

(e) Any evidence in the DYRS Case Manager's possession that could show that the youth did not engage in the alleged conduct that is the basis for the petition or that demonstrates mitigating circumstances.

1206.7 Each party shall provide the other parties and the Hearing Officer with all evidence that the party intends to present at the hearing within a reasonable time for review by the other parties prior to the hearing.

1206.8 Upon request of the youth, the youth's counsel of record or alternate counsel may review the youth's case file in accordance with D.C. Official Code §§ 2-1515.06, 16-2331, 16-2332, and 16-2333.

1206.9 (a) The notice provided pursuant to § 1206.3 may be made in any manner reasonably calculated to put the receiving party on notice of the hearing, and may include, but is not limited to, notice by hand delivery, email, registered or certified mail with return receipt requested, or overnight delivery with tracking.

(b) Notice to a youth may be sent to the youth's last authorized placement if doing so is reasonably calculated to give the youth notice of the hearing.

(c) If the youth is in abscondence, serving the youth's counsel of record is deemed to be constructive notice to the youth.

(d) Actual notice, regardless of the method of delivery or receipt (for example, notice received from the Hearing Officer), shall satisfy the notice requirement.

(e) The notice requirement shall be deemed to have been satisfied if the youth's counsel participates in the scheduling process or the hearing.

1206.10 The Hearing Officer shall provide written notice of the hearing to the Chief of the Juvenile Section for the Office of the Attorney General when:

(a) The youth is already committed to DYRS for a dangerous crime or crime of violence as defined in D.C. Official Code § 23-1331(3) and D.C. Official Code § 23-1331(4), respectively; or

(b) The youth has been charged as a juvenile or as an adult with a dangerous crime or crime of violence as defined in D.C. Official Code § 23-1331(3) and D.C. Official Code § 23-1331(4), respectively.

1207 FAILURE TO APPEAR AT A HEARING AND ABSCONDENCE

1207.1 After notice is provided pursuant to § 1206, if the youth fails to appear at the stated time and place for a Community Status Review Hearing:

(a) The DYRS Case Manager responsible for the youth shall request a custody order for the apprehension and return of the youth for failing to comply with the notice to appear at a given time and location; and

(b) The Hearing Officer shall proceed with the hearing in the youth's absence.

1207.2 A youth's failure to appear for the scheduled hearing constitutes a violation of the CPA.

1207.3 If the Hearing Officer finds that the youth violated their CPA, has been unsuccessfully discharged from a community placement, or is a risk to public safety and the Deputy Director of Youth and Family Programs thereafter revokes the youth's community placement after a hearing in the youth's absence, the youth may request, and the Hearing Officer shall conduct, a second hearing in accordance with §§ 1206.4-1206.8.

1207.4 The youth may request a second hearing within seventy-two (72) hours of their return from abscondence in cases where:

(a) the youth failed to appear for a Community Status Review Hearing due to abscondence;

(b) the hearing proceeded in their absence;

(c) the Hearing Officer found that the youth violated their CPA or is a risk to public safety; and,

(d) the Deputy Director of Youth and Family Program revoked the youth's community placement.

1207.5 The second hearing shall occur within five (5) calendar days after the youth's request for a second hearing if the youth is securely detained pursuant to § 1204. If the youth is not securely detained, the second hearing shall occur within ten (10) business days of the request.

1207.6 DYRS shall provide notice pursuant to § 1206 to the youth and the youth's counsel of record or alternate counsel indicating the date, time and place of the second hearing.

1207.7 At the second hearing, the youth shall have the opportunity to be heard and to present evidence to the Hearing Officer regarding the alleged criminal charges, the alleged violations of the CPA, the alleged unsuccessful discharge from a community placement, or the youth's alleged risk to public safety.

1207.8 In a second hearing, the determinations and findings as to the youth's criminal charges, CPA violations, unsuccessful discharge from a community placement or whether the youth is a risk to public safety made at the first hearing shall be upheld if the Hearing Officer determines that those findings were reasonable in light of the additional evidence presented.

1208 COMMUNITY STATUS REVIEW HEARINGS

1208.1 At the Community Status Review Hearing, the Hearing Officer shall determine whether the youth has violated the CPA, has been unsuccessfully discharged from a community placement, or is a risk to public safety. If the Hearing Officer determines that the youth has violated the CPA or is a risk to public safety, the Hearing Officer shall refer the matter to the Deputy Director of Youth and Family Programs to determine the appropriate level of restrictiveness for the youth.

1208.2 All hearings shall be held at the time, place, and location shown on the notice of hearing. Any subsequent changes to the time, place, or location shall be communicated to the parties by the Hearing Officer in a manner reasonably calculated to notify the parties.

1208.3 At the discretion of the Hearing Officer, the hearing may take place in person, remotely, or a combination of the two.

1208.4 All Community Status Review Hearings under this chapter shall be recorded. Upon request, the Hearing Officer shall provide the youth and the youth's attorney of record or alternate counsel and the DYRS Case Manager an opportunity to obtain a copy of any recording of the youth's Community Status Review Hearing.

1208.5 Initial Community Status Review Hearings shall be held no later than the fifth (5th) business day after the filing of the petition. Hearings shall be conducted solely between the hours of 9:00 a.m. and 5:00 p.m. If the hearing is not concluded on the scheduled business day, it shall be recessed and continued on the following business day or another day at a time and location set by the Hearing Officer before the hearing is recessed.

1208.6 The Hearing Officer shall preside over the Community Status Review Hearing. The Hearing Officer shall:

(a) Rule on all procedural and evidentiary matters; and

(b) Issue a final order.

1208.7 The Hearing Officer shall be selected by the Director of DYRS or the Director's designee. The Hearing Officer shall be employed by DYRS and trained in the Community Status Review Hearing regulations.

1208.8 The Hearing Officer shall be an independent, neutral party. The Hearing Officer shall not have ex parte communication with any party regarding what is in dispute in the Community Status Review Hearing.

1208.9 The Hearing Officer shall not order DYRS to respond to any motions made by the youth and their counsel. The Hearing Officer shall not treat an opposing party's failure to respond to an argument or motion as a waiver or concession

1208.10 The Hearing Officer shall make all decisions based on the evidence brought before the Hearing Officer.

1208.11 The youth shall have the right to be represented at the hearing by legal counsel. At the hearing, the Hearing Officer shall inform the youth of their right to have counsel present with them.

1208.12 Either party to the hearing may request one (1) continuance of up to five (5) business days, which may be granted or denied at the Hearing Officer's discretion. Any subsequent request for a continuance shall also be at the Hearing Officer's discretion but shall be granted only upon a showing of good cause.

1208.13 After the filing of a petition, the DYRS Case Manager, with the approval of the Case Manager Supervisor and the Program Manager, may withdraw the petition at any time and, if the youth was subject to an Emergency Removal, place the youth in a setting with the same or lower level of restrictiveness as the youth was in immediately before the Emergency Removal.

1208.14 DYRS has the burden of proof in showing whether the youth has violated the CPA, or has been unsuccessfully discharged from a community placement, or is a risk to

public safety. The preponderance of the evidence shall be the standard of proof.

1208.15 Hearsay is admissible at a Community Status Review Hearing. When hearsay evidence is admitted, the Hearing Officer shall assess the reliability of the evidence to determine the weight it should be accorded.

1208.16 In determining the admissibility and weight of evidence, the Hearing Officer may use the Federal Rules of Evidence for guidance, but they and other rules of court shall not be binding.

1208.17 The Hearing Officer shall only admit evidence that is relevant to the allegations that are the subject of the hearing to determine whether the youth has violated the CPA, or has been unsuccessfully discharged from a community placement, or is a risk to public safety.

1208.18 Upon notification by the youth's counsel that a youth not the subject of the revocation hearing who is committed to DYRS's care or otherwise detained by DYRS is needed as a witness, DYRS shall notify the youth and the youth's counsel of the request for them to appear at the hearing. DYRS shall make the youth available if the youth agrees to testify, after they have had the opportunity to confer with their counsel.

1208.19 Parties may bring any other relevant witnesses to the hearing who may assist in putting forth their position.

1208.20 The Hearing Officer shall not interview or question the youth about substantive matters concerning any pending criminal or delinquency matters.

1208.21 After all testimony has been heard and evidence presented, the Hearing Officer shall weigh credibility, consider the evidence, determine the facts, and reach a decision concerning whether the youth has violated the CPA, has been unsuccessfully discharged from a community placement, or is a risk to public safety. The Hearing Officer shall not make a decision on the level of restrictiveness. Only the Deputy Director of Youth and Family Programs may determine the level of restrictiveness.

1208.22 The Hearing Officer shall issue a written decision to the parties, the Deputy Director of Youth and Family Programs, and the Chief of the Juvenile Section of the Office of the Attorney General within one (1) business day of the hearing. The order shall clearly specify any violations of the CPA or the facts that support that the youth has been unsuccessfully discharged from a community placement or is a risk to public safety.

1208.23 If the Hearing Officer finds that a youth who has been subject to an Emergency Removal has not violated their CPA, was not unsuccessfully discharged from a community placement, or is not a risk to public safety, DYRS shall return the youth

to the same setting, or a setting at the same level of restrictiveness, as they were in immediately prior to the Emergency Removal. The youth shall remain detained while awaiting placement if the prior placement is no longer available. DYRS shall, within a reasonable time, locate a new placement at the prior level of restrictiveness.

1208.24 If the Hearing Officer finds that a youth who has not been subject to an Emergency Removal has not violated their CPA, was not unsuccessfully discharged from a community placement, or is not a risk to public safety, DYRS shall not remove the youth from community placement.

1208.25 If the Hearing Officer finds that the youth has violated the CPA, has been unsuccessfully discharged from a community placement, or is a risk to public safety, the Hearing Officer shall refer the matter to the Deputy Director of Youth and Family Programs to determine the appropriate level of restrictiveness.

1208.26 At any time before the Hearing Officer issues their decision, the youth has the right to agree to a different level of restrictiveness in resolution of the Community Status Review Hearing. Such agreement shall be in writing and shall be signed by the youth, the youth's attorney of record or alternate counsel, and the DYRS Case Manager.

1209 DETERMINATION OF LEVEL OF RESTRICTIVENESS

1209.1 After the referral from a Hearing Officer under § 1208.25, the Deputy Director of Youth and Family Programs shall determine the appropriate level of restrictiveness for the youth.

1209.2 To assist the Deputy Director of Youth and Family Programs in making a determination on the level of restrictiveness, a DYRS Placement Review Committee (PRC) shall convene to make a recommendation on the appropriate level of restrictiveness for the youth within three (3) business days after the issuance of the Hearing Officer; provided that the PRC has received a written statement of the youth or youth counsel's under § 1209.4.

1209.3 While the Deputy Director of Youth and Family Programs awaits the recommendation of the PRC and is making the determination on the appropriate level of restrictiveness, any reasonable basis determination under which the youth is being securely held, or being held in a more restrictive community placement, shall remain in effect.

1209.4 The youth or the youth's counsel shall have three (3) business days after the Hearing Officer refers the matter to the Deputy Director of Youth and Family Programs under § 1207.24 to submit to the Deputy Director of Youth and Family Programs a written statement expressing the youth's opinion on the appropriate level of restrictiveness that should be imposed. The Deputy Director of Youth and Family Programs shall provide a copy of any written statement provided pursuant

to this subsection to the PRC.

1209.5 The Deputy Director of Youth and Family Programs shall make a determination on the youth's level of restrictiveness within one (1) business day after the PRC review and receipt of the written statement of the youth or the youth's counsel pursuant to § 1209.4 or the timeline for providing such a statement has expired.

1209.6 When making a determination about the appropriate level of restrictiveness, the Deputy Director of Youth and Family Programs may consider:

(a) The recommendations of the PRC;

(b) Any written statements provided by the youth or the youth's counsel regarding the appropriate level of restrictiveness; and

(c) His or her independent review of the seriousness of the offense, level of risk to public safety, and interests of the youth.

1209.7 The Deputy Director of Youth and Family Programs may:

(a) Continue the youth in the community at the same level of restrictiveness and may impose identical or additional restrictions as conditions of a new CPA;

(b) Raise the youth's level of restrictiveness and permit the youth to remain in the community under different conditions in a new CPA; or

(c) Revoke the youth's community placement.

1209.8 Upon determining a youth's level of restrictiveness, the Deputy Director of Youth and Family Programs shall issue a written decision to the parties and the Chief of the Juvenile Section of the Office of the Attorney General.

1209.9 DYRS shall make efforts to identify an appropriate placement and make referrals within a reasonable time after the Deputy Director of Youth and Family Programs' determination on the youth's level of restrictiveness. If the youth is securely detained at the time of the hearing, the youth shall remain detained while awaiting placement.

1210 APPEALS

1210.1 A party may appeal the decision of the Hearing Officer, the determinations made under § 1209.7 by the Deputy Director of Youth and Family Programs, or both, to the DYRS Director. The party must file such an appeal within three (3) business days after receiving the written decision of the Hearing Officer or the Deputy Director of Youth and Family Programs.

1210.2 (a) The party filing an appeal shall submit with its appeal a detailed description of the basis for the appeal and the facts and legal arguments in support of the basis for appeal, along with any supporting documentation, to the DYRS Director and the other party.

(b) The other party may submit a response to the appeal to the DYRS Director and the appealing party within three (3) business days after receiving notice of the appeal.

1210.3 If the Hearing Officer finds that a youth violated the CPA, has been unsuccessfully discharged from a community placement, or is a risk to public safety, the placement of the youth during the Community Status Review Hearing shall continue until the conclusion of the administrative or D.C. Superior Court appeal process.

1210.4 If the Hearing Officer does not find that a youth violated the CPA, has been unsuccessfully discharged from a community placement, or is a risk to public safety, the youth shall return to the same level of restrictiveness as they were immediately prior to their removal. If the prior community placement is unavailable, DYRS shall locate another placement at the same level of restrictiveness within a reasonable timeframe.

1210.5 If a youth in abscondence returns during the Community Status Review Hearing or the appeal process, the youth shall be securely detained until the conclusion of the administrative or D.C. Superior Court appeal process, if applicable.

1210.6 The DYRS Director shall review the appeal and make a final written determination within ten (10) business days after the date the appeal is filed. The DYRS Director may affirm the decision of the Hearing Officer or Deputy Director of Youth and Family Programs; overrule the determination of the Hearing Officer and, if applicable, refer the matter to the Deputy Director of Youth and Family Programs for a determination of the appropriate level of restrictiveness; remand the matter back to the Hearing Officer for further consideration; remand the matter back to the Deputy Director of Youth and Family Programs for further consideration; or overrule the determination of the Deputy Director of Youth and Family Programs and make the Director's own determination of the appropriate level of restrictiveness for the youth.

1210.7 (a) The Director may remand a matter back to the Hearing Officer if the Director determines that an error occurred during the hearing or an error appears in the Hearing Officer's order.

(b) The Director's decision to remand a matter shall be based on the record of the Hearing Officer, the determination of the Deputy Director of Youth and Family Programs, and the information presented in the appeal.

(c) A determination to remand is at the sole discretion of the Director. The parties may not appeal the Director's decision to remand.

(d) As part of the decision to remand, the Director shall include a description of the error(s).

(e) Upon remand, the Hearing Officer who conducted the initial hearing shall conduct a new hearing to address the errors and, where applicable, send the new findings to the Deputy Director of Youth and Family Programs to determine the appropriate level of restrictiveness.

1210.8 After the completion of the hearing following the remand by the Director, the parties may appeal the decision of the Hearing Officer, the determination of the Deputy Director of Youth and Family Programs, or both, to the DYRS Director.

1210.9 Any appeal of the DYRS Director's decision shall be to D.C. Superior Court.

1210.10 If the D.C. Superior Court remands a matter to DYRS, the Director shall, unless otherwise ordered by the court, issue a decision within ten (10) business days that addresses the issues raised by D.C. Superior Court.

1299 DEFINITIONS

1299.1 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

Abscondence: when a youth, without approval by DYRS or as enumerated in the CPA, leaves a required DYRS placement or does not return to a DYRS placement as required by the CPA.

Awaiting Placement: a DYRS status classification that occurs when a youth is securely detained while waiting to be placed in a specific rehabilitative placement or specific type of rehabilitative placement.

Business day: a day of the week consisting of Monday through Friday, and excluding Saturday, Sunday, any legal holiday or a day when the District of Columbia government, DYRS, or the Family Court is closed. A business day is calculated beginning on the day after the triggering event occurs.

Caretaker: a parent, guardian, or adult responsible for the care of a youth while in the community.

Case Manager: a DYRS employee who provides case management services to youth committed to DYRS.

Case Manager Supervisor: a DYRS employee who supervises a unit of DYRS

Case Managers.

Chief of the Juvenile Section of the Office of Attorney General: the supervisory attorney responsible for oversight of the Juvenile Section of the Public Safety Division of the Office of the Attorney General.

Clear and Present Danger: When a youth poses an imminent risk of harm to themselves or others.

Commitment: when a delinquent child is ordered into the legal custody of DYRS pursuant to D.C. Official Code § 16-2320.

Community Placement Agreement (CPA): a document with conditions for release that supports the youth's rehabilitation and ensures public safety while the youth is in the community.

Community Placement: a status describing a youth who has been committed to the legal custody of DYRS and housed in the community in a non-secure placement.

Community Status Review Hearing: an administrative hearing to determine whether a youth has violated their CPA or poses a risk to public safety.

Counsel of Record: a court-appointed attorney assigned to a youth's case after the youth is committed to DYRS.

D.C. Superior Court: the Superior Court of the District of Columbia.

Department of Youth Rehabilitation Services (DYRS): the cabinet-level agency responsible for rehabilitating committed youth in the least restrictive environment consistent with public safety.

Deputy Director of Youth and Family Programs: a DYRS employee who oversees the DYRS Youth and Family Programs Division.

Emergency Removal: immediate removal by DYRS from a community placement and subsequent placement in a more restrictive setting.

Hearing Officer: a DYRS employee, other than the DYRS Director, whose permanent duties as an employee of the District of Columbia are to regularly adjudicate administrative matters for DYRS as a neutral factfinder.

Hearsay: statements or documents presented in a hearing that are based on what someone who is not at the hearing has said or done.

Non-Secure Placement: a community placement which is not locked and which

allows for unsupervised movement in and out of the placement.

Notice of Hearing: A notice issued by a Hearing Officer advising parties of the date, time, and location of a Community Status Review Hearing. This notice shall serve as a Notice to Appear for the youth.

Parties: DYRS, the youth, and the youth's counsel when participating in the Community Status Review Hearing process.

Petition: the formal written document requesting a review of a youth's community placement.

Placement Review Committee (PRC): The DYRS interdisciplinary team that reviews each individual youth for the most appropriate placement and services in the least restrictive environment that also addresses their risk to public safety.

Program Manager: the DYRS employee responsible for supervising the Care Coordination Team including the Care Coordinators and the Care Coordination Supervisors.

Risk to Public Safety: a determination based on available information that a youth poses a risk of significant harm to themselves or others, or to property.

Hardware Secure Facility: a congregate care facility with construction features and a staffing model designed to physically restrict the movements and activities of youth who are detained.

Staff Secure Facility: a foster home or congregate care facility in the community in which the movements and activities of individual youth residents may be restricted or subject to control through the use of a staff supervision model as well as through reasonable rules restricting entrance to and egress from the facility. A staff secure facility does not contain construction features designed to physically restrict the movements and activities of youth who are in its custody.

Violation: an act by a youth that is non-compliant with the terms of the CPA.

Youth and Family Programs Division Program Manager: a DYRS employee who manages all the supervisors who supervise DYRS Case Managers.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF SIXTH EMERGENCY RULEMAKING

The Director of the Department of Human Services (Department or DHS), pursuant to the authority set forth in Section 31 of the Homeless Services Reform Act of 2005 (HSRA), effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-756.02), and pursuant to Mayor's Order 2006-20, dated February 13, 2006, gives notice of the adoption, on an emergency basis, of the following amendments to Chapter 78 (Family Re-Housing and Stabilization Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The purpose of these rules is to amend the existing rules governing the District's Family Re-Housing and Stabilization Program (FRSP), contained in Chapter 78 of Title 29 of the DCMR. FRSP provides time-limited rental assistance to District residents who are experiencing homelessness or are at risk of experiencing homelessness. Families are offered a range of services, tailored to the unique needs and strengths of the entire household, to assist them in achieving greater housing stability and economic security, including individualized case management services, housing identification, connection to government and community-based resources, and time-limited rental subsidies.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of District residents who are experiencing homelessness or at risk of experiencing homelessness by permitting the Department to administer FRSP in compliance with recent legislative amendments to the HSRA. This emergency rulemaking is necessary to maintain legal authority for FRSP until final rules are approved by the Council pursuant to Section 31 of the HSRA (D.C. Official Code § 4-756.02). The Family Re-Housing and Stabilization Program Rules Approval Resolution of 2026, PR26-0579, is under Council review and will be deemed approved on June 11, 2026, unless a resolution of approval or disapproval is introduced.

The Director of the Department first adopted emergency rules on March 1, 2024, pursuant to a Notice of Emergency and Proposed Rulemaking published in the *District of Columbia Register* on March 22, 2024, at 71 DCR 03298. A Second Notice of Emergency Rulemaking was published in the *District of Columbia Register* on September 27, 2024, at 71 DCR 011691; the second emergency rulemaking continued in place the emergency rules that were adopted in the initial Notice of Emergency and Proposed Rulemaking. A Notice of Third Emergency and Second Proposed Rulemaking was published in the *District of Columbia Register* on March 7, 2025, at 72 DCR 002386, in response to which the Department received no public comments. A Notice of Fourth Emergency and Third Proposed Rulemaking was published in the *District of Columbia Register* on October 31, 2025, at 72 DCR 012193, in response to which the Department received no public comments. A Notice of Fifth Emergency Rulemaking was published in the *District of Columbia Register* on February 20, 2026, at 73 DCR 002316.

These sixth emergency rules were adopted by the Director of the Department on May 1, 2026, became effective on the same date, and shall remain in effect for one hundred and twenty (120) days after the adoption date unless earlier amended or superseded.

Chapter 78 (Family Re-Housing and Stabilization Program) of Title 29 (Public Welfare) of the DCMR is amended to read as follows:

CHAPTER 78 FAMILY RE-HOUSING AND STABILIZATION PROGRAM

7800 SCOPE

7800.1 The purpose of the Family Re-Housing and Stabilization Program ("FRSP" or "Program") is to support District residents who are experiencing homelessness or at imminent risk of experiencing homelessness to achieve stability in permanent housing through individualized and time-limited assistance within the twelve (12)-month maximum allowable program assistance time period.

7800.2 FRSP participants shall work with their assigned Service Provider to increase their income during the program assistance period and attain at least the District's minimum wage. In cases where a disabling condition prevents the participant from increasing income, the Service Provider will assess the family for additional services and refer them for appropriate services.

7800.3 FRSP offers a range of supports that are responsive to participant needs, including: optional individualized case management services, housing identification, connection to mainstream and community-based resources, and financial assistance.

7800.4 The provisions of this chapter describe the application process, eligibility criteria, assistance determination, description of assistance provided, and appeal procedures for the Program.

7800.5 Nothing in these rules shall be interpreted to mean that FRSP assistance is an entitlement. This Program shall be subject to annual appropriations and the availability of funds.

7800.6 The Department may execute contracts, grants, and other agreements as necessary to carry out the Program.

7801 APPLICATION PROCESS

7801.1 Each FRSP application shall be in writing on a form provided by the Department, signed by the applicant, and submitted to the Eligibility Provider. An authorized representative may apply on behalf of the applicant, if the applicant provides the Department a written and signed statement indicating the name and address of the person authorized to act on the applicant's behalf.

7801.2 If an applicant with a disability or the authorized representative of an applicant with a disability requests assistance to complete the FRSP application, the Eligibility Provider shall assist such applicant or authorized representative with the application

process to ensure that the applicant has an equal opportunity to submit an application.

7801.3 The Department shall provide FRSP application forms to the Eligibility Provider to use and disseminate to applicants, and the Eligibility Provider shall accept applications from each applicant who requests and is referred for FRSP assistance.

7801.4 At the time of application, the Eligibility Provider shall provide each applicant with a written FRSP notice explaining the Program. Each applicant shall personally, or through an authorized representative, sign an FRSP notice acknowledgement form, acknowledging receipt of the FRSP notice.

7801.5 Each applicant, personally or through an authorized representative, shall sign an FRSP release form authorizing the Eligibility Provider to obtain or verify information necessary for processing the application.

7801.6 Each applicant shall provide the following information to the Eligibility Provider to determine the household's ability to achieve housing stability independent of the Program by the end of the FRSP assistance period:

(a) The circumstances that brought about the applicant's experience of homelessness or imminent risk of homelessness;

(b) Willingness to actively engage in the application process by providing required documents within the agreed upon timeline to their assigned case managers; and

(c) Documentation of the following:

(1) Household composition;

(2) Employment status and employment history;

(3) Income and financial assets history;

(4) Household expenses;

(5) Rental and other relevant housing history;

(6) Facts and circumstances surrounding financial and other barriers to housing stability; and

(7) Facts and circumstances surrounding work experience, education, or training that can contribute to the household's ability to achieve housing stability independent of the Program by the end of the FRSP assistance period.

7801.7 The applicant shall complete an Affordability Assessment that outlines the family's projected ability to pay thirty percent (30%) of their monthly income towards their rental obligation each month to help the applicant select appropriate housing. The affordability assessment includes:

(a) Current income;

(b) Expected future income;

(c) Employment history; and

(d) Employment potential based on job skills, certifications, or participation in a training or employment program.

7801.8 The Eligibility Provider and the Department may attempt to verify the information in Section 7801.6 using any third-party data sources to which it has legal access to verify Program eligibility. The Eligibility Provider may use, among other things, documents, telephone conversations, personal and collateral interviews, reports, correspondence, and conferences to verify applicant information.

7801.9 If additional information is needed from the applicant to determine eligibility for the Program, the Eligibility Provider shall make the request, in writing, for additional information, which shall specify the information needed to complete the application. The written request shall also include information to assist the applicant with obtaining the required information or offer appropriate assistance in obtaining the required information. The application shall be considered complete when all required information is provided to the Eligibility Provider.

7801.10 If an applicant has not obtained and provided to the Eligibility Provider the required information for eligibility determination under this section within thirty (30) calendar days of the date of application, the Eligibility Provider shall make documented efforts to contact the applicant both by telephone and in writing to discuss whether the applicant wants to complete their application, and any barriers that are delaying the requested documentation.

(a) If, at such time, contact with the applicant is made and services are still requested, the Eligibility Provider will take appropriate steps to assist the applicant in obtaining the required information.

(b) If, at such time, contact cannot be made, or the applicant no longer requests the services, an application shall be considered abandoned. The Department shall issue the applicant a written notice indicating that the application has been abandoned.

7801.11 The Eligibility Provider shall refer a complete application to the Department to determine eligibility.

7802 APPLICANT UNIT

7802.1 The applicant unit shall be composed of each individual who lives in the same household as the applicant and whose needs, assets, and income are combined to determine eligibility.

7802.2 To determine the household composition of the applicant unit, the Department shall consider individuals who live in the same physical housing unit as the applicant, including:

(a) Persons related by blood or legal adoption with legal responsibility for minor children in the household;

(b) Persons related by marriage or domestic partnership (as defined by Section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)), including stepchildren and unmarried parents of a common child who live together;

(c) Persons with a legal responsibility for an unrelated minor child or an unrelated adult with a disability;

(d) Any person not included by § 7802.2(a)-(c), regardless of blood relationship, age, or marriage, whose history and statements reasonably demonstrate that the individuals intend to remain together in the same household; and

(e) Children who live in the household for fifty percent (50%) or more of the time.

7802.3 A person temporarily away from home due to employment, school, hospitalization, legal proceedings, or vacation shall be considered to be living in the household. A minor child who is away at school shall be considered to be living in the household if he or she returns to the housing unit on occasional weekends, holidays, school breaks, or during summer vacations. For purposes of this section, “temporarily” means no more than six (6) months at a time.

7803 ELIGIBILITY CRITERIA

7803.1 An applicant shall qualify to enroll into FRSP if the following criteria apply:

(a) The applicant unit is a family, as defined by Section 2(16) of the Act (D.C. Official Code § 4-751.01(16));

(b) The applicant unit is currently experiencing homelessness as defined by Section 2(18) of the Act (D.C. Official Code § 4-751.01(18)), or is at risk of experiencing homelessness as defined by Section 2(5B) of the Act (D.C. Official Code § 4-751.01(5B));

(c) The applicant is a resident of the District of Columbia as defined by Section 2(32) of the Act (D.C. Official Code § 4-751.01(32));

(d) The applicant unit earns forty percent (40%) or less of the District of Columbia Median Family Income for the Washington, D.C., Metropolitan Area, as determined by the U.S. Department of Housing and Urban Development ("HUD");

(e) The applicant unit has been referred by an approved referral source as described in § 7803.2;

(f) The applicant does not have an ownership interest in safe housing and is not listed on a lease or occupancy agreement for safe housing, unless the applicant provides credible evidence that they cannot safely inhabit the housing associated with the lease or occupancy agreement; provided, that this presumption shall not apply to an applicant seeking assistance for reasons of domestic violence, sexual assault, or human trafficking; and

(g) The applicant can demonstrate that, within the thirty (30) days prior to the Program application date, they are employed, participating in an education program, seeking employment, or received unemployment insurance benefits in one of the following ways:

(1) The applicant is subject to and complying with a work requirement under Title IV of the Social Security Act;

(2) The applicant receives an earned income, demonstrated by paystubs or bank statements, for at least twenty (20) hours per week or three hundred and fifty dollars ($350) per week;

(3) The applicant is enrolled in a full-time educational program with an anticipated end date in less than twelve (12) months;

(4) The applicant receives an earned income and participates in an educational program for at least twenty (20) hours combined per week; or

(5) The applicant receives unemployment insurance benefits.

7803.2 The following are approved referral sources for FRSP applicants (designated for the rest of this chapter as "Referring Providers"):

(a) Providers of a Short-Term Family Housing Program;

(b) Providers of the Homelessness Prevention Program; and

(c) Department-approved providers of emergency domestic violence shelter programs.

7803.3 A Referring Provider shall assess whether FRSP is an appropriate referral for an applicant by using an evidence-based assessment such as the Westat Tool. Relevant factors for determining whether a household is appropriate for FRSP assistance include:

(a) Assessment on a uniform tool as selected by the Department, such as the Service Prioritization Decision Assistance Tool ("SPDAT"), that identifies Rapid Re-Housing as the appropriate housing assistance option based on the applicant's needs;

(b) Willingness to take steps that could reasonably lead to increased income in the household; and

(c) Identification of and willingness to take steps that could reasonably lead to permanent housing stability in cohabitation with family, friends, or other appropriate and safe situations.

7803.4 The Department shall determine the eligibility in as short a time as feasible, but not later than ten (10) calendar days after receipt of a completed application by the Eligibility Provider. Delays caused by the following shall not count towards the ten (10)-day deadline:

(a) The applicant's inability to supply information to document facts stated in the completed application needed to determine eligibility and type or amount of assistance;

(b) The inability to contact the applicant through telephone, mail, or email;

(c) Evidence of misrepresentation of information in the application; or

(d) Delay by a third party from whom the Eligibility Provider has requested information.

7803.5 The Eligibility Provider shall create and maintain in the applicant's or participant's file detailed documentation of the Program's eligibility determination, including the assistance for which the applicant qualifies and subsequent case-management services provided.

7803.6 If an applicant is determined eligible for FRSP assistance pursuant to § 7803.1, the Eligibility Provider shall enter in the applicant's case file a written Notice of Eligibility Determination.

7803.7 The Referring Provider shall notify the applicant orally or via electronic communication when the Eligibility Provider enters a favorable Notice of Eligibility Determination in the applicant's case file. Pursuant to Section 9 of the Act (D.C. Official Code § 4-754.11(a)(6)), the applicant may request a hard copy of the favorable Notice of Eligibility Determination.

7803.8 If an applicant is determined ineligible for FRSP assistance, the Department shall give to the applicant, personally or through an authorized representative, oral and written notice of the denial. The written Notice of Denial of Eligibility shall state:

(a) That the applicant is being denied eligibility;

(b) The reason or reasons for the denial, including the factual and legal basis for the denial;

(c) The applicable statute or regulation pursuant to which the denial was made;

(d) That the FRSP applicant has a right to appeal the denial through fair hearing and administrative review proceedings pursuant to § 7824 including the procedures and appropriate deadlines for requesting an appeal; and

(e) Which programs or services within the Continuum of Care the applicant may qualify for and has been referred to, if applicable.

7804 PRIORITY DETERMINATION

7804.1 Families residing in a Department-funded family shelter shall receive the first priority for the Program.

7804.2 Families participating in the Department's Homelessness Prevention Program, or residing in domestic violence shelter, transitional housing program, or determined to be at imminent risk of needing admission to shelter or supportive housing pursuant to 29 DCMR § 2508.1(a)(1), shall receive the second priority for the Program.

7804.3 Within each of the first and second priority groups, additional priority determinations may be made based on the following:

(a) The applicant's prospective ability to achieve housing stability at the end of the FRSP assistance period, as demonstrated by income, documented work experience, completion of the Individual Responsibility Plan, the

identification of other stable housing opportunities, or other relevant factors;

(b) The length of time the applicant has resided in their current program since the most recent placement;

(c) The need to provide a reasonable accommodation based on a disability; and

(d) Other relevant factors.

7805 PRE-ENROLLMENT SERVICES

7805.1 The FRSP assistance period begins when a family executes Program enrollment and leasing agreements for the FRSP-subsidized housing unit (referred to as "lease-up") and ends when FRSP is no longer paying the rental subsidy for the unit.

7805.2 A Referring Provider may assist a family who has been determined eligible for FRSP with the following housing identification services before they have signed a lease for their FRSP unit:

(a) Gathering documents required for lease-up, including ID, birth certificate, and proof of income;

(b) Identification of a housing unit independently and/or accessing a listing of available housing units to identify a unit that best fits the participant's needs; and

(c) Assistance in negotiating with landlords to reduce the rent or include utilities.

7806 RE-HOUSING AND STABILIZATION ASSISTANCE OVERVIEW

7806.1 FRSP is a time-limited rapid re-housing program that supports District residents who are experiencing homelessness or at risk of experiencing homelessness to achieve stability in permanent housing through individualized and time-limited assistance.

7806.2 FRSP assistance comprises appropriate needs-based supports, including any or all of the following:

(a) Assignment to a qualified Service Provider with the capacity to provide individualized case management services using a progressive engagement model based on the presenting needs of the family;

(b) Development of a Housing Stabilization Plan to facilitate attainment of participant's goals, including housing stability. For participants receiving District Temporary Assistance for Needy Families (TANF) and who

already have an Individual Responsibility Plan (IRP), the IRP should serve this purpose and can be modified and evaluated as necessary in collaboration with other organizations and entities that are also engaged with the participant;

(c) Assessment of the family to determine their potential eligibility and referral for longer-term housing assistance programs, including Permanent Supportive Housing (PSH) or Targeted Affordable Housing (TAH), through the Coordinated Assessment and Housing Placement (CAHP) process;

(d) Connection to other community resources and services that are responsive to the needs of the household (*e.g.*, behavioral health, primary health care, educational supports, food and nutrition resources);

(e) Rental assistance in the form of a monthly rental subsidy, the cost of a security deposit, move-in assistance, and utility assistance, as needed and identified in the Housing Stabilization Plan pursuant to paragraph (b) of this subsection, for up to twelve (12) months;

(f) In cases where a relocation is approved, housing identification assistance through which the Service Provider assists participants with:

(1) Identification of a unit independently and/or accessing a pool of available housing units to identify a unit that best fits the participant's needs;

(2) Assistance in negotiating with landlords to reduce the rent or include utilities; and

(3) Scheduling a timely inspection of the unit;

(g) Job placement and workforce development; and

(h) Documentation of activities that can be credited toward a participant's IRP, such as housing search, housing counseling services, obtaining a GED certification, University of the District of Columbia class credit, work hours, or certification with the District Department of Employment Services (DOES) or other barrier remediation activities specifically identified in the plan.

7806.3 The Service Provider will have regular, no less than monthly, engagement with the participant as dictated by the goals in the Housing Stabilization Plan or IRP, coordinate with other Service Providers, and maintain current documentation on progress toward goals. This will include an assessment of progress made towards the completion of the Housing Stabilization Plan or IRP.

7806.4 The Service Provider shall conduct a formal review of services provided and the participant's participation in the Program after three (3), seven (7), and ten (10) months of assistance. This review will include the following:

(a) Review of participant's income change and approved budget plan;

(b) Review of progress on the Housing Stabilization Plan or IRP and the applicant's approved budget plan;

(c) Needs-based assessments, using a progressive engagement model, to determine if a less or more aggressive intervention is required; and

(d) Review of participant's likely ability to sustain housing stability independently of the Program at the end of the FRSP assistance period.

7807 UNIT SELECTION

7807.1 Participation in the FRSP is conditioned upon selecting a housing unit that passes the FRSP required housing inspection, which shall conform to the August 2024 National Standards for Physical Inspection of Real Estate established by HUD or other standards designated by the Department by rule, and meets the Rent Reasonableness Standard as determined by the District of Columbia Housing Authority (DCHA). The Department or the Department's designee may authorize selection of a housing unit that exceeds the maximum allowable rent for purposes of ensuring the program is readily accessible by large families and individuals with disabilities, in accordance with Sections 9(a)(2) and 12(11) of the Act (D.C. Official Code §§ 4-754.11(a)(2) and 4-754.21(11)).

7807.2 The participant shall be required to work with their case manager to identify a unit independently and access the pool of available housing units to identify a unit that best fits their needs.

7807.3 The participant shall make a reasonable effort to identify a unit that will allow the household to achieve housing stability independent of the Program by the end of the FRSP assistance period as described in § 7801.8.

7807.4 The Department shall permit the following maximum number of bedrooms based on the household's composition:

(a) A household with one parent and one child under the age of two (2) will be approved for a studio or a one (1)-bedroom apartment.

(b) A household of more than one adult will be approved for a unit with one (1) bedroom for the head of household and spouse or partner and one (1)

additional bedroom for each two (2) persons within the household pursuant to 14 D.C.M.R. § 5205.

7807.5 The following exceptions shall apply to the maximum number of bedrooms policy in § 7807.4:

(a) Children of the opposite gender shall be allocated separate bedrooms once one of the children is over the age of five (5) or if one (1) of the children will turn five (5) within six (6) months after the household's lease is signed;

(b) With the permission of the applicant and to allow the household to identify a unit that they believe will be more affordable in the long-term, the Department may allow children of opposite gender between the ages of six (6) and eleven (11) to occupy the same bedroom, in order to reduce the number of bedrooms required;

(c) Children of the same gender shall be allocated one (1) bedroom. Beginning once one (1) of the children turns age thirteen (13), if there is a difference of five (5) years or more between children of the same gender, they may have separate bedrooms; and

(d) A bedroom shall not be assigned to an unborn child unless there is a parent in the household who is in their third trimester.

7807.6 If a participant requests to lease up in a unit with more bedrooms than is allowed under § 7807.4 and 7807.5, the household shall request approval of their selected unit from the Department, which shall be granted only if the household demonstrates that the increase in bedrooms is necessary to accommodate the reasonable needs of a household member with a disability.

7807.7 If a parent shares custody of children, bedrooms shall be provided for children if the children live with the parent for fifty percent (50%) or more of the time. The Department shall require verification of the shared custody.

7807.8 If the participant's household composition changes, the household may request an exception to the standards in § 7807.4 and 7807.5. If the household is already in a unit, the household may request a unit review.

7807.9 If the participant is unable to secure a housing unit in a timely manner, he or she shall be offered at least one (1) unit from the available housing inventory to the extent that units are available in the housing inventory.

7807.10 FRSP assistance shall be provided only for housing units located within the District of Columbia. Any unit constructed before 1978 in which a child under the age of six (6) will be residing must comply with Section 302 of the Lead-Based Paint Poisoning Prevention Act, effective November 9, 1973 (Pub. L. 91-695; 42 U.S.C.

§ 4822), and implementing regulations at 24 C.F.R. part 35, subparts A, B, M, and R.

7807.11 Upon selection, successful inspection, and signing of a lease, the Service Provider shall ensure that the case manager's and Department's contact information is promptly provided to the landlord.

7807.12 The Service Provider shall assist a participant in relocating to a different unit if, at any time during the participant's tenancy:

(a) The participant needs to move because of a reasonable accommodation;

(b) The participant needs to move because of domestic violence; or

(c) The unit has substantial housing code violations that adversely impact the health or safety of the participant's household, and that the landlord fails to address after receiving notice of the housing code violations.

7807.13 Relocation to a different unit shall have no effect on the participant's length of FRSP assistance.

7808 RENTAL ASSISTANCE

7808.1 FRSP provides rental assistance for up to twelve (12) months. The monthly FRSP rental assistance amount shall be the difference between the rental cost and the household contribution.

7808.2 The household shall contribute thirty percent (30%) of their adjusted annual income toward housing costs, which shall be assessed by the Eligibility Provider. The actual contribution amount will be calculated based on the participant's approved budget component of the Housing Stabilization Plan or IRP.

7808.3 The FRSP participant shall pay the monthly contribution amount for the duration of the FRSP assistance period, unless the participant has notified the Service Provider of good cause for non-payment, such as the participant withholding rent due to housing code violations in the unit which the landlord has failed to address after receiving notice of the violations; the Service Provider agrees that good cause exists; and the participant deposits or retains the amount withheld from the rent in a financial account approved by the Service Provider. The FRSP participant shall not be responsible for paying the subsidized portion of the rent.

7808.4 The Department or the Department's designee shall pay the subsidized portion of the rent directly to the landlord, including any late fees or court costs that accrue due to a late payment of rent on the part of the Department.

7808.5 The Program shall not be obligated to provide a monetary amount for a requested service if a less costly alternative is available.

7808.6 The rental cost for the unit may not exceed the rent reasonableness standard determined by DCHA. The Referring Provider and the participant shall attempt to identify housing units below market rent wherever possible.

7808.7 In addition to the monthly rent subsidy, FRSP rental assistance may include the cost of a security deposit, and move-in assistance in accordance with the applicant's approved budget plan.

7808.8 The maximum FRSP payment for a security deposit shall be the actual amount of the deposit, which shall not exceed the cost of one (1) month's unsubsidized rent.

7808.9 An FRSP participant shall report to their Service Provider in writing within fifteen (15) calendar days of any change in income of fifty dollars ($50) or more.

7808.10 The FRSP shall not increase the household's rental payment due to an increase in earnings unless a participant experiences an increase of more than one thousand dollars ($1,000) per month for at least three (3) months.

7808.11 Upon receiving written notification from the household of a change in the household's monthly income, the Service Provider shall determine whether there is a need to recalculate the amount of the household's housing cost contribution, based on the following criteria:

(a) If the participant reports a decrease in monthly income of fifty dollars ($50) or more, the Service Provider shall process and submit documentation to the Department to recalculate the household's contribution;

(b) If the participant reports a decrease in monthly income of less than fifty dollars ($50) the household may request that a recalculation be conducted;

(c) If the participant reports an increase in monthly income of more than one thousand dollars ($1,000) per month that will last for at least three (3) months, the Service Provider shall process and submit documentation to the Department to recalculate the household's contribution;

(d) If the recalculation pursuant to paragraphs (a) or (b) results in an increase in the amount of FRSP rental assistance, the change shall take effect the first day of the month or the next day that rent is due if different from the first of the month, whichever is first, following completion of the calculation. The recalculation shall be completed within ten (10) business days of receipt of written notice from the household of the decrease in household income and request for a recalculation, and documentation necessary for the Department recalculation;

(e) If the recalculation made pursuant to paragraphs (a), (b), or (c) results in a decrease in the amount of FRSP rental assistance, the change shall take effect the first of the month, or on the day that rent is next due if different than the first of the month, whichever is first, following the month in which written notice of the change is provided to the household; and

(f) If the next day rent is due is less than fifteen (15) calendar days from the date the notice is either hand-delivered or postmarked, the change in the FRSP rental assistance shall be effective the second month (or the second date upon which rent is due) following the month in which written notice of the change is provided to the household.

7808.12 When the Eligibility Provider calculates the initial FRSP assistance or when a Service Provider requests a change in FRSP assistance based upon a reported change in income, the Eligibility Provider or Service Provider shall give to the participant household a written Notice of FRSP Rental Assistance or a Notice of Change in FRSP Rental Assistance, as appropriate. Each Notice shall state:

(a) The basis for the rental assistance determination;

(b) The statute or regulation under which the change was made;

(c) The participant's current FRSP rental assistance and the participant's current share of the housing costs;

(d) If the rental assistance is changing, a computation of the new amount of FRSP rental assistance and the new participant contribution to the rental amount;

(e) If the rental assistance amount is changing, the effective date of the change in accordance with this section; and

(f) The FRSP participant's right to a reconsideration of the initial calculation or the recalculation by the Department or the Department's designee, within thirty (30) calendar days of receipt of the written Notice, and instructions for submitting such requests for reconsideration.

7808.13 The Eligibility Provider shall respond to a request for reconsideration in accordance with § 7808.12(f) within five (5) business days of receipt of the household's written request for a reconsideration. The five (5) business day timeframe shall be tolled if the provider has requested documentation necessary to the review and receipt of such documentation is pending.

7808.14 Within twenty-four (24) hours of the Eligibility Provider's calculation or recalculation of the household's rental assistance, notice required shall be either

hand-delivered to an adult member of the participant household, mailed to the household by first class mail, or sent by electronic mail if the household has given consent.

7808.15 Only in rare circumstances, when required by a vendor or by a District or federal agency, may the assistance payment be made in the form of cash. In all other cases, the FRSP assistance payment shall be made in the form of non-cash direct vendor payments.

7809 CASE MANAGEMENT SERVICES

7809.1 A participant enrolled in FRSP shall receive case management services from a qualified Service Provider if the participant requests and is approved for case management services as described in Section 7810.

7809.2 FRSP case management services shall use a progressive engagement model based on the presenting needs of the family and may include:

(a) Development of a Housing Stabilization Plan to identify the family's goals for connecting to services, increasing income, and achieving housing stability after their FRSP assistance ends, and the intermediary steps the family must take to accomplish those goals;

(b) Employment services, including job coaching and assistance identifying opportunities to increase earnings;

(c) Regular contact and communication with a case manager to discuss progress towards the Housing Stabilization Plan and adjust them as needed;

(d) Connection to other community resources and services that are responsive to the needs of the household, such as behavioral health, primary health care, educational supports, food and nutrition resources;

(e) For FRSP participants who are also receiving TANF, documentation of activities that can be credited toward a participant's TANF IRP, such as housing search, housing counseling services, obtaining a General Educational Development (GED) certification, University of the District of Columbia class credit, work hours, or certification with DOES or other barrier remediation activities specifically identified in the plan; and

(f) An updated assessment in response to changed circumstances or a significant life event.

7809.3 The Service Provider shall assess a participant's potential eligibility for longer-term housing assistance programs, including the PSH program and the TAH program, within the first ninety (90) days of the FRSP assistance period.

7809.4 The Service Provider shall confirm that a participant is registered to the DCHA waiting list. If not, the Service Provider shall assist with applying for housing through DCHA, if such application is available.

7809.5 The Service Provider will have regular engagement with the participant as dictated by the goals in the Housing Stabilization Plan, but no less than monthly; coordinate with other Service Providers; and maintain current documentation on progress toward goals. This includes an assessment of progress made towards the completion of the Housing Stabilization Plan.

7809.6 The Housing Stabilization Plan or IRP shall aim for a targeted progression towards exit from the FRSP assistance provided by the end of the twelve (12)-month FRSP assistance period.

7809.7 The participant is expected to plan for the end of FRSP assistance after the end of the twelve (12)-month assistance period.

7809.8 The Service Provider shall engage the participant on progress made towards the Housing Stabilization Plan, which includes the family's plan and actions steps to exit the program. If the participant requests a program extension to receive assistance beyond the twelve (12)-month program time period, the Service Provider will review and process the request according to the requirements determined by the Department and in accordance with Section 7812.

7809.9 A participant who receives TANF is required to comply with all TANF requirements and remain in active engagement status with their assigned TANF Employment Provider (TEP), and each Service Provider's Program Rules shall so provide. In cases where a participant is not engaging with the assigned TEP, and that lack of engagement violates the Service Provider's Program Rules, the Service Provider may cite this as a Program Rules violation.

7810 REQUESTING CASE MANAGEMENT SERVICES

7810.1 No FRSP participant is entitled to receive case management services. An FRSP applicant may request to receive case management services when they submit their FRSP application. The FRSP applicant must indicate their request to receive case management services on the FRSP application form described in § 7801.1. If the applicant orally requests case management during the FRSP application process, the Referring Provider must record the request to receive case management services on the application form.

7810.2 An FRSP participant who has not requested to receive case management services will not receive the case management services described in § 7809.

7810.3 DHS cannot evaluate an FRSP participant's good-faith efforts toward the achievement of goals set forth in an individualized plan if the participant did not request, or opts out of, case management services. Accordingly, an FRSP participant who has not requested case management services, or who has opted out of case management services, will not be eligible for an extension of the twelve (12)-month FRSP assistance period.

7810.4 An FRSP participant who has not requested to receive, or has opted out of, case management services may request emergency inspections, reasonable accommodations, and relocations by contacting their Service Provider.

7810.5 An FRSP participant who has requested and been approved to receive case management services must continue to engage with their case manager as required under this chapter and as described in their Service Provider's Program Rules. A participant's failure to meet case management engagement requirements may lead to termination of the participant's FRSP assistance, including rental assistance, under Section 22(a)(2)(G) of the Act (D.C. Official Code § 4-754.36(a)(2)(G)).

7810.6 An FRSP participant who does not request to receive, or opts out of, case management services must continue to comply with TANF requirements, if applicable, as described in § 7809.9.

7811 FINANCIAL INCENTIVES

7811.1 The Department, subject to funding availability, may award a financial incentive to an FRSP participant who meets program goals related to exiting the program earlier than the twelve (12) month program timeframe to stable housing within specific timeframes. The participant may use these awarded funds only to pay rent or utilities.

7811.2 The FRSP financial incentive shall be in the amounts indicated in § 7811.3.

7811.3 A participant shall qualify for an FRSP financial incentive if they achieve one of the following indicators of housing stability, subject to availability of funding:

(a) If the participant has signed a lease in their current housing unit or in a new housing unit supported by a long-term housing voucher, including PSH, TAH, District Child and Family Services Agency (CFSA) Family Unification, District Department of Behavioral Health (DBH), or Section 8, within thirty (30) calendar days of approval for the voucher, the participant is eligible to receive up to two hundred fifty dollars ($250).

(b) If the participant's household wages earned and unearned, are enough to afford rent at fifty percent (50%) Rent Burden or less within six (6) months of being in the program, the participant is eligible to receive up to two thousand dollars ($2,000). If this goal is reached after six (6) months but

within twelve (12) months of being in the program, the participant is eligible to receive up to one thousand dollars ($1,000).

(c) If the participant has moved in or is planning to move in with family or friends and has a written commitment that they can live at that location for at least a year within six (6) months of being in the program, the participant is eligible to receive up to two thousand dollars ($2,000). If this goal is reached after six (6) months but within twelve (12) months of being in the program, the participant is eligible to receive up to one thousand dollars ($1,000).

(d) If the participant has entered into a shared housing agreement where the participant will be able to live in the housing for at least a year paying fifty percent (50%) Rent Burden or less within six (6) months of being in the program, the participant is eligible to receive up to two thousand dollars ($2,000). If this goal is reached after six (6) months but within twelve (12) months of being in the program, the participant is eligible to receive up to one thousand dollars ($1,000).

7812 EXTENSION CRITERIA

7812.1 FRSP provides assistance for a maximum period of twelve (12) months, unless the Department has funding available for FRSP extensions in a given fiscal year. When such funding is available, the Department may accept FRSP extension requests. If FRSP funding is available for extensions, an FRSP participant may request an extension of FRSP assistance for an additional six (6) months under certain circumstances. The Department will consider the totality of circumstances as described in this section when determining an extension request.

7812.2 The Department shall consider requests for FRSP assistance extending past twelve (12) months if funding is available within the FRSP budget for program extensions. The Department may rely on budget appropriations and Program spending projections based on the availability of current Fiscal Year funding for FRSP rental subsidies and other FRSP services for current FRSP participants, as well as families projected to enter the Program during the current Fiscal Year, when making this determination. DHS shall publish a notice in the *District of Columbia Register* when FRSP funding for extensions has been exhausted in a given fiscal year.

7812.3 A request for an extension of FRSP assistance must be submitted in writing between ninety (90) and sixty (60) days before the end of the participant's twelve (12)-month assistance period. The request for an extension must be on a form prescribed by the Department. The Service Provider will assist the participant in gathering and submitting the required information to the Department.

7812.4 The Department may grant an extension of FRSP assistance if the participant has demonstrated a good faith effort toward the achievement of goals set forth in their

Housing Stabilization Plan or IRP as observed by the Service Provider at the three (3), seven (7), and ten (10) month reviews, but cannot yet sustain housing stability independently of the program.

7812.5 For the purposes of this section, the participant shall have demonstrated a good faith effort toward the achievement of goals set forth in their Housing Stabilization Plan or IRP by meeting the following requirements:

(a) The participant has missed no more than one monthly rent payment;

(b) The participant has no documented Program Rules violations in the past three (3) months;

(c) The participant has a housing stabilization plan with an aim of a targeted progression towards exit from the supports of FRSP; and

(d) The participant has met in-person with their FRSP case manager at least once per month for the past five (5) months.

7812.6 For the purposes of this section, the Department will determine whether the participant can sustain housing independently of FRSP using the Affordability Assessment described at § 7801.8. An FRSP participant will not qualify for an extension of FRSP assistance if median rent based on unit size for the Washington-Arlington-Alexandria Metropolitan Area as defined by HUD is less than fifty percent (50%) of the FRSP participant's household income.

7812.7 The Department shall accept a request for extension of FRSP assistance from an FRSP participant who has been approved for permanently affordable housing if the Department has determined that funding for extensions is available in the current fiscal year pursuant to § 7812.2. When such funding is available, a participant who has been approved for permanently available housing shall receive an extension of FRSP assistance for up to six months or until the participant begins to receive assistance from the new housing program provider, whichever comes first.

7812.8 For the purposes of this section, "permanently affordable housing" shall include federally or locally funded programs through which families receive long-term housing assistance. These programs include the Housing Choice Voucher Program, Permanent Supportive Housing, Targeted Affordable Housing, the DC Flexible Rent Subsidy Pilot Program, the Career Mobility Action Plan Program, and other comparable housing programs.

7812.9 When determining whether to grant a participant an extension beyond twelve (12) months of FRSP assistance, the Department shall consider the totality of the circumstances. In addition to the factors described above in this section, the totality of the circumstances shall also include the participant's progress toward attaining employment income equal to or exceeding the equivalent of at least an average of

thirty (30) hours per week at the District's minimum wage and the length of total program assistance the participant has received.

7812.10 An FRSP participant shall not qualify for an extension of FRSP assistance beyond twelve (12) months unless they have earned the equivalent of at least an average of thirty (30) hours per week at or above the minimum wage of the District for the past four (4) months.

7812.11 DHS may waive the employment requirement in § 7812.10, if, at the time of the participant's extension request, the participant faces a significant hardship, such as having a child in their custody under the age of six (6) months or experiencing a medical condition that prevents the FRSP participant from meeting the employment requirement. To qualify for this waiver, the participant must demonstrate reasonable efforts to engage with their case manager to address the hardship preventing their employment.

7812.12 FRSP is not an entitlement, and the program is not designed to be an indefinite bridge to long-term affordable housing. Therefore, an FRSP participant may not submit a request for an extension of FRSP assistance if they have already been granted one six (6)-month extension of program assistance.

7812.13 The Department shall notify the participant and the participant's Service Provider if the Department grants the request for an additional six (6) months of FRSP assistance.

7812.14 The Service Provider shall conduct two (2) additional formal reviews for an FRSP participant who receives an additional six (6) months of FRSP assistance to ensure the participant receives the support necessary to exit FRSP with stable housing.

7812.15 If the Department denies the request for an extension of FRSP assistance, the Department shall give the participant a written notice at least thirty (30) calendar days before the final FRSP subsidy payment. The written extension denial notice shall state:

(a) The reason for the denial of additional FRSP assistance;

(b) The participant's right to appeal the determination through a fair hearing and administrative review, including deadlines for requesting an appeal; and

(c) Subject to § 7824.6 and 7824.7, the participant's right to continuation of FRSP assistance pending the outcome of any fair hearing requested within fifteen (15) calendar days' receipt of the written notice of denial.

7820 PROGRAM TERMINATION

7820.1 A Service Provider may terminate its FRSP assistance pursuant to Section 22 of the Act (D.C. Official Code § 4-754.36).

7820.2 Termination under this provision shall apply to rental assistance, case management services, and any other service or assistance provided by the Service Provider by virtue of the participant's participation in FRSP.

7820.3 The Service Provider shall give written and oral notice to an FRSP participant of their termination from the program pursuant to this section at least thirty (30) calendar days before the effective date of the termination.

7820.4 The Service Provider's written notice to the participant of the termination shall include:

(a) A clear statement of the termination and its effective date;

(b) A clear and detailed statement of the factual basis for the termination, including the date or dates on which the basis or bases for the termination occurred;

(c) A reference to the statute, regulation, or Program Rule pursuant to which the termination is being implemented;

(d) A clear and complete statement of the participant's right to appeal the termination through administrative review and fair hearing proceedings pursuant to § 7824, including the appropriate deadlines for instituting the appeal; and

(e) A statement of the participant's right, if any, to continuation of benefits pending the outcome of any appeal, pursuant to Section 9(a)(18) of the Act (D.C. Official Code § 4-754.11(a)(18)).

7820.5 Termination pursuant to this section refers to a termination of the Service Provider's FRSP assistance only and does not provide the Department or an FRSP Provider with any authority to interfere with a participant's tenancy rights under the lease agreement as governed by Title 14 of the District of Columbia Municipal Regulations.

7821 PROGRAM EXIT

7821.1 Pursuant to Section 22a-1(a) and 22b(a) of the Act (D.C. Official Code §§ 4-754.36a-1(a) and 4-754.36b(a)), a Service Provider shall conduct a program exit when:

(a) The FRSP participant reaches the end of their FRSP assistance period; or

(b) The Department determines the participant is no longer eligible for FRSP.

7821.2 The Service Provider shall provide the participant oral and written notice of the program exit at least thirty (30) calendar days before the effective date of the program exit. The Service Provider may issue the written notice via electronic transmission if the participant has consented and provided such contact information.

7821.3 The Service Provider's written notice to the participant of the program exit shall include:

(a) A clear statement of the effective date of the participant's exit from the Program, including the final month for which the participant will receive FRSP housing assistance;

(b) A clear and detailed statement of the factual basis for the program exit, including the date or dates on which the basis or bases for the program exit occurred;

(c) A reference to the statute or regulation pursuant to which the program exit is being implemented;

(d) A clear and complete statement of the participant's right to appeal the program exit pursuant to § 7824, including deadlines for instituting the appeal; and

(e) A statement of the participant's right to continuation of FRSP assistance pending the outcome of an appeal requested within fifteen (15) calendar days after receipt of written notice of the program exit, pursuant to § 7824.

7821.4 A program exit from FRSP shall not affect a participant's tenancy rights under an agreement governed by Title 14 of the District of Columbia Municipal Regulations.

7821.5 An FRSP participant may withdraw from FRSP, including all FRSP services and rental assistance, at any time.

7821.6 An FRSP participant who wishes to withdraw from FRSP shall submit a Voluntary Withdrawal Form to the Department. The Department shall respond in writing to indicate the final date of FRSP assistance.

7822 SUMMARY OF PROVIDER RESPONSIBILITIES

7822.1 An Eligibility Provider is responsible for the following:

(a) Assisting the FRSP applicant with the overall application process, including assisting the applicant in obtaining required information to complete the application process;

(b) Referring the completed FRSP application to the Department in as short a time as possible;

(c) Maintaining in the applicant's or participant's file the following detailed documentation:

(1) Assistance for which the applicant qualifies;

(2) Case-management reviews; and

(3) The applicant's or participant's individualized Housing Stabilization Plan or IRP.

(d) For an applicant who is determined ineligible for FRSP assistance, providing them with a referral or referrals to other programs and services within the Continuum of Care.

7822.2 A Service Provider is responsible for the following:

(a) Providing individualized case management services using a progressive engagement model based on the presenting needs of all members of the participant household;

(b) Developing an individualized Housing Stabilization Plan or IRP in collaboration with the participant and other organizations and entities that are also engaged with the participant;

(c) Connecting the participant to other community resources, and ongoing evaluation of the Housing Stabilization Plan or IRP and modification as needed;

(d) Conducting a review of case management services provided and participant participation after three (3), seven (7), and ten (10) months of assistance;

(e) In cases of an approved relocation, assisting the participant to identify a housing unit independently or access the pool of available housing units to identify a unit that best fits their needs;

(f) Providing employment supports; and

(g) Ensuring a participant receiving TANF receives credit for any work or barrier remediation activities and supports identified in the service plan, such as job search, GED preparation, housing search and counseling.

7823 PARTICIPANT RIGHTS AND RESPONSIBILITIES

7823.1 An FRSP participant shall have the rights described pursuant to Sections 9 and 10a of the Act (D.C. Official Code §§ 4-754.11 and 4-754.12a).

7823.2 A participant shall have the right to withdraw from the Program at any time during the FRSP assistance period.

7823.3 A participant shall have the responsibilities described pursuant to Section 11 of the Act (D.C. Official Code § 4-754.13).

7823.4 A participant shall also have the following responsibilities:

(a) The participant must pay their monthly rental contribution on time for the duration of the FRSP assistance period;

(b) The participant is responsible for notifying the Department or their Service Providers if a member of their applicant unit will not reside in the unit for longer than 6 months; and

(c) The participant is responsible for reporting changes in income pursuant to § 7808.9.

7824 FAIR HEARING AND ADMINISTRATIVE REVIEW

7824.1 An FRSP applicant or participant shall have ninety (90) calendar days following the receipt of a written notice described in §§ 7803.8, 7812.15, 7820.3, or 7821.4 to appeal the action that is the subject of the written notice. The appeal shall be conducted in accordance with the fair hearing and administrative review provisions of Sections 26 and 27 of the Act (D.C. Official Code §§ 4-754.41 and 4-75.42).

7824.2 Upon receipt of an appeal, the Department shall offer the petitioner or the petitioner's authorized representative an opportunity for an administrative review in accordance with Section 27 of the Act (D.C. Official Code § 4-754.42), except that if an eviction is imminent, the Department shall take all reasonable steps to provide an expedited administrative review to maximize resolution of the appeal in time to resolve the housing emergency and prevent the eviction.

7824.3 In accordance with Section 26 of the Act (D.C. Official Code § 4-754.41(b)(2)(F)), an appeal of a written notice of program exit issued because the participant reached the end of their FRSP assistance period may not be reviewed at a fair hearing. The administrative review decision by the Department shall be final in such cases.

7824.4 In accordance with Section 27 of the Act (D.C. Official Code § 4-754.42(d)(3)), the Department may conduct an administrative review on the papers and without an in-person hearing if the purpose of the administrative review is to ascertain the validity

of a decision to exit the participant because the participant reached the end of their FRSP assistance period.

7824.5 In accordance with Sections 9 and 22b of the Act (D.C. Official Code §§ 4-754.11(a)(18)) and 4-754.36b(c)), a participant who appeals within fifteen (15) days of receipt of a written notice of termination pursuant to § 7820 or program exit based on re-determination of eligibility pursuant to § 7821 shall have the right to the continuation of FRSP services pending a final decision from the fair hearing proceedings.

7824.6 In accordance with Section 22a-1(c) of the Act (D.C. Official Code § 4-754.36a-1(c)), a participant who appeals a notice of program exit based on reaching the end of their FRSP assistance period will not receive continuation of services during the appeal process if the participant received the notice on or after the effective date of the Fiscal Year 2026 Budget Support Emergency Act of 2025 (September 3, 2025).

7824.7 In accordance with Section 22a-1(d) of the Act (D.C. Official Code § 4-754.36a-1(d)), a participant who received a notice of program exit before the effective date of the Fiscal Year 2026 Budget Support Emergency Act of 2025 (September 3, 2025), where the exit was based on reaching the end of their FRSP assistance period, shall be exited from FRSP when the client's time in the program reaches twenty-four (24) months or on September 30, 2025, whichever date is later, regardless of the pendency of an administrative review, fair hearing, or other appeal and notwithstanding any statutory provision requiring the continuation of services that existed on or before the date the client received the notice of program exit.

7899 DEFINITIONS

7899.1 The terms and definitions in 29 DCMR § 2599 are incorporated by reference in this chapter.

7899.2 For the purposes of this chapter, the following additional terms shall have the meanings ascribed:

Act – the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*).

Approved Budget Plan – a household's estimate of costs, revenue, and resources over a specified period, reflecting a reading of future financial conditions and goals. An approved budget plan serves also as a: (1) plan of action for achieving quantified objectives, (2) standard for measuring performance, and (3) device for coping with foreseeable adverse situations.

Authorized Representative – an individual who is at least eighteen (18) years of age, who is acting on behalf of the applicant, and has sufficient knowledge of the applicant's circumstances to provide or obtain necessary information

about the applicant, or a person who has legal authorization to act on behalf of the applicant.

Eligibility Provider – an organization that receives Family Re-Housing and Stabilization Program funds and is authorized to assess eligibility and administer Family Re-Housing and Stabilization Program services, including the payment of rental subsidies.

Family – (A) a group of individuals with at least one minor or dependent child, regardless of blood relationship, age, or marriage, whose history and statements reasonably tend to demonstrate that they intend to remain together as a family unit; or (B) a pregnant woman in her third trimester.

Housing Stability – the ability to pay housing costs with or without assistance from another source, including rent and utilities, or to secure other viable and secure housing options necessary to retain housing without FRSP assistance.

Individualized Housing Stabilization Plan – the self-sufficiency plan that the Family Re-Housing and Stabilization Program participant has entered into with the shelter, housing, District Temporary Assistance for Needy Families (TANF), or other service provider that sets out the steps and goals necessary for the participant to achieve greater housing and economic self-sufficiency.

Longer-Term Housing Assistance Program – a program within the Continuum of Care that combines supportive services with permanent rental assistance.

Progressive Engagement – a strategy of starting off offering a small amount of assistance initially, and, after reassessment, adding more assistance if needed to help each household reach stability. This strategy uses the lightest touch possible for a household to be successful, knowing more assistance can be added later if needed.

Rapid Re-Housing – a supportive housing program that provides a homeless individual or family with financial assistance as a bridge to permanent housing, by providing some or all of a security deposit, first month's rent, short-term rental subsidy, and supportive services in order to help the recipient become self-sufficient. FRSP is a Rapid Re-Housing program.

Referring Provider – a Continuum of Care provider designated by Section 7803.2 as an approved referral source for applicants to FRSP.

Rent Burden– the share of a family's adjusted gross income that is paid towards rent and utilities.

Rental Payment – a regular payment made by a tenant to an owner or landlord for the right to occupy or use property.

Security Deposit – a sum of money paid in advance that is required by the owner or landlord for leasing property as security against the tenant's inability to fulfill the lease or security to cover damage to the rental premises.

Service Provider – an organization that receives Family Re-Housing and Stabilization Program funds and is authorized to deliver Family Re-Housing and Stabilization Program services.

Vendor – a provider of a service or product, including a landlord.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in 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)), and 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 § 1-307.06), and Mayor's Order 2024-115, dated July 1, 2024, hereby gives notice of the adoption, on an emergency basis, of the following amendments to Chapter 90 (Home and Community-Based Services Waiver for Individual and Family Support) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR) and of his intent to adopt the amendments as a final rulemaking in not less than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*.

DHCF is the single state agency responsible for the administration, in the District, 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. The DC Individual and Family Support Waiver ("IFS Waiver") allows District residents with intellectual or developmental disabilities who live in an independent environment, either in their own homes or with family or friends, to receive Home and Community-Based Services ("HCBS") and support tailored to their specific needs. The District is proposing to renew and streamline the IFS Waiver to further meet the needs of individuals who can leverage support from family or friends without institutional services. In this way, the IFS Waiver will continue to offer person-centered services that meet the participant's needs in the least restrictive setting and apply the highest standards of quality and national best practices.

The IFS Waiver offers a full range of health and clinical services necessary to help people with complex support needs and their families to choose an alternative to institutional services that promotes community inclusion and independence by enhancing, not replacing, existing informal networks. The emergency and proposed IFS Waiver amendments modify staff HCBS settings provider qualifications and training requirements, change person-centered plan development for Service Coordinators, removes the annual physical examination performance measure, and sets reimbursement rates for direct support professional living wage rates.

Specifically, this rulemaking makes the following changes:

- Clarifies SHIFT certification requirements for Department on Disability Services (DDS) providers and covered assistive technology goods and services.
- Requires a technology plan as part of the Individual Support Plan (ISP) for each assistive technology that costs under $1,000.
- Requires that participants eighteen (18) to twenty-one (21) years of age access Early and Periodic Screening, Diagnostic and Treatment (EPSDT) services for medical/health-related needs under the State Plan before accessing waiver services.

- Allows only professionals within a provider organization who are not licensed Assistive Technology Specialists, Occupational Therapists, Physical Therapists, or Speech, Hearing, and Language clinicians to be required to obtain certification through SHIFT's Enabling Technology Integration Specialist (ETIS) program to provide assistive technology services.
- Incorporates the inclusion of clinicians whose specialty is in the area in which assistive technologies are recommended, in the assessment process, to better provide appropriate assessments and technologies per the person's identified clinical needs and increases the person's independence.
- Allows the inclusion of newer, more innovative technologies to ensure the waiver keeps pace with advances in assistive devices and technologies that enhance independence and quality of life for people with disabilities.
- Adds subscriptions to acquire technology to access assistive technology, if this is an available option, rather than purchase it outright. This model allows for continuous improvements, updates, and maintenance without requiring full reinvestment in new devices or software.
- Adds an extension service for assistive technology ongoing services.

This rulemaking corresponds to the home and community-based services waiver submitted to CMS to renew the IFS Waiver. On May 16, 2025, a notice to the public of the District's intent to renew the IFS Waiver was published in the *District of Columbia Register* at 72 DCR 005990. The full proposed waiver renewal was made available at https://dds.dc.gov/page/hcbs-ifs-waiver-2025-renewal, and the public comment period began on May 16, 2025, and ended on June 16, 2025. On June 6, 2025, DHCF made minor edits to the Appendix J section of the waiver and extended the public comment period from June 16, 2025 to July 6, 2025. On July 7, 2025, DHCF submitted the proposed waiver to CMS, with a proposed effective date of October 1, 2025, or another date approved by CMS.

Emergency rulemakings are promulgated only for the immediate preservation of the public peace, health, safety, welfare, or morals, pursuant to section 6(c) of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)). These changes are needed on an emergency basis to ensure the health, safety, and welfare of Medicaid beneficiaries in the IFS Waiver. The IFS Waiver serves some of the District's most vulnerable residents. These changes are needed on an emergency basis to prevent impediments that adversely affect access to quality Medicaid services delivered by eligible Medicaid providers, and to conform the District's rules to what CMS has approved.

The emergency rulemaking was adopted by the Director of DHCF on May 12, 2026. The emergency rules shall remain in effect for one hundred twenty (120) days or until September 9, 2026, unless superseded by publication of a Notice of Final Rulemaking in the *District of Columbia Register*.

Chapter 90, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUAL AND FAMILY SUPPORT, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 9001, COVERED SERVICES AND RATES, is amended as follows:

Subsection 9001.1(f) through (u) is amended to read as follows:

(f) Education Support Services, 29 DCMR § 9021;

(g) Employment Readiness Services, 29 DCMR § 9022;

(h) Family Training Services, 29 DCMR § 9023;

(i) Individualized Day Supports Services, 29 DCMR § 9024;

(j) In-Home Supports Services, 29 DCMR § 9025;

(k) Occupational Therapy Services, 29 DCMR § 9026;

(l) Parenting Support Services, 29 DCMR § 9027;

(m) Personal Care Services, 29 DCMR § 9028;

(n) Physical Therapy Services, 29 DCMR § 9029;

(o) Respite Services, 29 DCMR § 9030;

(p) Skilled Nursing Services, 29 DCMR § 9031;

(q) Speech, Hearing, and Language Services, 29 DCMR § 9032;

(r) Supported Employment Services -- Individual and Small Group Services, 29 DCMR § 9033;

(s) Wellness Services, 29 DCMR § 9034;

(t) Individual-Directed Goods and Services, 29 DCMR § 9035; and

(u) Remote Supports Services, 29 DCMR § 9036.

Subsection 9001.1(v) is repealed.

Section 9010, PROVIDER QUALIFICATIONS, is amended as follows:

Subsection 9010.4(i) is amended to read as follows:

(i) Offer the Hepatitis B vaccine and all other recommended vaccines for communicable diseases including yearly influenza to all employees;

Subsection 9010.6(h) is amended to read as follows:

(h) An individual with a bachelor's degree in any field with a minor in human services, or an equivalent combination of education and continuing education courses in human services, as approved by an accredited institution or board, and who has specialized training in intellectual disabilities or one (1) year of experience in working with persons with intellectual disabilities or other developmental disabilities; or

Subsection 9010.6 is amended by adding a new paragraph (i) to read as follows:

(i) A registered nurse with specialized training in intellectual disabilities or with one (1) year of experience in working with persons with intellectual disabilities.

Section 9015, ASSISTIVE TECHNOLOGY SERVICES, is amended as follows:

Subsection 9015.2(b) is amended to read as follows:

(b) Covered assistive technology goods include:

(1) Communication and Cognitive Aids: Tools and devices that assist with communication, memory, cognitive processing, or interaction with the environment. Examples: Speech generating devices, speech-to-text tools, artificial intelligence (AI)-powered voice assistants, text-to-speech software, augmented reality (AR) for cognitive training;

(2) Environmental Control Systems: Devices that enable people to control their environment (home, work, etc.) independently. Examples: Smart home systems, voice-activated controls, internet of things (IoT)-enabled devices, motion-sensor appliances;

(3) Health Monitoring and Management Devices: Tools that aid people in tracking, reporting, and managing their health or daily wellness activities. Examples: Wearable health monitors, AI health analytics, automated medication dispensers, remote health management devices;

(4) Navigation Aids: Equipment that assists with wayfinding in various environments, including global positioning system (GPS) navigation devices or apps to assist people with wayfinding. Examples: Wayfinding apps, wearables;

(5) Sensory Enhancement and Adaptation Tools: Devices that enhance or compensate for sensory impairments (vision, hearing, etc.).

Examples: Hearing aids, screen readers, AI vision aids (smart glasses for low vision), haptic feedback devices;

(6) Remote Monitoring and Support Systems: Tools that allow for real-time remote support, monitoring, and communication. Examples: AI-powered remote support platforms;

(7) AI-Driven Predictive and Decision-Making Tools: Systems that use artificial intelligence to predict or recommend health, safety, or daily task decisions. Examples: AI algorithms for predicting health conditions, AI-based personal task assistants, decision-support systems;

(8) Wearables and Personal Devices: Devices worn by people that enhance independence, health management, or communication. Examples: Smartwatches, fitness trackers, AR glasses, wearable health devices, tablets;

(9) Adaptive Learning and Personal Development Tools: Tools that facilitate learning, skill-building, and personal development through adaptive methods. Examples: Educational software, adaptive learning apps, virtual reality (VR) for skill;

(10) Safety and Security Tools: Devices that ensure the safety and security of people in their home or community environments. Examples: Sensors, alarm devices or apps, seizure and elopement detection, kitchen safety devices, auto shutoff, and home security; and

(11) Assistive Kitchen Devices: Devices and appliances that assist with meal preparation and ensure safety in the kitchen. Examples: Smart cooking appliances, automated stovetop safety devices, smart ovens.

Subsection 9015.2 is amended by adding a new paragraph (c) to read as follows:

(c) The categories of assistive technology services mentioned in § 9015.2(b) represent examples of technological solutions that may be covered as assistive technology services. As technology evolves, new and emerging solutions that do not clearly fall under these categories will be considered for inclusion on a case-by-case basis. This ensures flexibility in supporting the latest advancements in technology that align with the goals of enhancing independence and improving quality of life for people serviced by the Waiver.

Subsection 9015.3 is amended to read as follows:

9015.3 Assistive technology services include goods and services that directly assist a person in the selection, acquisition, or use of an assistive technology device and includes:

(a) The evaluation of assistive technology needs, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the person in his/her customary environment;

(b) Services consisting of purchasing, leasing, subscribing to, or otherwise providing for the acquisition of assistive technology devices for persons served through the Waiver. Subscribing to assistive technology refers to a model where a person will pay a recurring fee (monthly, annually, etc.) to access assistive technology rather than purchasing it outright. This model allows for continuous improvements, updates, and maintenance without requiring full reinvestment in new devices or software;

(c) Services consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(d) Coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with other services in the service plan;

(e) Training or technical assistance for the person or, where appropriate, his/her family members, guardians, advocates, or authorized representatives who provide unpaid support, training, companionship or supervision; and

(f) Training or technical assistance for professionals or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of the person served.

Subsections 9015.4 through 9015.14 are amended to read as follows:

9015.4 A person qualifies for assistive technology services when he or she requests the service or it is recommended by the person's support team.

(a) The support team shall include clinicians (e.g. Speech and Language Therapist, Occupational Therapist, Physical Therapist, Nutritionist, or Fitness Trainer, as applicable) whose specialty is in the area in which technologies are recommended.

(b) The support team shall ensure that services recommended either:

(1) Are ordered by a physician; or

(2) Are consistent with the person's identified clinical needs, and enhance or maintain the person's independence or support increased community inclusion.

(c) Assistive technology services must be included in the person's Individual Support Plan (ISP) and Plan of Care.

9015.5 In order to be eligible for Medicaid reimbursement, each professional providing assistive technology services shall:

(a) Conduct a comprehensive assessment within the first four (4) hours of service delivery, which shall include the following:

(1) A background review and current functional review of the person's capabilities in different environments;

(2) An environmental review in places of employment, residence, and other sites as necessary; and

(3) A needs assessment for the use of assistive technology; and

(b) Develop and implement an assistive technology plan within the first four (4) hours of service delivery that describes strategies, including recommended assistive technology goods, coordination with professional services, training of caregivers, monitoring requirements and instructions, and the anticipated and measurable, functional outcomes, based upon what is important to and for the person as reflected in his or her Person-Centered Thinking tools and the goals in his or her ISP and Plan of Care.

9015.6 If the person enrolled in the Waiver is at least eighteen (18) years of age, up to, but not including, twenty-one (21) years of age, and needs assistive technology for medical/health-related needs, the DDS Service Coordinator shall ensure that Early Periodic Screening and Diagnostic Treatment (EPSDT) services under the District of Columbia State Plan for Medical Assistance are fully utilized before accessing assistive technology services under the Waiver.

9015.7 Assistive technology services may be provided by the following professionals:

(a) Approved Waiver providers of occupational therapy, physical therapy, and speech, hearing and language services, who are licensed pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201 *et seq.*), and implementing rules;

(b) Assistive technology professionals who are certified through the Rehabilitation Engineering and Assistive Technology Society of North

America, or another comparable national accreditation body that has been approved by DDS; and

(c) Assistive technology professionals who are certified through the SHIFT program's training program, who must be accompanied by a Certified Enabling Technology Integration Specialist (ETIS) employed by an approved DDS HCBS Waiver Service Provider. .

9015.8 Assistive technology services may be provided by the following agency provider types:

(a) An Assistive Technology Professional Agency or Supplier that is an approved vendor for the Rehabilitation Services Administration; or

(b) A licensed provider agency of occupational therapy, physical therapy, and speech, hearing and language pathology.

9015.9 Each provider of Medicaid reimbursable assistive technology services shall comply with Section 9010 (Provider Qualifications) and Section 9009 (Provider Enrollment Process) of Chapter 90.

9015.10 Each provider of Medicaid reimbursable assistive technology services shall maintain the following documents for monitoring and audit reviews:

(a) A copy of the assistive technology assessment and treatment plan;

(b) A copy of the physician's order, if applicable;

(c) A copy of receipts documenting the date, item, amount expended, and any related warranty; and

(d) Any other applicable documents required to be maintained under Section 9006 (Records and Confidentiality of Information) of Chapter 90, where applicable.

9015.11 In order to be eligible for Medicaid reimbursement, each provider shall comply with Section 9013 (Reporting Requirements) and Section 9005 (Individual Rights) of Chapter 90.

9015.12 In order to be eligible for reimbursement, each Medicaid provider of assistive technology services must obtain a written Service Authorization from DDS before providing assistive technology services.

9015.13 Assistive technology services are subject to the following limitations:

(a) There is a maximum dollar amount per participant over a five-year period

for this service. A person may be able to exceed this limitation on a case-by-case basis with the approval of DDS, based upon documented need, but shall be authorized prior to rendering the Waiver service;

(b) Any request for extended assistive technology services shall be submitted to DDS for approval and include justification and supporting documentation for additional hours; and

(c) Assistive technology provided through the Waiver is available only after the person has fully utilized services available under the Medicaid State Plan, or programs funded under Section 110 of the Rehabilitation Act of 1973, approved September 26, 1973 (Pub. L. 93-112; 29 USC § 720 *et seq.*), or Sections 602(16) and (17) of the Individuals with Disabilities Education Act, approved April 13, 1970 (Pub. L. 91-230; 20 USC § 1400 *et seq.*), and the assistive technology is not the obligation of the individual's employer.

9015.14 The Medicaid reimbursable billable unit of service for assistive technology services shall be fifteen (15) minutes. A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes to bill a unit of service that is reimbursable by Medicaid.

A new Subsection 9015.15 is added to read as follows:

9015.15 A comprehensive assessment is not required by a professional providing assistive technology services for the purchase of assistive technology goods costing less than one thousand dollars ($1,000); however, there is a requirement for a technology plan, as reflected in § 9015.5(b), based on the person's support team justification of need in the Individual Support Plan (ISP).

New Subsections 9015.16, 9015.17, 9015.18, 9015.19, and 9015.20 are added to read as follows:

9015.16 Assistive technology assessment services may be delivered through telehealth services to the extent the recommended service delivery is telehealth, and the person is able to utilize the equipment or technology needed for telehealth services as assessed and determined by the support team.

9015.17 Each provider of telehealth assistive technology services shall comply with § 9036.

9015.18 Assistive technology assessment services delivered through telehealth services shall be issued a separate service authorization indicating the frequency of usage.

9015.19 Telehealth assistive technology assessment services Medicaid reimbursement rates shall reflect the same rate as professional in-person assistive technology assessment Medicaid reimbursement rates, according to the District of Columbia Medicaid fee schedule available at https://medicaid.dc.gov/.

9015.20 Assistive technology assessment services provided by HCBS Waiver professionals through telehealth services must meet the criteria specified in § 9036.

Section 9016, BEHAVIORAL SUPPORT SERVICES, is amended as follows:

Subsection 9016.30(e) through (f) is amended to read as follows:

(e) A Board-Certified Assistant Behavior Analyst;

(f) A Licensed Professional Art Therapist (LPAT); and

Subsection 9016.30 is amended by adding a new paragraph (g) to read as follows:

(g) A registered nurse.

Subsection 9016.31 is amended to read as follows:

9016.31 In order to receive Medicaid reimbursement, the person who drafts the BSP shall be a psychologist or a social worker, have at least a master's level degree, and draft the BSP under the supervision of a licensed psychologist or an LICSW.

Subsection 9016.41 is amended to read as follows:

9016.41 Behavioral support services may be delivered through telehealth services to the extent the recommended service delivery is through telehealth services, and the person is able to utilize the equipment or technology needed for telehealth services as assessed and determined by the support team.

Subsection 9016.42 is amended to read as follows:

9016.42 Each provider of telehealth behavioral support services shall comply with the requirements in § 9036.

Subsection 9016.43 is amended to read as follows:

9016.43 Behavioral support services delivered through telehealth services shall be issued as a separate service authorization indicating the frequency of usage. A hybrid model may be used for in-person and telehealth services behavioral support hours where two (2) service authorizations are issued to cover the in-person service hours and the telehealth services hours.

Subsection 9016.44 is amended to read as follows:

9016.44 Telehealth behavioral support services reimbursement rates shall reflect the same rate as professional in-person behavioral support reimbursement rates.

Subsection 9016.45 is amended to read as follows:

9016.45 Behavioral support services provided by HCBS Waiver professionals through telehealth services must meet the criteria specified in § 9036.

Section 9018, CREATIVE ARTS THERAPIES SERVICES, is amended as follows:

Subsections 9018.18 through 9018.22 are amended to read as follows:

9018.18 Creative arts therapies services may be delivered through telehealth services to the extent the recommended service delivery is through telehealth services and the person is able to utilize the equipment or technology needed for telehealth services as assessed and determined by the support team.

9018.19 Each provider of telehealth creative arts therapies services shall comply with the requirements in § 9036.

9018.20 Creative art therapies delivered through telehealth services will be issued as a separate service authorization indicating the frequency of usage. A hybrid model may be used for in-person and telehealth services creative art therapies hours where two (2) service authorizations are issued to cover the in-person service hours and the telehealth services hours.

9018.21 Telehealth creative art therapies services reimbursement rates shall reflect the same rate as professional in-person art therapies reimbursement rates.

9018.22 Creative art therapies services provided by HCBS Waiver professionals through telehealth services must meet the criteria specified in § 9036.

Section 9019, DAY HABILITATION SERVICES, is amended as follows:

Subsection 9019.42 is amended to read as follows:

9019.42 Day habilitation services provided by HCBS Waiver professionals through remote supports services must meet the criteria specified in § 9035.13.

Section 9020, PERSONAL EMERGENCY RESPONSE SYSTEM (PERS), is repealed and amended to read as follows:

9020 [RESERVED]

Section 9022, EMPLOYMENT READINESS SERVICES, is amended as follows:

Subsection 9022.25 is amended to read as follows:

9022.25 Each provider of employment readiness services shall maintain the required staff-to-person ratio, as indicated in the person's ISP and Plan of Care, with a staffing ratio of 1:1 or up to 1:4. For a person that requires 1:1 supports (behavioral or medical) in an Employment Readiness setting:

(a) The DSP providing 1:1 employment readiness services shall be trained in physical management techniques, positive behavioral support practices, and other training required to implement the person's health care management plan and behavioral support plan (BSP), in accordance with DDS's training policy and procedure;

(b) There shall be an approved BSP or physician's order for 1:1 staffing support; and

(c) When required by a person's BSP, the DSP shall accurately complete the behavioral data sheets.

Section 9023, FAMILY TRAINING SERVICES, is amended as follows:

Subsections 9023.16 through 9023.20 are amended to read as follows:

9023.16 Family training services may be delivered through telehealth services to the extent the recommended service delivery is through telehealth services and the person is able to utilize the equipment or technology needed for telehealth services as assessed and determined by the support team.

9023.17 Each provider of telehealth family training services shall comply with the requirements under § 9036.

9023.18 Telehealth family training services will be issued as a separate service authorization indicating the frequency of usage. A hybrid model may be used for in-person and telehealth services family training hours where two (2) service authorizations are issued to cover the in-person service hours and the telehealth services hours.

9023.19 Telehealth family training services reimbursement rates shall reflect the same rate a professional in-person family training reimbursement rates.

9023.20 Family training services provided by HCBS Waiver professionals through telehealth services must meet the criteria specified in § 9036.

Section 9025, IN-HOME SUPPORTS SERVICES, is amended as follows:

Subsection 9025.2(b) is amended to read as follows:

(b) For people with higher intensity support needs, high acuity in-home supports services are available with the additional supports described below in § 9025.4.

Subsection 9025.2(c) is repealed.

Subsection 9025.11(a) is amended to read as follows:

(a) Activities and supports that will be provided during the service, based upon what is important to and important for the person, as identified in the Person-Centered Thinking and Discovery tools and reflected in the person's ISP. Requested In-Home Supports hours must directly support goals outlined in the person's ISP and the hours must be indicated and proportionate to the time needed to work on objectives or activities, ensuring the hours reflect the complexity of the task;

Subsections 9025.13 through 9025.20 are amended to read as follows:

9025.13 Forty (40) to fifty-six (56) hours per week of in-home supports services to meet goal-oriented needs will be considered based on assessed need as justified and documented in outcomes and goals in the Individual Support Plan (ISP) and in-home supports plan. People can receive forty (40) or more hours of in-home supports services per week if they have significant needs and meet the criteria of support with:

(a) Activities of daily living (ADLs);

(b) Behavioral support;

(c) Medical/health;

(d) Safety and risk; and

(e) Level of independence.

9025.14 In the event of a temporary emergency, a written justification for an increase in hours shall be submitted with the In-Home Supports Plan, ISP, and Plan of Care by the provider to DDS. The written justification must include:

(a) An explanation of why no other resource is available;

(b) A description of the temporary emergency;

(c) An explanation of how the additional hours of in-home supports services will support the person's habilitative needs;

(d) A revised copy of the in-home Supports Plan, ISP, and Plan of Care reflecting the increase in habilitative supports to be provided; and

(e) The service authorization from the Medicaid Waiver Supervisor or other DDS designated staff.

9025.15 All DSPs, including family members, who provide in-home supports services shall comply with § 9011.

9025.16 Family members who provide in-home supports services and reside in the same home as the person receiving services may only be paid for in-home support services that are in accordance with the person's ISP goals.

9025.17 In-home supports services shall not be provided to persons receiving residential services.

9025.18 In-home supports services may be used on the same day as, or in combination with, Medicaid State Plan Personal Care Aide (PCA) services, IFS waiver PCA services, and Companion services, provided the services are not rendered at the same time.

9025.19 In-home supports services shall not be used to provide supports that are normally by medical professionals.

9025.20 In-home supports services, including those provided in the event of a temporary emergency, shall be billed at the unit rate of fifteen (15) minutes and shall not exceed eight (8) hours per twenty-four (24) hour day. A standard unit of fifteen (15) minutes requires a minimum of eight (8) minutes of continuous service to be billed. There shall be a Medicaid reimbursement rate for both the in-home supports identified in § 9025.5 and the high acuity in-home supports identified in § 9025.4. Reimbursement shall be limited to those time periods in which the provider is rendering services directly to the person.

A new Subsection 9025.21 is added to read as follows:

9025.21 Reimbursement for in-home supports services shall not include:

(a) Room and board costs;

(b) Routine care and general supervision normally provided by the family or unpaid individuals who provide supports, or for services furnished to a minor by the child's parent or step-parent or by a person's spouse;

(c) Services or costs for which payment is made by a source other than Medicaid;

(d) Travel or training of travel skills to Supportive Employment, Day Habilitation, Individualized Day Supports, or Employment Readiness; and

(e) Costs associated with the DSP engaging in community activities with the people they support.

New Subsections 9025.22, 9025.23, 9025.24, 9025.25, and 9025.26 are added to read as follows:

9025.22 In-home supports services may be delivered through remote supports to the extent the recommended service delivery is through remote supports services, and the person is able to utilize the equipment or technology needed for remote supports services as assessed and determined by the support team.

9025.23 Each provider of remote in-home supports services shall comply with the requirements in § 9036.

9025.24 In-home supports services delivered through remote supports services shall be issued as a separate service authorization indicating the frequency of usage. A hybrid model may be used for in-person and remote supports services in-home supports hours where two (2) service authorizations are issued to cover the in-person service hours and the remote supports services hours.

9025.25 Remote in-home supports services reimbursement rates shall reflect the same rate as professional in-person in-home supports reimbursement rates.

9025.26 In-home supports services provided by HCBS Waiver professionals through remote supports services must meet the criteria specified in § 9036.

Section 9026, OCCUPATIONAL THERAPY SERVICES, is amended as follows:

Subsections 9026.16, 9026.17, 9026.18, 9026.19, and 9026.20 are amended to read as follows:

9026.16 Occupational therapy services may be delivered through telehealth services to the extent the recommended service delivery is through telehealth services and the person is able to utilize the equipment or technology needed for telehealth services as assessed and determined by the support team.

9026.17 Each provider of telehealth occupational therapy services shall comply with the requirements under § 9036.

9026.18 Telehealth occupational therapy services shall be issued as a separate service authorization indicating the frequency of usage. A hybrid model may be used for in-person and telehealth services occupational therapy hours where two (2) service authorizations are issued to cover the in-person service hours and the telehealth

services hours. Occupational therapy remote supports services rates shall reflect the same professional in-person rates.

9026.19 Telehealth occupational therapy services reimbursement rates shall reflect the same professional in-person reimbursement rates.

9026.20 Occupational therapy services provided by HCBS Waiver professionals through remote supports services must meet the criteria specified in § 9036.

Section 9027, PARENTING SUPPORT SERVICES, is amended as follows:

Subsections 9027.12, 9027.13, 9027.14, 9027.15, and 9027.16 are amended to read as follows:

9027.12 Parenting support services may be delivered through telehealth services to the extent the recommended service delivery is through telehealth services and the person is able to utilize the equipment or technology needed for telehealth services as assessed and determined by the support team.

9027.13 Each provider of telehealth parenting support services shall comply with the requirements under § 9036.

9027.14 Telehealth parenting support services shall be issued as a separate service authorization indicating the frequency of usage. A hybrid model may be used for in-person and telehealth services parenting support hours where two (2) service authorizations are issued to cover the in-person service hours and the telehealth services hours.

9027.15 Telehealth parenting support services reimbursement rates shall reflect the same rate as professional in-person parenting support reimbursement rates.

9027.16 Parenting support services provided by HCBS Waiver professionals through telehealth services must meet the criteria specified in § 9036.

Section 9032, SPEECH, HEARING, AND LANGUAGE SERVICES, is amended as follows:

Subsections 9032.19, 9032.20, 9032.21, 9032.22, and 9032.23 are amended to read as follows:

9032.19 Speech, hearing, and language services may be delivered through telehealth services to the extent the recommended service delivery is through telehealth services and the person is able to utilize the equipment or technology needed for telehealth services as assessed and determined by the support team.

9032.20 Each provider of telehealth speech, hearing, and language services shall comply with the requirements under § 9036.

9032.21 The Telehealth Speech, Hearing, and Language service shall be issued as a separate service authorization indicating the frequency of usage. A hybrid model may be used for in-person and telehealth services speech, hearing, and language hours where two (2) service authorizations are issued to cover the in-person service hours and the telehealth services hours.

9032.22 Telehealth speech, hearing and language services reimbursement rates shall reflect the same rates as professional in-person speech, hearing and language reimbursement rates.

9032.23 Speech, hearing and language services provided by HCBS Waiver professionals through telehealth services must meet the criteria specified in § 9036.

Section 9034, WELLNESS SERVICES, is amended as follows:

Subsections 9034.24, 9034.25, 9034.26, 9034.27, and 9034.28 are amended to read as follows:

9034.24 Bereavement counseling, fitness training, nutritional evaluation/consultation, and sexuality education services may be delivered through telehealth services to the extent the recommended service delivery is through telehealth services and the person is able to utilize the equipment or technology needed for telehealth services as assessed and determined by the support team.

9034.25 Each provider of telehealth bereavement counseling, fitness training, nutritional evaluation/consultation, and sexuality education services shall comply with the requirements under § 9036.

9034.26 Telehealth bereavement counseling, fitness training, nutritional evaluation/consultation, and sexuality education services shall be issued as a separate service authorization indicating the frequency of usage. A hybrid model may be used for in-person and telehealth bereavement counseling, fitness training, nutritional evaluation/consultation, and sexuality education services hours where two (2) service authorizations are issued to cover the in-person service hours and the telehealth services hours.

9034.27 Telehealth bereavement counseling, fitness training, nutritional evaluation/consultation, and sexuality education services reimbursement rates shall reflect the same rate as professional in-person bereavement counseling, fitness training, nutritional evaluation/consultation, and sexuality education services reimbursement rates.

9034.28 Bereavement counseling, fitness training, nutrition evaluation/consultation, and sexuality education services provided by HCBS Waiver professionals through telehealth services must meet the criteria specified in § 9036.

Section 9035, INDIVIDUAL-DIRECTED GOODS AND SERVICES, is amended as follows:

Subsections 9035.7 and 9035.8 are amended to read as follows:

9035.7 Participants in the *My Life, My Way* program may purchase individual-directed goods and services that are included in their ISP, meet the requirements of §§ 9034.6 and 9034.10, are within their PDS budget to purchase, and do not exceed the annual cap cost of twenty-five hundred dollars ($2,500) per ISP year. The costs of such purchases shall be included in the IFS Waiver seventy-five thousand dollars ($75,000) annual budget cap determination.

9035.8 Goods and services may not be purchased from or for a waiver participant's spouse, family, or legal guardian.

A new Subsection 9035.11 is added to read as follows:

9035.11 Individual-directed goods and services (IDGS) shall only be provided to IFS Waiver participants who are enrolled in the Participant-Directed Services (PDS) and receiving at least one of the following services:

(a) In-Home Supports;

(b) Companion (1:1) Services; or

(c) Individualized Day Supports (IDS) (1:1).

Section 9036, REMOTE SUPPORTS SERVICES, is amended as follows:

Subsections 9036.2 through 9036.28 are amended to read as follows:

9036.2 Telehealth services are the provision of professional, therapeutic, clinical and wellness service delivery for the evaluation, treatment, and education by staff of a provider who are engaged with individual(s) through equipment with the capability for live, two-way interactive communication. Equipment rental or purchase shall be through assistive technology services. Equipment used to meet this requirement shall include one or more of the components indicated in § 9015.

9036.3 Remote supports services and telehealth services shall be provided in real time, not via a recording, by staff who are using the appropriate connection. While remote supports or telehealth services are being provided, the remote supports and telehealth staff shall not have duties other than remote supports and telehealth.

9036.4 Remote supports services are available through the following Home and Community-Based Services (HCBS) waiver services:

(a) Day Habilitation Services;

(b) Employment Readiness Services;

(c) In-Home Supports Services; and

(d) Supported Employment Services.

9036.5 Telehealth services are available through the following Home and Community-Based Services (HCBS) waiver services:

(a) Assistive Technology Services Assessment;

(b) Behavioral Support Services;

(c) Creative Arts Therapies Services, including art, dance, drama, and music therapies;

(d) Family Training Services;

(e) Occupational Therapy Services;

(f) Parenting Supports Services;

(g) Speech, Hearing, and Language Services; and

(h) Wellness Services, including bereavement counseling, fitness training, nutrition evaluation/consultation, and sexuality education.

9036.6 Remote supports services are intended to address a person's assessed needs and promote autonomy, maintain or improve functional abilities of daily activities, enhance interactions, support meaningful relationships, and promote independent living and meaningful participation in the community.

9036.7 Telehealth services are intended to address a person's assessed professional, clinical, wellness, and therapeutic needs and promote autonomy, maintain or improve health outcomes, and promote hands on assessment while the person is in the community. All telehealth services must be delivered through a secure, Health Insurance Portability and Accountability Act of 1996 (HIPAA)-compliant platform that supports real-time, two-way interactive audio and visual communication. The platform must ensure the confidentiality, integrity, and security of protected health information (PHI) in accordance with federal privacy regulations.

9036.8 The remote supports and telehealth services caregiver can interact, coordinate supports, monitor, and respond to the person's needs through equipment capable of live two-way communication.

9036.9 Remote supports services and telehealth services shall be delivered in the following four (4) delivery models:

(a) Active Support: real-time observation of the monitoring system during scheduled times. The remote or telehealth caregiver monitors the system in real-time and responds immediately as needed;

(b) On Demand Active Support: real-time oversight only when needed. This type of "as needed" live real-time support is typically started when a triggering event occurs (from a sensor) indicating the need for immediate support.

(c) Scheduled Check-in: a remote or telehealth caregiver checks-in with the person at scheduled times to provide supports or services. These are typically centered around the person's identified outcomes or can be a simple wellness check; and

(d) Drop-in: a remote or telehealth caregiver checks-in at random times to ensure the wellness of the person supported to determine if they need any assistance.

9036.10 The Service Coordinator, in consultation with the person and their team, shall assess whether remote supports or telehealth services are sufficient to ensure services are delivered in a person-centered manner that ensures their health and welfare. If it is determined that in-person assistance is required, remote supports or telehealth services may not be provided.

9036.11 A person who requires in-person assistance during the provision of a service shall receive services in-person and not through remote supports or telehealth services.

9036.12 The person's support team shall complete the Person-Centered Support Tool to identify support needs, preferences, outcomes, and technology solutions and determine whether:

(a) The person is equipped to receive remote supports services or telehealth services; and

(b) The extent to which remote services or telehealth services should be received.

9036.13 Informed consent shall be given by the person who receives remote supports services or telehealth services or by the person's authorized representative.

9036.14 Remote supports or telehealth services involving the use of audio or video shall not be provided until the person who receives the service, or their authorized representative, and each individual who lives with the person:

(a) Is fully informed of what remote supports and telehealth services entail including where in the residence the remote supports or telehealth services will take place and whether or not recordings shall be made; and

(b) Has given written consent to the provision of remote support services or telehealth services, as described in paragraph (a), in their residence. The Service Coordinator and provider shall keep copies of the signed consent forms with the person's Individual Support Plan (ISP).

9036.15 Remote supports services staff shall have written protocols for responding to a person's needs as specified in the ISP, including contact information for the on-call support person to provide assistance when necessary and times when remote support will be provided for residential-based and supported employment remote supports services. The ISP shall set forth the protocol to be followed should the individual request that the equipment used for delivery of remote supports be turned off.

9036.16 Remote supports and telehealth services content in the ISP shall include the following:

(a) Justification statement that:

(1) Explains how remote supports or telehealth services benefit the person, promote independence, assist in outcome achievement, and assure health and safety;

(2) Justifies the need for any other service such as the need for assistive technology services for the purposes of acquiring equipment rental/purchase; and

(3) Supports the need for remote or telehealth services and identifies a percentage of services to be delivered through remote supports or telehealth services, not to exceed service caps under the approved IFS Waiver;

(b) A description of the person's preferences and how the delivery of remote supports or telehealth services will reflect the person's preferences. This should reflect the utilization of person-centered tools and exhibit how support strategies have been developed to meet the person's preferences;

(c) Verification that a risk assessment was completed and reviewed through the utilization of the person's person-centered tools and other assessment results by the support team to ensure the appropriate technology solutions and support strategies have been identified to address any risk areas for the provision of remote supports delivery of residential-based services to

include in-home supports and employment-based services to include employment readiness and supported employment services;

(d) A description of the required remote supports or telehealth equipment function, purpose, features, general location in the home, and the person's and their family's knowledge of how to use equipment (e.g., turn on and off, how to request assistance remotely, etc.);

(e) A description of initial and ongoing training strategies for the person supported, support staff, and family members, if applicable;

(f) A description of a defined thirty (30)-day trial period where the person supported will still receive direct supports while receiving remote supports or telehealth services to ensure the established support strategies are effective and meet their support needs and preferences;

(g) A schedule of when remote supports or telehealth services will be provided and the delivery model for the provision of remote supports (e.g., Active Support, Active On-Demand, Check-in Scheduled, Check-in Random); and

(h) A description of a back-up plan in the event of system failure (e.g., equipment malfunction, power outage) for supported employment and residential-based remote supports services, including a detailed emergency/on-call response plan in the event the person needs a paid in-person response or back-up staff to their residence or community location for remote supports services delivery of residential-based services and supported employment services. The emergency response plan can include natural supports or paid supports. The detailed plan for response at the person's residence or location covered by remote supports shall include at a minimum a description of:

(1) Response times defined by the person's support team. In situations requiring a person to respond to a person's residence, the response time should not exceed thirty (30) minutes;

(2) Response type(s), including face-to-face or telephone, depending on how to optimally respond to the supported person's particular need at that time to ensure health and safety;

(3) Procedure for the local remote support service provider, remote supports vendor, or caregiver to notify emergency personnel such as police, fire, emergency medical services, and psychiatric crisis response entities during an emergency; and

(4) Documentation requirements for an emergency event as outlined in DDS Incident Management and Enforcement Policy.

9036.17 Remote supports services and telehealth services shall be provided by a certified provider that has a current District of Columbia Medicaid Provider Agreement and meets the following requirements, as applicable:

(a) SHIFT training to include Enabling Technology Integration Specialist (ETIS) certification for provider staff implementing remote residential-based services to include in-home supports services and remote employment-based services to include employment readiness and supported employment services;

(b) Operation of the Remote Support Monitoring Base systems for remote residential-based services only;

(c) Provider Training Phase I, II, and III as described online at https://dds.dc.gov/page/dds-training-institute with the exemption of cardiopulmonary resuscitation (CPR) and Trained Medication Employee (TME); and

(d) Comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended by the Health Information Technology for Economic and Clinical Health (HITECH) Act, and their applicable regulations to protect the privacy and security of the participant's protected health information.

9036.18 The remote supports provider/vendor shall provide initial and ongoing training to its staff to ensure they know how to use the monitoring base system for residential-based remote supports services.

9036.19 The remote supports and telehealth services provider/vendor shall provide an individual who receives remote supports services or telehealth services with initial and ongoing training on how to use the remote supports system or telehealth platform as specified in the ISP.

9036.20 A monitoring base shall not be located at the residence of a person who receives residential-based remote supports services.

9036.21 Participant privacy rights and obligations shall be assured and monitored on an ongoing basis.

9036.22 Video or remote support devices shall not be used or placed in participant bedrooms or bathrooms.

9036.23 A secure network system requiring authentication, authorization, and encryption of data in accordance with 45 C.F.R. Part 164, Subpart A shall be in place to ensure

that access to computer, video, audio, sensor, and written information is limited to authorized persons.

Subsection 9036.24 is amended to read as follows:

9036.24 Service documentation for remote supports services and telehealth services shall include each of the following to be eligible for Medicaid reimbursement:

(a) Type of service;

(b) Date of service;

(c) Place of service;

(d) The use of remote supports and telehealth services must be documented appropriately, just as any in-person direct supports, and identify the service delivery method of service (e.g. Skype™, Zoom®, Facetime®, etc.);

(e) Start and end time of service;

(f) Name of individual receiving the service;

(g) Medicaid identification number of individual receiving service;

(h) Name of provider;

(i) Name of staff person providing service;

(j) Provider identifier/contract number;

(k) Start and end time of the remote supports services or telehealth services when the on-call support person is needed on site, as applicable;

(l) Written or electronic signature of the person delivering the service, or initials of the person delivering the service if a signature and corresponding initials are on file with the provider;

(m) Number of units of the delivered service per calendar year; and

(n) Description and details of the services delivered that directly relate to the services specified in the approved ISP as the services to be provided.

9036.25 Provider documentation when delivering remote supports services or telehealth services shall include the following to be eligible for Medicaid reimbursement services:

(a) Daily notes to verify service provision;

(b) Start and end times;

(c) Indication whether the period during service delivery was uneventful (e.g., "no response needed");

(d) If, a sensor alerts the remote caregiver staff providing residential-based services, describe the occurrence that activated the sensor, when it happened, who was involved, the response, and the outcome;

(e) Description of any communication between remote or telehealth services caregiver staff and the person supported;

(f) Staff attendance logs with staff initials for the time segments each staff member was directly involved in providing remote supports or telehealth services during that time frame, if applicable;

(g) Provider quarterly report; and

(h) Any incident reports as applicable to DDS Incident Management and Enforcement Policy.

9036.26 A person approved for remote supports services or telehealth services shall be issued a separate service authorization indicating the frequency of usage.

9036.27 Per the approved IFS waiver, none of the remote supports services or telehealth services can be provided remotely one hundred percent (100%) of the time.

9036.28 A hybrid model may be used for in-person and remote supports or telehealth service hours where two (2) service authorizations are issued to cover the in-person service hours and the remote supports or telehealth service hours.

New Subsections 9036.29 through 9036.33 are added to read as follows:

9036.29 When a person receives residential-based and supported employment remote supports services with on-call support, the remote supports provider shall bill for the remote supports and provide the remote supports directly or through a contract with a remote supports vendor that meets the requirements of this section. In the event that the remote supports staff contacts the remote supports provider to request emergency or in-person assistance, the paid on-call support staff member's time shall be included in the rate for remote supports services.

9036.30 The following HCBS waiver services delivered through remote supports services shall maintain the same reimbursement rates as in-person services:

(a) In-Home Supports Services; and

(b) Supported Employment Services.

9036.31 The following HCBS waiver services delivered through telehealth services shall maintain the same reimbursement rates as in-person services:

(a) Assistive Technology Services Assessment;

(b) Creative Arts Therapies Services, including art, dance, drama, and music therapies;

(c) Family Training Services;

(d) Occupational Therapy Services;

(e) Parenting Supports Services;

(f) Speech, Hearing, and Language Services; and

(g) Wellness Services, including bereavement counseling, fitness training, nutrition evaluation/consultation services, and sexuality education.

9036.32 An individual providing remote support services shall meet the following requirements:

(a) Be at least eighteen (18) years of age;

(b) Possess a high school diploma, Certificate of Individual Educational Program (IEP) Completion, or general education development (GED) certificate, or, if the person was educated in a foreign country, an equivalent to a GED;

(c) Complete pre-service and in-service training as described in DDS policy;

(d) Be able to communicate with the person to whom services are provided;

(e) Be able to read, write, and speak the English language, with reasonable accommodation as appropriate, in accordance with the Americans with Disabilities Act;

(f) Participate in competency-based training needed to address the unique support needs of the person, as detailed in his or her ISP;

(g) Provided that they are not licensed pursuant to any of the provisions of law codified at Chapter 12 of Title 3 of the D.C. Official Code and are not

working under the direct supervision of such a person, present proof of compliance with the Health-Care Facility Unlicensed Personnel Criminal Background Check Act of 1998, effective April 20.1999 (D.C. Law 12-238; D.C. Official Code § 44-551 et seq.); and

(h) Be acceptable to the person to whom services are provided.

9036.33 An individual or professional providing telehealth services shall meet the requirements in § 9036.32 and meet all HCBS IFS waiver and District licensure or certification requirements to deliver waiver telehealth-based services, including licensed behavioral health professionals, speech-language pathologists, occupational therapists, nutritionists, fitness trainers, registered nurses, social workers, and credentialed assistive technology specialists.

Section 9099, DEFINITIONS, is amended as follows:

Subsection 9099.1 is amended as follows:

The following new definition of "Licensed Professional Art Therapist" is added after the existing definition of "Licensed Independent Social Worker":

Licensed Professional Art Therapist – An individual licensed to practice professional art therapy pursuant to Title VIII-E of the District of Columbia Health Occupations Revision Act of 1985, effective June 24, 2020 (D.C. Law 23-115; D.C. Official Code § 3-1208.71 *et seq*.), or licensed to practice art therapy in the jurisdiction where the services are provided.

The definition of "Remote supports" is amended to read as follows:

Remote supports - the provision of supports by staff of a provider at a remote location or through an electronic method of service delivery who are engaged with person-(s) virtually through equipment capable of live, two-way communication.

The definition of "Remote supports vendor" is amended to read as follows:

Remote supports vendor - the agency provider that supplies the monitoring base, the remote supports staff who monitor a person from the monitoring base and through other technological means, and the equipment used in the delivery of remote supports.

The following new definitions of "Telehealth" and "Telehealth provider" are added after the existing definition of "Target behavior":

Telehealth – The provision of professional, therapeutic, clinical, and wellness services delivery for the evaluation, treatment, and education by staff of an

appropriate provider who are engaged with person(s) virtually through equipment with the capability for live, two-way interactive communication.

Telehealth provider – An appropriate professional who meets all waiver and state licensure or certification requirements to deliver telehealth-based services, including clinical, therapeutic, and wellness interventions. This includes licensed behavioral health professionals, speech-language pathologists, occupational therapists, registered nurses, and credentialed assistive technology specialists.

Comments on the proposed rule shall be submitted, in writing, to Melisa Byrd, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, NW, Suite 900S, Washington, D.C. 20001, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *District of Columbia Register*. Copies of the proposed rule may be obtained from the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2026-084
May 18, 2026

SUBJECT: Rescission — Mayor's Orders Designating Special Event Areas for the 2026 Passport DC Around the World Embassy Tour and the Destination DC Travel Rally 2026

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), it is hereby **ORDERED** that:

1. Mayor's Order 2026-074, dated April 30, 2026, designating the Special Event Area for the 2026 Passport DC Around the World Embassy Tour, is hereby rescinded.

2. Mayor's Order 2026-075, dated May 1, 2026, designating the Special Event Area for the Destination DC Travel Rally 2026, is hereby rescinded.

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 2026-085
May 20, 2026

SUBJECT: Designation of Special Event Area — 2026 U.S. Department of Transportation EMS Safety Summit

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. This Order applies to certain special event activities associated with the U.S. Department of Transportation EMS Safety Summit to be held at the U.S. Department of Transportation on Thursday May 21, 2026.

2. On Thursday May 21, 2026, between the hours of 9:30 a.m. and 3:00 p.m., New Jersey Avenue, SE, between M Street, SE, and Quander Street, SE, shall be designated as a Special Event Area and closed to vehicular traffic and parking to accommodate U.S. Department of Transportation EMS Safety Summit activities.

3. No parking shall be allowed in, and all vehicles shall be removed from, the Special Event Area during the period of time specified in paragraph 2 of this Order.

4. The U.S. Department of Transportation is authorized to operate the Special Event Area designated by this Order and to conduct necessary and appropriate activities relating to the EMS Safety Summit.

5. This Order is an authorization for the closure of the designated streets only. The operating entity shall secure and maintain all other licenses and permits applicable to the activities associated with the operation of the event on the designated streets. All building, health, life, and safety, and use of public space requirements shall remain applicable to the Special Event Area designated by this Order.

6. **EFFECTIVE DATE:** This Order shall become effective immediately.

MURIEL BOWSER
MAYOR

ATTEST: _____
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

DC COMMISSION ON THE ARTS AND HUMANITIES

NOTICE OF FUNDING AVAILABILITY

FY 2027 Arts and Humanities Fellowship Program

The District of Columbia Commission on the Arts and Humanities is soliciting applications for its FY 2027 Arts and Humanities Fellowship Program (AHFP). AHFP supports qualified individual artists and humanities practitioners who significantly contribute to the District of Columbia as a world-class cultural capital. AHFP recognizes the impact of individual artists and humanities practitioners within the District and supports the vitality that those individuals bring to the local community (see RFA for details).

Eligibility:
Applicants must meet all of the following eligibility requirements at the time of application (additional requirements may be included in the RFA):

- Be a legal District of Columbia resident for at least one (1) year prior to submission.
- Have a permanent District of Columbia address, as listed on government issued identification or tax returns. Post office boxes may not be used as a permanent address. Applicants may not be domiciled in a state, jurisdiction, or country outside of Washington DC.
- Maintain District of Columbia residency during the entire granting fiscal year.
- Be an artist, arts professional, and/or humanities practitioner, aged 18 or older.
- Be in "good standing" with CAH. (Note: A CAH grant applicant who has failed to comply with all applicable CAH-related mandates (i.e. failed to submit to CAH required reports related to prior CAH funding), is not in "good standing" with CAH and, accordingly, is ineligible to receive additional funds from CAH in FY 2026).
- Obtain a Certificate of Clean Hands from the District of Columbia Office of Tax and Revenue.

RFA Release Date:	Tuesday, June 2, 2026
RFA Availability:	The RFA will be posted on CAH's website (dcarts.dc.gov) and the District Grants Clearinghouse website.
Amount of Awards:	Award Amounts Vary
Length of Awards:	Fiscal Year 2026 (October 1, 2026 - September 30, 20267
Application Workshops:	Offered throughout the application period to provide technical application assistance.
CAH Contact:	Grants Program Managers: Kerry Kaleba | Kerry.kaleba@dc.gov
Electronic Submission Deadline:	5:00 pm, Tuesday, July 7, 2026 via Submittable Grant Portal.

BRIDGES PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Bridges Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for SY26-27 for the following services:

- Furniture Purchase
- Related Service Providers
- Special Education services

For the detailed RFP of each service, please email bids@bridgespcs.org. Proposals should be submitted in PDF format to bids@bridgespcs.org no later than **5:00 pm Wednesday June 3rd, 2026.**

DIGITAL PIONEERS ACADEMY PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Digital Pioneers Academy Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for SY26-27

- Architect Build Design Services
- Audit Services
- Branding and Marketing/Communication Services
- Computer Purchase
- Contract Consulting Services
- Data Analysis Services
- Extra-Curricular Student Program Services
- Furniture Purchase Services
- General and Operations Consulting Services
- General Contractor – Construction
- HVAC Services
- ID Management Services
- IT Technology Services
- Janitorial and Building Maintenance Services
- Nursing Services
- Parking Services
- Professional Development Services
- Security Services
- Special Education Services
- Sports Uniform Services
- Sports Facility Rental Services
- Sports Equipment and Training Services
- Staff Recruitment Services
- Staff Transportation Services
- Student Curriculum Services
- Student Field Trip and Event Services
- Student Information System Services
- Student Instruction and Tutoring Services
- Student Recruitment Services
- Student Transportation/Bus Services
- Student Uniform Services

Proposals should be submitted in PDF format and for any further information regarding this notice at bids@digitalpioneersacademy.org no later than **3:00 pm Thursday, June 4th, 2026.**

BOARD OF ELECTIONS

CERTIFICATION OF ANC/SMD VACANCY

In accordance with D.C. Official Code § 1-309.06(d)(2), the District of Columbia Board of Elections hereby gives notice that a vacancy exists in the office of Advisory Neighborhood Commissioner for the following Single Member District:

2A01

Pursuant to D.C. Official Code § 1-309.06(d)(1), vacancies on Advisory Neighborhood Commissions cannot be filled when the vacancies occur within the 6-month period prior to a general election. As this vacancy occurred within the 6-month period prior to a general election, no petitions will be made available for the purposes of filling it at this time, and the office shall remain vacant for the remainder of the term of office.

For more information, the public may contact the D.C. Board of Elections via the information below:

D.C. Board of Elections
1015 Half Street SE, Suite 750
Washington, DC 20003

Phone: 202-727-2525

BOARD OF ELECTIONS

CERTIFICATION OF ANC/SMD VACANCY

In accordance with D.C. Official Code § 1-309.06(d)(2), the District of Columbia Board of Elections hereby gives notice that a vacancy exists in the office of Advisory Neighborhood Commissioner for the following Single Member District:

4B10

Pursuant to D.C. Official Code § 1-309.06(d)(1), vacancies on Advisory Neighborhood Commissions cannot be filled when the vacancies occur within the 6-month period prior to a general election. As this vacancy occurred within the 6-month period prior to a general election, no petitions will be made available for the purposes of filling it at this time, and the office shall remain vacant for the remainder of the term of office.

For more information, the public may contact the D.C. Board of Elections via the information below:

D.C. Board of Elections
1015 Half Street SE, Suite 750
Washington, DC 20003

Phone: 202-727-2525

BOARD OF ELECTIONS

Certification of Filling a Vacancy
In Advisory Neighborhood Commission

Pursuant to D.C. Official Code §1-309.06(d)(6)(D), if there is only one person qualified to fill the vacancy within the affected single-member district, the vacancy shall be deemed filled by the qualified person. As such, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

Christina Laridaen
Single-Member District **6E06**

DC BOARD OF ELECTIONS

NOTICE REGARDING CLERICAL CORRECTION TO INITIATIVE MEASURE NO. 88 LEGISLATIVE FORM

The District of Columbia Board of Elections has identified a non-substantive clerical discrepancy in the introductory citation clause contained within the legislative form of Initiative Measure No. 88, "The Rent Control and Housing Eligibility Adjustment Amendment Act of 2026" as published in the District of Columbia Register.

Specifically, the introductory clause in the legislative form published in the May 15, 2026 edition of the D.C. Register stated that Initiative Measure No. 88 "may be cited as the 'DC Housing Modernization and Accessibility Act of 2026.'"

At its regular meeting on May 5, 2026, the Board adopted the following Short Title for Initiative Measure No. 88:

The Rent Control and Housing Eligibility Adjustment Amendment Act of 2026

Accordingly, the introductory clause in the legislative form should read that Initiative Measure No. 88 "may be cited as 'The Rent Control and Housing Eligibility Adjustment Amendment Act of 2026.'"

The Board's adopted Short Title remains the established Short Title for Initiative Measure No. 88 and governs all petitions, ballots, and related proceedings pursuant to D.C. Official Code § 1-1001.16(f)(2).

The discrepancy is confined to a non-substantive clerical error in the introductory citation clause and does not alter the initiative's operative provisions, substantive effect, summary statement, or the Board's adopted formulation of the short title. Apart from this clerical discrepancy, the published legislative form reflects the measure adopted by the Board.

This notice is provided to clarify the clerical discrepancy and to ensure the accuracy of the public record.

Pursuant to D.C. Official Code § 1-1001.16(e)(1)(A), registered qualified electors may seek review of the summary statement, short title, or legislative form in the Superior Court of the District of Columbia within ten (10) calendar days of the publication of the Board's adopted formulations in the D.C. Register. As the notice of the adopted formulations for Initiative Measure No. 88 was published in the District of Columbia Register on May 15, 2026 (73 DCR 007693), the deadline to seek review of the same is May 25, 2026.

The notice with the corrected text follows:

DC BOARD OF ELECTIONS
NOTICE OF PUBLICATION

At a public meeting held on May 6, 2026, the Board of Elections adopted the short title, summary statement, and legislative form for Initiative Measure No. 88, "The Rent Control and Housing Eligibility Adjustment Amendment Act of 2026."

Any registered qualified elector of the District of Columbia who objects to the summary statement, short title, and/or legislative form of the initiative measure adopted by the Board may seek review in the Superior Court of the District of Columbia within 10 calendar days from the date such formulations are published in the District of Columbia Register, stating objections and requesting appropriate changes. Registered qualified electors may also file objections regarding the initiative with the court on other grounds during this period, including the Board's determination that the proposed measure presents a proper subject for initiative.

Pursuant to D.C. Code § l-1001.16(d)(2)(B)(i), the Board hereby publishes the aforementioned adopted formulations as follows, as well as the fiscal impact statement issued concerning the initiative.

INITIATIVE MEASURE

No. 88

SHORT TITLE

The Rent Control and Housing Eligibility Adjustment Amendment Act of 2026

SUMMARY STATEMENT

If enacted, this Initiative would freeze rents for two years upon its effective date and in future periods of high inflation; reduce the maximum permitted total rent increase for rent controlled units to 5%; realign certain D.C. affordable housing programs with an upper eligibility threshold of 60% of the Area Median Income; redefine affordable housing requirements to include a mix of studio, one, two, three, and four bedroom units; and revise affordable housing requirements for land sold or leased by the D.C. government. This Initiative will not be implemented unless the Council appropriates funds for any costs.

LEGISLATIVE TEXT

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, That this act may be cited as "The Rent Control and Housing Eligibility Adjustment Amendment Act of 2026".

Sec. 2. Title II of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-

10; D.C. Official Code § 42-3502.01 et seq.), is amended as follows:

(a) Section 208(h) (D.C. Official Code § 42-3502.08(h) is amended to read as follows:

"(h) Unless the adjustment in the amount of rent charged is implemented pursuant to sections 210, 211, 212, 214, or 215, an adjustment in the amount of rent charged:

"(1) If the unit is vacant, shall not exceed the amount permitted under section 213(a); or

"(2) If the unit is occupied:

"(A) Shall not exceed the current allowable amount of rent charged for the unit, plus the adjustment of general applicability plus 2%, taken as a percentage of the current allowable amount of rent charged; provided, that the total adjustment shall not exceed 6%;

"(B) Shall be pursuant to section 224, if occupied by an elderly tenant or tenant with a disability; and

"(C) Shall not exceed the lesser of 5% or the adjustment of general applicability if the unit is leased or co-leased by a home and community-based services waiver provider.".

(b) A new section 225 is added to read as follows:

"Section 225. Temporary rent freeze during certain periods.

"(a) Notwithstanding any other provision of this act, the rent for any rental unit shall not be increased during the period from and including the effective date of this section through and including the second anniversary thereof.

"(b) Notwithstanding any other provision of this act, if during any 12-month period subsequent to the period described in subsection (a), the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Arlington-Alexandria DCVA-MD-WV Metropolitan Statistical Area, as published by the Bureau of Labor Statistics, is greater than 5%, then the rent for any rental unit shall not be increased at any time during the subsequent 12-month period.

"(c) Any rent increase that would become effective during any period described in subsection (a) or subsection (b) shall not become effective regardless of when notice of such rent increase is sent to the tenant of any rental unit.

"(d) This section shall not apply to:

"(1) Any rental unit owned by, or leased to any person by, the District of Columbia Housing Authority or any other agency, department, or instrumentality of the District; or

"(2) Any rental unit owned by, or leased to any person by, any agency, department or instrumentality of the United States.".

Sec. 3. The electors of the District of Columbia call upon the Council of the District of Columbia to amend section 2 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801), as follows:

(a) Amend paragraph (2A) to read as follows:

"(2A) "Eligible household" means a household that, at the time of lease-up or rental of a qualified rental housing unit, had total annual income at or below 45% of the area median income, or at the time of purchase of a qualified for-sale housing unit, had total annual income at or below 60% of the area median income; provided, that the annual incomes of eligible households assisted through an allocation of proceeds from the Housing Production Trust fund shall not exceed 60% of the area median income."

(b) Amend paragraph (3) to read as follows

"(3) "Extremely low-income" means a household income that is less than or equal to 15% of the area median income.".

(c) Amend paragraph (6) to read as follows:

"(6) "Low-income" means a household income that is more than 30% and less than or equal to 45% of the area median income.".

(d) Amend paragraph (7) to read as follows:

"(7) "Moderate income" means a household income that is more than 45% and less than or equal to 60% of the area median income.".

(e) Amend paragraph (9A) to read as follows:

"(9A) "Very low-income" means a household income that is more than 15% and less than or equal to 30% of the area median income.".

Sec. 4. Section 2(4) of the Affordable Housing Clearinghouse Directory Act of 2008, effective August 15, 2008 (D.C. Law 17-215; D.C. Official Code § 42-2131(4)), is amended to read as follows:

"(4) "Affordable housing unit" means a dwelling unit that is offered for residential occupancy and is made available to, and affordable to, a household whose total household income is equal, to or less than, 45% of the area median income for rental units and 60% of the area median income for sale and ownership units, as a result of a federal or District subsidy.".

Sec. 5. Section 2 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, effective August 5, 1939 (53 Stat. 211; D.C. Official Code § 10-801), is amended as follows:

(a) Subsection (b-3) is amended as follows:

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

"(b-3)(1) If a proposed disposition of real property will result in the development of multifamily residential property consisting of 5 or more units ("multifamily units"), the following requirements shall apply:

"(A) At least 2/3 of the multifamily units shall be dedicated as affordable housing;

"(B) At least 1/4 of the multifamily units shall consist of units with 2 or more bedrooms, and 1/4 shall consist of units with 3 or more bedrooms; and

"(C) The multifamily units dedicated as affordable housing pursuant to this subsection shall continue to be dedicated as affordable housing for the life of the ground lease if the land disposition is by ground lease, or shall remain affordable housing units in perpetuity, secured by a covenant running with the land.

"(D) Repealed.".

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

"(2) The units dedicated as affordable housing pursuant to subparagraphs (A) and (B) of this paragraph shall be made available at the following affordability levels:

"(A) In the case of affordable rental units, at least 1/4 of the units shall be housing for which an extremely low-income household will pay no more than 30% of its income toward housing costs, 1/4 of the units shall be housing for which a very low-income household will pay no more than 30% of its income toward housing costs, 1/4 of the units shall be housing for which a low-income household will pay no more than 30% of its income toward housing

costs, and the remainder shall be housing for which a moderate-income household will pay no more than 30% of its income toward housing costs.

"(B) In the case of affordable ownership units, 1/2 of the units shall be housing for which a low-income household will pay no more than 30% of its income toward housing costs and the remainder of any such ownership units shall be housing for which a moderate income household will pay no more than 30% of its income toward housing costs.".

(3) Paragraphs (4), (6), and (7) are repealed.

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

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

"(3) "Low-income household" means a household consisting of one or more persons with a total household income that is more than 30% and less than or equal to 45% of the area median income.".

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

"(4) "Moderate-income household" means a household consisting of one or more persons with total household income more than 45% and less than or equal to 60% of the area median income.".

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

"(5) "Very low-income household" means a household consisting of one or more persons with total household income more than 15% and less than or equal to 30% of the area median income.".

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

"'(6) "Extremely low-income household" means a household consisting of one or more persons with total household income less than or equal to 15% of the area median income.".

Sec. 6. Section 2092 of the Department of Housing and Community Development Comprehensive Tracking Plan for Affordable Housing Inventory Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 42-2141), is amended as follows:

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

"(1) "Affordable housing unit" means a unit of housing that is offered for rent or for sale for residential occupancy and as a result of a federal or District subsidy is made available and affordable to households whose income levels are less than or equal to 60% of the area median income.".

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

"(3) "Extremely low-income household" means a household with total household income equal to or less than 15% of the area median income.".

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

"(5) "Low -income household" means a household with a total household income that is more than 30% and less than or equal to 45% of the area median income.".

(d) Subsection (6) is amended to read as follows:

"(6) "Very low-income household" means a household with total household income more than 15% and less than or equal to 30% of the area median income.".

Sec. 7. Section 102(d) of the Workforce Housing Production Program Approval Act of 2006, effective March 14, 2007 (D.C. Law 16-278; D.C. Official Code § 6-1061.02(d)), is amended to read as follows:

"(d)(1) The land trust shall develop units affordable to households not to exceed 60% of AMI.

"(2) The land trust's portfolio shall have an average not to exceed 50% of AMI.

"(3) The portfolio average requirement shall be evaluated for compliance on an annual basis, beginning 12 months after March 14, 2007.".

Sec. 8. Section 202(8) of the New Town at Capital City Market Revitalization Development and Public/Private Partnership Act of 2006, effective March 14, 2007 (D.C. Law 16-278; D.C. Official Code § 6-1062.02(8)), is amended to read as follows:

"(8) "Workforce housing" means housing units set aside for eligible renters or purchasers as defined the appropriate agency of the District of Columbia and who are at 45% to 60% of the Area Median Income.".

Sec. 9. Section 2092 of the Reentry Housing and Services Program Act of 2021, effective November 13, 2012 (D.C. Law 24-45; D.C. Official Code § 42-2231), is amended as follows:

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

"(3) "Extremely low-income" means having a household income equal to 15% or less of the area median income.".

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

"(5) "Low-income" means having a household income that is more than 30% and less than or equal to 45% of the area median income.".

(c) Paragraph (11) is amended to read as follows:

"(11) "Very low-income" means having a household income that is more than 15% and less than or equal to 30% of the area median income.".

Sec. 10. Applicability.

(a) The provisions of this act with any fiscal effect shall apply upon the date of inclusion of the 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 the 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 11. Effective date.

This act shall take effect after 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§ l-206.02(c)(1)), and publication in the District of Columbia Register.

MEMORANDUM

TO: **The Honorable Phil Mendelson**
Chairman, Council of the District of Columbia

FROM: **Glen Lee**
Chief Financial Officer

DATE: **May 21, 2026**

SUBJECT: **Fiscal Impact Statement – DC Housing Modernization and Accessibility Act of 2026**

REFERENCE: **Proposed Initiative as provided to the Office of Revenue Analysis on April 14, 2026**

Conclusion

Funds are not sufficient in the proposed revised fiscal year 2026 budget and proposed fiscal year 2027 through fiscal year 2030 budget and financial plan to implement the initiative. The initiative will reduce projected revenues by $1.4 million in fiscal year 2028 and $23.0 million over the four-year financial plan.

Background

The proposed initiative amends the Rental Housing Act of 1985 to prohibit any rent increase for a rental unit in the District for two years upon the initiative's enactment. After the initial two-year period, if inflation is greater than six percent in any future 12-month period, the initiative prohibits a rent increase for one year. These rent freezes must be implemented by housing providers regardless of whether a tenant has been notified of a rent increase. The rent freezes do not apply to any unit owned or leased by the District government, the District of Columbia Housing Authority, or the United States government.

Second, the proposed initiative amends the District's rent stabilization laws[1] to reduce the percentage that rent can be increased on an occupied unit from a maximum of 10[2] percent to 6 percent.

Third, the proposed initiative changes the definitions of affordability required for future grants and loans provided through the Housing Production Trust Fund[3]. The maximum income allowed to

[1] The rent stabilization laws generally apply to buildings that began construction after 1975 and received their certificate of occupancy by 1980.
[2] D.C. Official Code § 42–3502.08(h).
[3] D.C. Official Code § 42–2802.

rent a qualified unit is reduced from 120 percent of Area Median Income ("AMI") to 45 percent, and purchasers of qualified units must have an income at or below 60 percent of AMI.[4] The maximum household income defined as "extremely low income"[5] is reduced from 30 percent of AMI to 15 percent. Allowable household income defined as "very low income"[6] is reduced from a range of greater than 30 percent to 45 percent of AMI to a range of greater than 15 percent to 30 percent. Allowable household income defined as "low income"[7] is reduced from a range of greater than 50 percent to 80 percent of AMI to a range of greater than 30 to 45 percent. Allowable household income defined as "moderate income"[8] is reduced from a range of greater than 50 to 80 percent of AMI to a range of more than 45 percent to 60 percent. The initiative also changes the Reentry Housing and Services Program[9] thresholds to align with the new HPTF definitions.

The initiative reduces the affordability thresholds for the Workforce Housing Land Trust Program[10] ("Program"), reducing the maximum allowable income eligibility from 120 percent of AMI to 60 percent. It also reduces the average income the entire portfolio the Program can have from 80 percent of AMI to 50 percent. The initiative reduces the eligibility threshold ranges for units at the New Town at Capital City Market Development[11] from 50 to 120 percent of AMI to 45 to 60 percent.

Lastly, the initiative changes affordability requirements when disposing of District properties for the development of housing. Under current law, disposition of District property for a multifamily housing development with 10 or more units is subject to certain affordability requirements.[12] The initiative reduces the number of units that will trigger affordability requirements from 10 to five units. Additionally, the initiative increases the number of units that must be affordable from 30 percent to two-thirds of the development; 25 percent of the units are required to have two or more bedrooms, and 25 percent must have three or more bedrooms. The initiative eliminates the Mayor's authority to waive[13] or reduce[14] the affordable housing requirements.

Financial Plan Impact

Funds are not sufficient in the proposed revised fiscal year 2026 budget and proposed fiscal year 2027 through fiscal year 2030 budget and financial plan to implement the initiative. The initiative will reduce projected revenues by $1.4 million in fiscal year 2028 and $23.0 million over the four-year financial plan.

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[4] D.C. Official Code § 42-2801(2A).
[5] D.C. Official Code § 42-2801(3).
[6] D.C. Official Code § 42-2801(9A).
[7] D.C. Official Code § 42-2801(6).
[8] D.C. Official Code § 42-2801(7).
[9] D.C. Official Code § 42-2231.
[10] D.C. Official Code § 6-1061.02(d).
[11] D.C. Official Code § 6-1062.02(8).
[12] D.C. Official Code § 10-801(b-3)(1).
[13] D.C. Official Code § 10-801(b-3)(2)(B)(4).
[14] D.C. Official Code § 10-801(b-3)(2)(B)(6).

The two-year freeze on rent will reduce the rental income of housing providers beginning tax year 2027, and in turn decrease unincorporated business tax revenue collections by $1.4 million in fiscal year 2028, and $9.7 million in fiscal year 2029. Rent is assumed to return to the level supported by market demand after tax year 2028, so there is no projected income tax impact in fiscal year 2030.

Because operating income is used in the process of multifamily property valuation, assessments and real property tax collections for multifamily properties will also be lower than currently estimated. Based on the timing of receiving a property's income and expense reports and when the District finalizes assessed values, a rent freeze in 2027 and 2028 will impact real property tax revenue in fiscal years 2029 and 2030. Real property tax collections will be $2.7 million lower in fiscal year 2029, and $11.8 million over the four-year financial plan, including $11.5 million in local revenue and $274,000 in dedicated revenue.

Current forecasts for inflation do not exceed five percent in the financial plan period, so the initiative's provision limiting rent growth if the Consumer Price Index exceeds six percent does not have an impact on tax collections during the financial plan period.

The initiative's adjustments to affordability thresholds for housing developments funded using assistance from the Housing Production Trust Fund may affect the structure of future development projects and may require a higher level of grants for development to be feasible. However total spending on projects from the Housing Production Trust Fund cannot exceed amounts in an approved budget and financial plan. Similarly, limitations on disposition of District property may alter future developments, but do not have an impact on the current budget and financial plan.

The Department of Housing and Community Development's Rental Accommodations Division (RAD), led by the Rent Administrator, receives petitions[15] on rent disputes between housing providers and tenants, which may be appealed to either the Rental Housing Commission (RHC)[16] or the Office of Administrative Hearings (OAH)[17] depending on the type of petition. Additionally, current law allows housing providers to receive a 12 percent return on investment[18] and providers may seek hardship exemptions through the petition process. If the initiative is implemented and leads to additional disputes or petitions, RAD, RHC, and OAH may not be able to timely respond to complaints without additional resources.

[15] D.C. Official Code § 42–3502.04(c).
[16] D.C. Official Code § 42–3502.02(a)(2).
[17] D.C. Official Code § 2–1831.03(b-1).
[18] D.C. Official Code § 42–3502.12(a).

Cost of Proposed Initiative, DC Housing Modernization and Accessibility Act of 2026 FY 2026 - FY 2029 ($ in thousands)						
	FY 2026	**FY 2027**	**FY 2028**	**FY 2029**	**FY 2030**	**Total**
Income Tax Reduction (Local Fund) [(a)]	$0	$0	$1,404	$9,715	$0	$11,119
Real Property Tax Reduction (Local Fund) [(b)]	$0	$0	$0	$2,709	$8,886	$11,595
Real Property Tax Reduction (Dedicated Tax Portion) [(c)]	$0	$0	$0	$63	$211	$274
TOTAL REVENUE REDUCTION	**$0**	**$0**	**$1,404**	**$12,487**	**$9,097**	**$22,988**

Table Notes:

(a) Income tax revenue impacts begin in fiscal year 2028, based on tax year 2027 returns.

(b) Real property tax reductions begin in fiscal year 2029, based on reduced property rental income from 2027 factoring into 2029 assessed values determined in 2028.

(c) This is the portion of the estimated reduction in property tax revenues that are dedicated to non-local sources under current law. The specific dedication depends on parcel-type, and are mostly dedicated to the Tax Increment Financing and Payment in Lieu of Taxes programs.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE[1],	)	OEA Matter No. 1601-0004-26
Employee	)	
v.	)	Date of Issuance: April 20, 2026
	)	
OFFICE OF UNIFIED COMMUNICATIONS,	)	Monica Dohnji, Esq.
Agency	)	Senior Administrative Judge
	)	

Don Quinn, Esq., Employee Representative
Jeremy Greenberg, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On October 17, 2025, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA") contesting the Office of United Communications' ("Agency" or "OUC") decision to terminate her employment effective October 6, 2025. OEA issued a Request for Agency Answer to Petition for Appeal on October 17, 2025. Agency's Answer to the Petition for Appeal was due by November 16, 2025. On November 14, 2025, Agency's General Counsel emailed OEA's Director to request an extension of time to file Agency's answer. The OEA Director granted Agency's request in an email dated November 17, 2025, and Agency's Answer was now due on December 8, 2025.

This matter was assigned to the undersigned on December 12, 2025. Following Agency's failure to timely submit its Answer to Employee's Petition for Appeal, on December 17, 2025, the undersigned issued an Order for Statement of Good Cause requiring Agency to submit its Answer by January 5, 2026. Agency filed its Answer on December 26, 2025, and its response to the Show Cause Order on January 8, 2026. Following additional submissions from Employee and Agency, the undersigned issued an Order on January 21, 2026, scheduling a Status/Prehearing Conference for February 11, 2026. While Agency's representative was present for the Status/Prehearing Conference, Employee was absent.[2] Accordingly, I issued a Show Cause Order to Employee on

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.

[2] Employee's representative emailed the undersigned on March 3, 2026, stating that the parties had reached an agreement in principle to resolve all pending claims in the above-captioned matter and requested that the matter be held in abeyance. The undersigned responded to the email on the same date requiring Employee to file an official

the same date. Employee submitted her response to the Show Cause Order by February 25, 2026. The undersigned issued an Order on February 27, 2026, scheduling another Status/Prehearing Conference for March 19, 2026. While Agency was present for the scheduled conference, Employee was absent.[3] On April 16, 2026, Employee filed a Motion to Dismiss stating that the undersigned "dismiss the instant action with prejudice…" Employee also noted in her Motion to Dismiss that "the parties have amicably resolved all claims in dispute and agreed to mutually and forever waive all claims and counterclaims raised… against each other in this action." 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 Employee's Petition for Appeal should be dismissed.

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, since the parties have reached a settlement agreement, and Employee has filed a Motion to Dismiss this matter with prejudice, I find that Employee's Petition for Appeal should be dismissed.

ORDER

It is hereby **ORDERED** that Employee's Motion to Dismiss is **GRANTED** and the Petition for Appeal in this matter is **DISMISSED**.

FOR THE OFFICE:

/s/ Monica N. Dohnji_____
MONICA DOHNJI, Esq.
Senior Administrative Judge

Motion to Stay this proceeding via Postal mail services or in-person at OEA. Employee never filed the Motion to Stay as requested.

[3] Agency's representative informed the undersigned during the Status/Prehearing Conference that the parties had reached a settlement agreement in this matter.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE[1],	)	OEA Matter No. 1601-0024-26
Employee	)	
v.	)	Date of Issuance: April 14, 2026
	)	
D.C. PUBLIC SCHOOLS,	)	MONICA DOHNJI, Esq.
Agency	)	Senior Administrative Judge
	)	

Employee, *Pro Se*
Lynette Collins, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On January 5, 2026, 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 remove her from her position as a Data Entry Clerk effective December 12, 2025. Employee was charged with Absent without Leave ("AWOL") for the period of November 28, 2025, to December 9, 2025. OEA issued a Request for Agency Answer to Petition for Appeal on January 6, 2026. Thereafter, on January 26, 2026, Agency filed its Motion to Dismiss stating that the December 12, 2025, Notice of Voluntary Resignation was not an adverse action and that Employee was in her probationary period at the time of her termination and as such, OEA lacked jurisdiction over this matter.

I was assigned this matter on January 16, 2026. Thereafter, I issued an Order on January 21, 2026, requiring Employee to address the jurisdictional issue raised by Agency in its Motion to Dismiss. Employee's brief on jurisdiction was due on or before February 4, 2026, and Agency had the option to file a reply brief on or before February 18, 2026. Following Employee's failure to submit her brief by the February 4, 2026, deadline, the undersigned issued an Order for Statement of Good Cause to Employee on February 11, 2026. The undersigned required Employee to submit her brief and a Statement of Good Cause by February 26, 2026. Employee timely filed her brief and response to the Statement of Good Cause. Subsequently, on March 2, 2026, the undersigned issued an Order setting a deadline for Agency to file its response by March 16, 2026. Agency

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.

submitted its response on March 10, 2026.[2] Because I determined that this matter could be decided on the basis of 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 was informed by her supervisor that she had to resign due to her medical absence. Employee cited that "a coerced resignation under threats of termination is legally a removal, which is an appealable final agency action."[4] Additionally, Employee argues that Agency violated the Protecting Pregnant Workers Fairness Act ("PPWFA"). Employee explains that Agency failed to provide her with reasonable

[2] On March 10, 2026, Employee filed a Response to Agency's Legal Brief and Statement of Facts through the OEA official filing email and copied the undersigned to the email. In an email dated March 12, 2026, the undersigned notified Employee that her email submission would not become part of the record as it was not in compliance with OEA Rule 608.8. As of the date of this decision, Employee has not complied with this directive. However, the undersigned has made an exception and accepted Employee's electronic filing, and it will become part of the official record.

[3] OEA Rule § 699.1.

[4] Employee's February 26, 2026, submission.

accommodation but rather placed her on leave restriction AWOL status.[5] Employee also asserts that Agency violated the D.C. Family and Medical Leave Act ("DC FMLA"). She also states that Agency misclassified her position. Employee explains that she "was hired [as] an Attendance Counselor but paid at a lower scale for different duties."[6]

Furthermore, Employee contends that the Standard Personnel Action ("SF-50") at "Box 24 (Tenure) is explicitly marked with code "1" which is defined as "1- Permanent."" Employee avers that "as a permanent employee [she is] entitled to the full protections of the Office of Employee Appeals."[7] Employee also asserts that "the Agency claims my start date was January 8, 2025. This is factually incorrect, I was not even cleared for hire until March 11, 2025…and my official Offer Letter explicitly states my start date was April 7, 2025…"[8] Employee additionally argues that November 28, 2025, was "the Friday following Thanksgiving. Per the DCPS Academic Calendar, schools and offices were closed. It is legally and logically impossible to be marked "AWOL" for a day when the Agency was not open for business."[9]

Agency's Position

Agency states in its Motion to Dismiss that the December 12, 2025, Notice of Voluntary Resignation is not an adverse action. Agency explains that this Notice of Voluntary Resignation was issued because Employee failed to report for duty after being notified to do so. Agency asserts that the "Notice of Voluntary Resignation outlined that the Employee's failure to report to work was deemed job abandonment… Therefore, since Employee neither reported when instructed to do so, nor file for FMLA with DCPS's Leave of Absence team within the timeframe given, this appeal is improper as it is a voluntary resignation and not an adverse action. Therefore, the appeal must be dismissed."[10]

Agency further cites that Employee was a probationary Employee, and as such, the current appeal must be dismissed for lack of jurisdiction. It explains that pursuant to the Omnibus Personnel Reform Amendment Act of 1998 ("OPRAA"), this Office can only hear appeals of permanent employees in career and education services who have successfully completed their probationary period. Agency notes that employees removed during their probationary period cannot appeal their removal at OEA. Agency asserts that Employee was hired on January 8, 2025, and she was separated for job abandonment on December 12, 2025, while she was still within her probationary period. Therefore, the instant appeal must be dismissed.[11]

Analysis[12]

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[5] *Id*.
[6] *Id*.
[7] *See*. Employee's Response to Agency's Legal Brief and Statement of Facts (March 10, 2026).
[8] *Id*.
[9] *Id*.
[10] Agency's Motion to Dismiss (January 16, 2026).
[11] *Id*. *See also*. Agency's Legal Brief (March 10, 2026).
[12] Although I may not discuss every aspect of the evidence in the analysis of this case, I have carefully considered the entire record. *See Antelope Coal Co./Rio Tino Energy America v. Goodin*, 743 F.3d 1331, 1350 (10th Cir. 2014) (citing

The threshold issue in this matter is one of jurisdiction. This Office has no authority to review issues beyond its jurisdiction.[13] Therefore, issues regarding jurisdiction may be raised at any time during the course of the proceeding.[14] D.C. Code § 1-606.03 (a) and DPM § 604.1 provide the parameters of OEA's jurisdiction. The statute and regulation outline that a District of Columbia government employee may appeal a final agency decision affecting:

a. A performance rating which results in removal of the employee;
b. An adverse action for cause which results in removal;
c. A reduction in grade;
d. A suspension for ten (10) days or more;
e. A reduction-in-force; or
f. A placement on enforced leave for ten (10) days or more.

Moreover, DPM § 631.2 provides that ". . . for appeals filed under § 604.1, the employee shall have the burden of proof as to issues of jurisdiction."

Employee argues that her SF-50 at "Box 24 (Tenure) is explicitly marked with code "1" which is defined as "1- Permanent." She asserts that as a permanent employee she is entitled to the full protections of the Office of Employee Appeals. As it specifically relates to D.C. Public Schools Educational Service employees, 5-E DCMR § 1307.1 provides that "an employee initially entering … into the Educational Service shall … serve a probationary period." 5-E DCMR § 1307.6 goes on to outline that "failure to satisfactorily complete the requirements of the probationary period shall result in termination from the position." Here, Employee's SF-50 provides that the legal authority for Employee's appointment is "DC Code 1-608.01a Educ. Service Employees." Therefore, I find that as an education service employee, Employee was required to serve a probationary period.

I also find that although Employee's SF-50 outlines that her position with Agency is a permanent position, for OEA to exercise jurisdiction over this appeal, Employee must have successfully completed her probationary period at the time of her separation from Agency. 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 not relevant to this case, of permanent employees in Career and Education Service who are *not serving in a probationary period*, or who have successfully completed their probationary period (emphasis

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").

[13] *See Banks v. District of Columbia Public School*, OEA Matter No. 1602-0030-90, *Opinion and Order on Petition for Review* (September 30, 1992).

[14] *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).

added).

Pursuant to 5-E DCMR § 1307.2 "an initial appointee to the *EG salary class*, except those appointed to classroom teaching positions, *shall serve a one (1) year probationary period*. …." (Emphasis added). Here, Employee's Offer Letter dated March 31, 2025, highlights in pertinent part that "Your pay rate is …. *Grade EG*-4 …"[15] (Emphasis added). Therefore, I find that pursuant to 5-E DCMR § 1307.2, Employee was required to serve a one (1) year probationary period.[16]

While Agency cites in its submissions to this Office that Employee was hired effective January 8, 2025, pursuant to Employee's Offer Letter, the effective date of Employee's employment was April 7, 2025. Pursuant to the record, Employee was terminated effective December 12, 2025. Given the approximately 8-month timeframe of her employment, Employee was still within her one-year probationary period at the time she was separated from service.

Chapter 2, § 227.4 of the DPM states that a termination during an employee's probationary period cannot be appealed to this Office. Additionally, this Office has consistently held that an appeal by an employee serving in a probationary status must be dismissed for lack of jurisdiction.[17] Consequently, I conclude that because Employee was removed from service when she was still within her probationary period, Employee is precluded from appealing her removal to this Office, as OEA lacks jurisdiction in this matter.[18]

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 did not meet the required burden of proof. Moreover, because OEA's jurisdiction is conferred on it by D.C. Code § 1-606.03(a), the undersigned is unable to consider the merits of this appeal because it lacks jurisdiction. Accordingly, this matter must be dismissed for lack of jurisdiction.

ORDER

[15] *See*. Employee's Response to Agency's Legal Brief and Statement of Facts, *supra*.
[16] Relying on the United States Court of Appeals decisions in *Weidel v. Department of Justice,* 230 F.3d 1380 (9th Cir. 2000); *Bofill v. Merit Systems Protection Board*, 26 Fed.Appx. 916 (Fed.Cir.2001); *Anderson v. Merit System Protection Agency,* 12 F.3d 1069 (9th Cir.1993); *Dooley v. Department of Veterans Affairs*, 306 Fed.Appx. 594 (Fed.Cir.2009) and *Schmittling v. Department of Army*, 219 F.3d 1332 (Fed. Cir. 2000), this Office in *Iris Stanton v. Department of Human Services*, OEA Matter No. J-0008-04 (November 21, 2003), held that the terms of employment are established by the relevant law and that the failure of an Agency to inform an employee that the position they occupy is probationary, does not change the nature of the position.
[17] *See, e.g., Day v. Office of the People's Counsel,* OEA Matter No. J-0009-94, *Opinion and Order on Petition for Review* (August 19, 1991); *Alexis Parker v. Department of Health*, OEA Matter No. J-0007-11 (April 28, 2011).
[18] Because I find that Employee was separated from service during her probationary period, I will not address the issues of job abandonment and/or resignation.

It is hereby **ORDERED** that the Petition for Appeal is **DISMISSED** for lack of jurisdiction and Agency's Motion to Dismiss is **GRANTED**.

FOR THE OFFICE:

/s/ Monica N. Dohnji__
MONICA DOHNJI, Esq.
Senior Administrative Judge

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GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE[1],	)	OEA Matter No. 1601-0054-26
Employee	)	
v.	)	Date of Issuance: April 30, 2026
	)	
D.C. DEPARTMENT OF PUBLIC WORKS,	)	MONICA DOHNJI, Esq.
Agency	)	Senior Administrative Judge
	)	
	)	

Barbara J. Milton, Esq, Employee Representative
Anthony Crispino, Agency Director

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On April 13, 2026, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA") contesting the D.C. Department of Public Works' ("Agency" or "DPW") decision to suspend her for fifteen (15) workdays without pay, from April 13, 2026, to May 1, 2026. OEA issued a Request for Agency Answer to Petition for Appeal on May 17, 2025. Subsequently on April 23, 2026, Employee's counsel filed a notice of Withdrawal of her Petition for Appeal citing therein that "Please accept this correspondence as formal notice that Appellant [Employee], hereby withdraws her appeal filed with the Office of Employee Appeals on April 13, 2026. The withdrawal is based on Agency's rescission of the fifteen (15) day suspension that was the subject of the appeal. As the underlying adverse action has been resolved, the appeal is now moot. Accordingly, Appellant respectfully requests that this matter be withdrawn and closed."[2] This matter was assigned to the undersigned on April 24, 2026. I have determined that an Evidentiary Hearing is not warranted in this matter. The record is now closed.

JURISDICTION

The Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.
[2] *See*. Withdrawal – [Employee] v. District Department of Public Works (April 23, 2026).

ISSUE

Whether Employee's Petition for Appeal should be dismissed.

ANALYSIS AND CONCLUSIONS OF LAW

In the instant matter, Employee noted in her April 23, 2026, submission to this Office that "… Appellant respectfully requests that this matter be withdrawn and closed." Since Employee has withdrawn her Petition for Appeal, and Agency has rescinded the fifteen (15) days suspension without pay, I find that Employee's Petition for Appeal should be dismissed.

ORDER

It is hereby **ORDERED** that Employee's Petition for Appeal in this matter is **DISMISSED**.

FOR THE OFFICE:

/s/ Monica N. Dohnji____
MONICA DOHNJI, 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 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[1],	)	OEA Matter No. 1601-0077-22R24
	)	
v.	)	Date of Issuance: April 14, 2026
	)	
DISTRICT OF COLUMBIA RETIREMENT BOARD,	)	MONICA DOHNJI, ESQ.
Agency	)	SENIOR ADMINISTRATIVE JUDGE
	)	

Donna Williams Rucker, Esq., Employee Representative
Miguel Eaton, Esq., Agency Representative

INITIAL DECISION ON REMAND

INTRODUCTION AND PROCEDURAL HISTORY

On August 15, 2022, Employee filed a Petition for Appeal with the D.C. Office of Employee Appeals ("OEA" or "Office") contesting the District of Columbia Retirement Board's ("DCRB" or "Agency") decision to terminate her from her position as a General Counsel and Ethics Counselor, effective July 15, 2022. On August 15, 2022, OEA issued a Request for Agency's Answer to Employee's Petition for Appeal. Agency filed its Answer to Employee's Petition for Appeal on September 13, 2022.

Following an unsuccessful attempt in mediation, this matter was assigned to the undersigned Senior Administrative Judge ("SAJ") on December 2, 2022. A Status/Prehearing Conference was held in this matter on February 15, 2023. Both parties were present for the scheduled Status/Prehearing Conference. Thereafter, I issued a Post Status/Prehearing Conference Order requiring the parties to submit written briefs addressing the issues raised at the Status/Prehearing Conference. Both parties submitted their respective briefs as required. After considering the parties' arguments as presented in their submissions to this Office, the undersigned issued an Initial Decision ("ID") on July 28, 2023, reversing Agency's action for violating the "90-Day-Rule".

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.

Agency appealed the ID to the District of Columbia Superior Court and on September 24, 2024, this Court issued a Memorandum Opinion and Order remanding the Case to OEA.[2] Specifically, the D.C. Superior Court Judge remanded the matter to OEA "for a determination of (1) whether Employee's status was Career Service, Legal Service, or Senior Executive Attorney Service at the time DCRB commenced its removal action against her; and (2) whether OEA has subject-matter jurisdiction to hear Employee's appeal." Accordingly, on February 12, 2025, I issued an Order requiring the parties to submit written briefs addressing the above referenced issues. While Employee filed its brief as required, the undersigned was subsequently informed by the parties that the current matter was pending before the D.C. Court of Appeals ("DCCA"). As such, on Mach 10, 2025, the undersigned issued an Order holding this matter in abeyance, pending the outcome of the DCCA's decision. On March 19, 2026, the DCCA issued a judgement in this matter noting that "[f]or the foregoing reasons, we conclude that [Employee] was an at-will employee who had no right to appeal her termination to OEA."[3] The DCCA cited that "We reverse the order of the Superior Court, and we remand the case to the Superior Court with instructions to further remand the case to OEA for the dismissal of [Employee's] appeal to OEA."[4] Subsequently, on April 6, 2026, the D.C. Superior Court issued an Order remanding this matter to OEA "pursuant to the Judgment issued by the District of Columbia Court of Appeals on March 19, 2026…"[5] 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 Employee's Petition for Appeal should be dismissed.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

Here, the DCCA in its March 19, 2026, Order found that OEA did not have jurisdiction over Employee's Petition for Appeal. The DCCA reversed the D.C. Superior Court's Order and remanded this matter to the D.C. Superior Court with instructions to "further remand the case to *OEA for the dismissal of [Employee's] appeal to OEA*." (Emphasis added). On April 6, 2026, the D.C. Superior Court issued an Order remanding this matter to OEA "pursuant to the Judgment issued by the District of Columbia Court of Appeals on March 19, 2026…" Consequently, in compliance with this directive from the D.C. Court of Appeals, I find that Employee's Petition for Appeal should be dismissed for lack of jurisdiction.

---

[2] *DCRB v. D.C. Office of Employee Appeals, et. al.*, No. 2023-CAB-005159 (September 24, 2024).
[3] *DCRB v. D.C. Office of Employee Appeals, et. al.*, No. 24-CV-0922 (March 19, 2026).
[4] *Id*.
[5] *See*. *DCRB v. D.C. Office of Employee Appeals, et. al.*, 2023-CAB-005159 (April 6, 2026). Thereafter, on April 9, 2026, Employee notified OEA's General Counsel via email, (the undersigned was copied on this email) that she had filed a Petition for Rehearing with the DC Court of Appeals on April 1, 2026. The D.C. Court of Appeals on April 13, 2026, issued an Order denying Employee's Petition for Rehearing. *See*. *DCRB v. D.C. Office of Employee Appeals, et. al.*, No. 24-CV-0922 (April 13, 2026).

ORDER

It is hereby **ORDERED** that the Petition for Appeal in this matter is **DISMISSED** for lack of jurisdiction.

FOR THE OFFICE:

/s/ Monica N. Dohnji____
MONICA DOHNJI, Esq.
Senior Administrative Judge

Notice: This decision may be formally revised before it is published in the *District of Columbia Register* and on the Office of Employee Appeals' website. Parties should promptly notify the 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,[1]	)	
Employee	)	OEA Matter No. 1601-0081-25
	)	
v.	)	Date of Issuance: April 24, 2026
	)	
D.C. DEPARTMENT OF HUMAN RESOURCES,	)	NATIYA CURTIS, Esq.
Agency	)	Administrative Judge
	)	

Employee, *Pro se*
Connor Finch, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On September 22, 2025, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office") contesting the District of Columbia Department of Human Resources' ("Agency" or "DCHR") decision to separate her from service as a Human Resources ("HR") Specialist, effective August 22, 2025.[2] On September 23, 2025, OEA requested that Agency submit an Answer to Employee's Petition for Appeal by October 23, 2025. Agency submitted its Answer on October 21, 2025. This matter was assigned to the undersigned Administrative Judge ("AJ") on October 21, 2025. Thereafter, on October 30, 2025, the undersigned issued an Order convening a Prehearing Conference for December 9, 2025. Prehearing Statements were due by December 2, 2025. On November 14, 2025, Employee filed a Motion for Continuance of the Prehearing Conference for sixty (60) days, citing medical reasons. In an Order dated November 21, 2025, the undersigned granted Employee's Motion and rescheduled the Prehearing Conference for January 29, 2026.[3] Prehearing Statements were due by January 22, 2026. On January 21, 2026, Agency filed a Consent Motion for Continuance and Extension of time to continue the Prehearing Conference and extend the deadline for Prehearing Statements, citing that the parties were engaged in settlement discussions. In an Order dated January 23, 2025, I granted Agency's Consent Motion and rescheduled the Prehearing Conference for March 5, 2026, with Prehearing Statements due by February 26, 2026.

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.
[2] Agency's Answer, at Attachment 4 (p. 62) (October 22, 2025) (page numbers not in the original but included for ease of reference).
[3] The undersigned Amended this Order on December 4, 2025, to correct a clerical error. No substantive changes were made.

On February 26, 2026, Agency filed a Consent Motion for Continuance and Extension of time to continue the Prehearing Conference and extend the deadline for Prehearing Statements, citing that the parties remained in settlement discussions. Accordingly, in an Order dated March 4, 2026, the undersigned granted Agency's Consent Motion in part and stayed the Prehearing Conference pending settlement negotiations. I further required the parties to submit a joint written Status Report updating this Office on the status of their settlement discussions by April 10, 2026. Subsequently, on April 10, 2026, Employee submitted a Notice of Withdrawal of the Petition for Appeal with Prejudice, citing that the parties had reached a settlement agreement. I have determined that an Evidentiary Hearing is not required in this matter. The record is now closed.

JURISDICTION

This Office has jurisdiction in this matter pursuant to D.C. Official Code § 1-606.03 (2001).

ISSUE

Whether this appeal should be dismissed with prejudice based on the parties' settlement of this matter and Employee's withdrawal of the Petition for Appeal.

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, Employee submitted a Notice of Withdrawal of her Petition for Appeal on April 10, 2026, citing that the parties had reached an agreement. For these reasons, and pursuant to the aforementioned code provision, I find that the Petition for Appeal should be dismissed.

ORDER

It is hereby **ORDERED** that Employee's Petition for Appeal in this matter is **DISMISSED with PREJUDICE.**

FOR THE OFFICE:

/s/ Nativa Curtis, Esq.
Administrative Judge

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GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	
	OEA Matter No.: J-0022-26
EMPLOYEE,[1]	
Employee	
	Date of Issuance: April 24, 2026
v.	
D.C. DEPARTMENT OF AGING AND COMMUNITY LIVING,	NATIYA CURTIS, Esq.
Agency	Administrative Judge

Employee, *Pro Se*
Maggie Hart, 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" or "Office") contesting the District of Columbia Department of Aging and Community Living's ("Agency" or "DACL") decision to terminate her from her position as a Transition Care Specialist, during her probationary period, effective December 12, 2025.[2] OEA issued a letter dated January 6, 2026, requesting that Agency file an Answer on or before February 5, 2026. Agency filed its Answer and Motion to Dismiss on January 23, 2026. This matter was assigned to the undersigned Administrative Judge on January 24, 2026. Thereafter, on January 29, 2026, I issued an Order for Briefs on Jurisdiction, requiring Employee to address the jurisdiction issue raised by Agency in its Answer and Motion to Dismiss. Employee's brief was due by February 18, 2026. Agency's response was due by March 11, 2026. Employee did not comply with the prescribed deadline. Accordingly, on February 25, 2026,[3] the undersigned issued an Order for Statement of Good Cause to Employee for her failure to submit a response pursuant to the January 29, 2026, Order. Employee was now required to submit her brief on jurisdiction, and statement of good cause to the undersigned and Agency's representative, by March 11, 2026. On February 27, 2026, Agency filed a Second Motion to Dismiss based on lack of jurisdiction.

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.
[2] Employee's Petition for Appeal, p. 5 (January 2, 2026) (page numbers not in the original but included for ease of reference).
[3] This Order was amended on February 26, 2026, to correct the OEA Matter number. No substantive changes were made.

On March 10, 2026, Employee filed a Motion, requesting an extension.[4] On March 17, 2026, I issued an order granting Employee's Motion. Employee's brief and statement of good cause were now due by or before April 1, 2026. Employee failed to submit her brief and statement of good cause by April 1, 2026. Accordingly, I issued a second Order for Statement of Good Cause on April 8, 2026, and required Employee to submit her brief and statement of good cause by April 17, 2026. As of the date of this decision, Employee has not responded to the Orders issued on February 25, 2026, and April 8, 2026. The record is now closed.

JURISDICTION

The jurisdiction of this Office has not been established.

ISSUE

Whether this Appeal should be dismissed for failure to prosecute.

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.

ANALYSIS AND CONCLUSIONS OF LAW

OEA Rule 624.3, DCMR Ch. 600, et seq (December 27, 2021) grants an Administrative Judge the authority to "…dismiss the action or rule for the appellant" if a party fails to take reasonable steps to prosecute or defend an appeal. Failure of a party to prosecute or defend an appeal includes, but is not limited to, a failure to:

[4] Employee emailed the undersigned on March 10, 2026, inquiring as to whether she could represent herself. The undersigned responded to both parties and explained that Employee could represent herself and to familiarize herself with OEA's rules. I additionally advised that if Employee required more time to submit her brief, she must submit a request in writing and mail or hand-deliver it to this Office.

(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 a matter may be dismissed for failure to prosecute when a party fails to appear for scheduled proceedings or fails to submit required documents.[5] Here, Employee was warned in the Orders for Statement of Good Cause issued on February 25, 2026 and April 8, 2026, that failure to comply with the Order could result in sanctions, including dismissal. As of the date of this decision, Employee has not responded or provided a written response to these Orders. Employee's response was required to make an informed decision regarding the resolution of this matter. Accordingly, I find that Employee's inaction presents a valid basis for dismissing this matter. Consequently, I find that this matter should be dismissed for 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/ Natiya Curtis
Natiya Curtis Esq.
Administrative Judge

[5] See *David Bailey Jr. v. Metropolitan Police Department*, OEA Matter No. 1601-0007-16 (April 14, 2016).

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GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	)	
	)	
EMPLOYEE[1],	)	OEA Matter No. J-0033-26
Employee	)	
v.	)	Date of Issuance: April 29, 2026
	)	
D.C. DEPARTMENT OF BUILDINGS,	)	MONICA DOHNJI, Esq.
Agency	)	Senior Administrative Judge
	)	

Employee, *Pro Se*
Alicia Shames, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On February 9, 2026, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA") contesting the D.C. Department of Buildings' ("DOB" or "Agency") decision to terminate him from his position as a Program Manager, effective February 7, 2026. OEA issued a Request for Agency's Answer to Employee's Petition for Appeal on February 9, 2026. Thereafter, on March 11, 2026, Agency filed its Answer and Motion to Dismiss for Lack of Jurisdiction. Agency stated therein that OEA lacked jurisdiction over Employee's Petition for Appeal because Employee's last position of record was in Management Supervisory Service ("MSS"). Agency cited that pursuant to 6-B DCMR § 604.1 or D.C. Official Code § 1-606.03, separation from an MSS appointment does not constitute an appealable action.

This matter was assigned to the undersigned Senior Administrative Judge ("SAJ") on March 12, 2026. Thereafter, I issued an Order requiring Employee to address the jurisdiction issue raised by Agency in its Answer and Motion to Dismiss for Lack of Jurisdiction. Employee's brief was due by March 27, 2026, and Agency had the option to file a response by April 10, 2026. Both parties have submitted their respective briefs. After reviewing the documents of record, I have determined that no further proceedings are warranted. The record is now closed.

JURISDICTION

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.

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.[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.

FINDINGS OF FACT, ANALYSIS AND CONCLUSIONS OF LAW

Employee's Position

Employee does not deny the fact that he held an MSS appointment at the time of his termination. Instead, he argues that Agency failed to address the nature of his termination. He cites that his removal is tied to a performance evaluation and pursuant to 6B District of Columbia Municipal Regulations ("DCMR") § 604.1(a), OEA has jurisdiction over removals. Employee further asserts that "the relevant inquiry is not limited to Petitioner's classification within the MSS, but whether the removal was performance-based."[3] Employee argues that because Agency has admitted and the record reflects that his termination was performance-based, the nature of the personnel action precludes the dismissal of this matter at this stage. Employee explains that while MSS employees generally serve "at-will" pursuant to 6B DCMR § 3813.1, classification alone does not resolve jurisdiction where the Agency attributes the removal to performance.[4]

Agency's Position

[2] OEA Rule § 699.1.
[3] Petitioner's Brief in Opposition to Agency's Motion to Dismiss for Lack of Jurisdiction (March 23, 2026).
[4] *Id.*

Citing to case law and the 6B DCMR 3813, Agency states in its March 11, 2026, Motion to Dismiss that OEA lacks jurisdiction over this matter because Employee held an MSS appointment at the time of his separation. Agency explains that pursuant to 6B DCMR § 3813.1, "[a]n appointment to the Management Supervisory Service is an at-will appointment." Agency argues that as an at-will employee, Employee served "at the pleasure of the appointing authority" and was subject to separation "at any time." 6-B DCMR § 3813.1.

Agency avers that 6-B DCMR § 3813.7 explicitly states that "[t]erminations from the Management Supervisory Service are not subject to administrative appeals." Citing to case laws, Agency maintains that while procedural protections are afforded to Career Service employees, MSS employees are excluded from those protections. Agency notes that Employee's status as an MSS, atwill employee at the time of his separation preemptively precludes OEA from any further review of the merits of this case.[5] Agency contends that pursuant to 6-B DCMR § 631.2, Employee has the burden of proof on issues of jurisdiction and because Employee has failed to meet his burden of proving jurisdiction by a preponderance of the evidence as required, OEA should dismiss Employee's appeal for lack of jurisdiction.[6]

Analysis[7]

The threshold issue in this matter is one of jurisdiction. This Office has no authority to review issues beyond its jurisdiction.[8] Therefore, issues regarding jurisdiction may be raised at any time during the course of the proceeding.[9] 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

[5] Agency's Answer and Motion to Dismiss for Lack of Jurisdiction (March 11, 2026). *See also*. Agency's Reply to Opposition to Motion to Dismiss for Lack of Jurisdiction (April 10, 2026).
[6] *Id*.
[7] 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").
[8] *See Banks v. District of Columbia Public School*, OEA Matter No. 1602-0030-90, *Opinion and Order on Petition for Review* (September 30, 1992).
[9] *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).

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."[10]

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, Employee does not deny that he held an MSS appointment at the time of his termination. Additionally, Agency has provided Employee's Notification of Personnel Action – Standard Form-50 ("SF-50") processed on January 14, 2022, which highlights the following: 6-B – **Nature of Action "MSS Appt"; 6-D – Legal Authority "DC Code Sec 1-609.54"**.[11] (Emphasis added). Agency also submitted Employee's employment offer letter dated December 20, 2019, which informed Employee that he was hired into a "**Management Supervisory Service (MSS) position of Program Manager 0340 – MSS Appointment**…" This letter further informed Employee that "… **persons appointed in the Management Supervisory Services do not acquire permanent status, serve at the pleasure of the appointing personnel authority, and may be terminated at any time.**" (Emphasis added). Employee acknowledged and signed this letter on December 20, 2025.[12]

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."[13] Applying this reasoning to the present case, I find that Agency clearly fulfilled its obligation by providing Employee with a written notice of his impending termination on January 22, 2026, providing Employee with more than a fifteen-day (15-day) notice prior to termination and in compliance

[10] Citations omitted. 908 A.2d 1173, 1178 (D.C. 2006).
[11] *See*. Agency's Answer and Motion to Dismiss, *supra*, at Exhibit 1.
[12] *Id*. at Exhibit 2. The D.C. Department of Consumer and Regulatory Affairs ("DCRA") issued Employee's offer letter in 2019. However, pursuant to the Department of Buildings Establishment Act of 2020, D.C. Law 23-269, 68 D.C. Reg. 4174 (2021), the responsibilities of the DCRA were transferred to DOB and the Department of Licensing and Consumer Protection ("DLCP") in October 2022. Agency asserts that Employee began working at the DCRA on January 6, 2020, and was transferred to DOB on October 9, 2022.
[13] *Evans v. District of Columbia,* p.166 (2005).

with 6B DCMR § 3813.1.[14]

Based on the foregoing, I conclude that since Employee's last position of record was obtained through an MSS appointment, I cannot adjudicate his appeal, and it therefore must be dismissed for lack of jurisdiction. Employee herein, 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.

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

[14] *See*. Agency's Answer and Motion to Dismiss, *supra*, at Exhibit 3.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	
	OEA Matter No.: J-0036-26
EMPLOYEE[1],	
Employee	
	Date of Issuance: April 28, 2026
v.	
DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION,	MICHELLE R. HARRIS, ESQ. Senior Administrative Judge
Agency	

Employee, *Pro Se*
Kathleen Miskovsky Black, Esq., Agency Representative

INITIAL DECISION

INTRODUCTION AND PROCEDURAL HISTORY

On February 11, 2026, Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA" or "Office") contesting the District of Columbia Department of Transportation's ("Agency" or "DDOT") decision to suspend him from service for two (2) days. Following a letter from OEA dated February 11, 2026, requesting an Answer in this matter, Agency filed its Answer and Motion to Dismiss on March 13, 2026. Agency cited in its Answer and Motion to Dismiss that Employee had been suspended for two (2) days, and that OEA lacked jurisdiction over this matter because an employee may only appeal a suspension of ten (10) days or more. This matter was assigned to the undersigned Senior Administrative Judge ("AJ") on March 13, 2026.

On March 17, 2026, I issued an Order requiring the parties to submit briefs regarding the jurisdiction issue raised by Agency in its Answer and Motion to Dismiss. Employee's brief was due by or before April 3, 2026, and Agency's response was due by or before April 17, 2026. Employee failed to submit his brief by the required deadline. As a result of Employee's failure to submit his brief, I issued an Order for Statement of Good Cause to Employee on April 8, 2026. Employee was ordered to submit a statement of good cause for his failure to adhere to the deadline set forth in the March 17, 2026 Order. Employee was also required to submit his brief on jurisdiction by or before April 17, 2026. As of the date of this decision, Employee has not submitted a response as required. The record is now closed.

[1] Employee's name was removed from this decision for the purposes of publication on the Office of Employee Appeals' website.

JURISDICTION

The jurisdiction of this Office has not been established in this matter.

ISSUE

Whether this appeal should be dismissed for failure to prosecute.

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.

ANALYSIS AND CONCLUSIONS OF LAW

OEA Rule 624.3 states in relevant part that "if a party fails to take reasonable steps to prosecute or defend an appeal, the Administrative Judge, in the exercise of sound discretion, may dismiss the action or rule for the appellant. 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*; or
(c) Inform this Office of a change of address which results in correspondence being returned."[2] (Emphasis Added)

This Office has consistently held that failure to prosecute an appeal includes a failure to submit required documents after being provided with a deadline to comply with such orders.[3] In the instant matter, Employee was provided notice in the March 17, 2026, and April 8, 2026 Orders that a failure to comply could result in sanctions, including dismissal. Additionally, all Orders were sent via postal mail service to the address provided by Employee in his Petition for Appeal.

[2] OEA Rule 624.3, 6-B DCMR Ch. 600 (December 27, 2021).
[3] *Williams v. D.C. Public Schools*, OEA Matter 2401-0244-09 (December 13, 2010); *Brady v. Office of Public Education Facilities Modernization*, OEA Matter No. 2401-0219-09 (November 1, 2010).

Employee's response to these orders was required to ensure an appropriate review and resolution of the matter. Accordingly, I find that Employee has not exercised the diligence expected of an appellant pursuing an appeal before this Office. I further find that Employee's failure to prosecute his appeal is a violation of OEA Rule 624.3. For these reasons, I have determined that this matter should be dismissed for Employee's failure to prosecute.

ORDER

It is hereby **ORDERED** that the Petition in this matter is **DISMISSED** for failure to prosecute.

FOR THE OFFICE:

/s/ Michelle R. Harris
MICHELLE R. HARRIS, ESQ.
Senior Administrative Judge

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PUBLIC MEETING

District Waterways Advisory Commission Meeting
May 28, 2026

The next meeting of the District Waterways Advisory Commission is on Thursday, May 28, 2026, from 1:00 p.m. to 3:00 p.m. The meeting will be held in person aboard Metropolitan Police Department watercraft. The agenda for the meeting will be posted at open-dc.gov/public-bodies/district-waterways-advisory-commission at least two (2) business days in advance of the meeting.

Due to limited space available, members of the public will not be able to observe the meeting. Detailed meeting minutes will be posted after the meeting to open-dc.gov/public-bodies/district-waterways-advisory-commission.

Information on how the public can engage with the District Waterways Advisory Commission, the development of the District Waterways Advisory Plan, and attend Commission meetings (pending available space) is posted at: https://engage.dc.gov/districtwaterwaysadvisoryplan.

Background on the District Waterways Advisory Commission:
The District Waterways Advisory Commission was established by the DC Council to develop and adopt a strategic vision for the District's waterways. The Commission is comprised of 30 members - 14 voting members and 16 non-voting ex-officio members. The voting members are nominated by the Mayor and the Chairman of the Council and are selected from various constituencies of waterways users for their knowledge of the local waterways or for their subject matter expertise. The non-voting members represent various District and Federal agencies.

For more information, please contact the Office of District Waterways Management at ODWM@dc.gov.

This meeting is governed by the Open Meetings Act. If you have questions about the Open Meetings Act or would like to file a complaint with the Office of Open Government, contact opengovoffice@dc.gov.

DEPARTMENT OF HEALTH CARE FINANCE

PUBLIC NOTICE

MEDICAID FEE SCHEDULE UPDATES FOR PERSONAL CARE AIDE (PCA) SERVICES

The Department of Health Care Finance (DHCF), in accordance with the requirements set forth in 29 DCMR §§ 988.4 and 5015.2, announces updates to Medicaid reimbursement for PCA services provided by Home Health Agencies, effective July 1, 2026.

As part of DHCF's ongoing commitment to strengthen the direct care workforce, the Direct Care Service Provider Supplemental Payment (DCSP) was implemented on January 1, 2023 (see Transmittal #23-15). Beginning in Calendar Year 2026, provider reimbursement rates incorporated enhanced wages for DSPs, calculated at 117.6% of the greater of:

- The District's minimum wage (per the Minimum Wage Act Revision Act of 1992, D.C. Official Code § 32-1001 *et seq.*), or
- The District's living wage (per the Living Wage Act of 2006, D.C. Official Code § 2-220.01 *et seq*.).

Effective July 1, 2026, the District's living wage increases to $18.40 per hour. While the reimbursement rates will remain unchanged, the enhanced wage for a DSP will be capped at the current level of $21.11, or 114.73% of the District's minimum or living wage, whichever is higher.

The Medicaid Fee Schedule for the PCA services is located on the DHCF website at https://www.dc-medicaid.com/dcwebportal/nonsecure/feeScheduleInquiry.

For questions and additional information, please contact: Loria Dickens, Reimbursement Analyst, Office of the Deputy Director, Office of Rates Reimbursement and Financial Analysis, Department of Health Care Finance, at 441 4th Street, Suite 900S, Washington, DC 20001, or email Loria.Dickens@dc.gov or via telephone at (202) 507-6957.

DEPARTMENT OF HEALTH CARE FINANCE

PUBLIC NOTICE

MEDICAID FEE SCHEDULE UPDATES FOR THE HOME AND COMMUNITY-BASED SERVICES WAIVER FOR PERSONS WHO ARE ELDERLY AND INDIVIDUALS WITH PHYSICAL DISABILITIES (EPD)

The Department of Health Care Finance (DHCF), in accordance with the requirements set forth in 29 DCMR §§ 988.4 and 4209.5, announces updates to Medicaid reimbursement for EPD waiver services, effective July 1, 2026.

As part of DHCF's ongoing commitment to strengthen the direct care workforce, the Direct Care Service Provider Supplemental Payment (DCSP) was implemented on January 1, 2023 (see Transmittal #23-15). Beginning in Calendar Year 2026, provider reimbursement rates incorporated enhanced wages for DSPs, calculated at 117.6% of the greater of:

- The District's minimum wage (per the Minimum Wage Act Revision Act of 1992, D.C. Official Code § 32-1001 *et seq.*), or
- The District's living wage (per the Living Wage Act of 2006, D.C. Official Code § 2-220.01 *et seq*.).

Effective July 1, 2026, the District's living wage increases to $18.40 per hour. While the reimbursement rates will remain unchanged, the enhanced wage for a DSP will be capped at the current level of $21.11, or 114.73% of the District's minimum or living wage, whichever is higher.

The reimbursement update applies to the following four (4) EPD Waiver services: (1) Personal Care Aide (PCA) Services, 29 DCMR § 4211; (2) Respite Services, 29 DCMR § 4213; (3) Homemaker Services, 29 DCMR § 4214; (4) Chore Aide Services, 29 DCMR § 4215.

The Medicaid Fee Schedule for the EPD Waiver is located on the DHCF website at: https://www.dc-medicaid.com/dcwebportal/nonsecure/feeScheduleInquiry.

For questions and additional information, please contact: Loria Dickens, Reimbursement Analyst, Office of the Deputy Director, Office of Rates Reimbursement and Financial Analysis, Department of Health Care Finance, at 441 4th Street, Suite 900S, Washington, DC 20001, or email Loria.Dickens@dc.gov or via telephone at (202) 507-6957.

DEPARTMENT OF HEALTH

PUBLIC NOTICE OF COMMITTEE MEETING

District of Columbia Board of Psychology

The District of Columbia Board of Psychology ("Board") hereby gives notice of an additional open session of the Board, 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)).

The meeting will be held virtually on Friday, June 12, 2026, beginning at 9:00 AM. using WebEx Conferencing. The public may attend the virtual open session by videoconference.

The agenda for the open session and videoconference and telephone information will be posted at least one business day before the meeting on the Board of Ethics and Government Accountability website at http://www.bega-dc.gov/board-commission/meetings and on the DC Health website at www.dchealth.dc.gov.

DC DEPARTMENT OF HEALTH

HIV/AIDS, Hepatitis, STD, and TB Administration

NOTICE OF FUNDING AVAILABILITY (NOFA)

FO# HAHSTA-PIS_Syndemic-6.5.26

HAHSTA Prevention Services Using a Syndemic Approach

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 in a separate announcement, which will include guidelines for submitting the application, review criteria, and DC Health terms and conditions for applying for and receiving funding.

Funding Opportunity Title:	HAHSTA Prevention Services Using a Syndemic Approach
Funding Opportunity Number:	HAHSTA-PIS_Syndemic-6.5.26
DC Health Administrative Unit:	HIV/AIDS, Hepatitis, STD, and TB Administration
DC Health Program Bureau	Prevention and Intervention Services Bureau
Funding Opportunity Contact:	Stacey L. Cooper, MSW, CPH Deputy Chief, Prevention PreventionRFAs@dc.gov
Funding Opportunity Description:	DC Health is seeking proposals for HIV prevention activities that utilize a syndemic approach for HIV, STI, and HBV/HCV screening and PrEP/PEP education, linkages, and outreach.
Eligible Applicants	• Non-Profit Organizations • Community-Based Organizations (CBO) • Federally Qualified Health Centers (FQHC)
Anticipated # of Awards:	11
Anticipated Amount Available:	$747,827.00
Annual Floor Award Amount:	$50,000
Annual Ceiling Award Amount:	$125,000

Legislative Authorization	Section 318(b-c) of the Public Health Service Act (42USC Sections 247c(b-c), as amended, and the Consolidated Appropriation Act of 2016 (Pub. L. 114-113)
Associated CFDA#	93.940
Associated Federal Award ID#	NU62PS924847
Cost Sharing/Match Required?	No
RFA Release Date:	June 5, 2026
Letter of Intent Due date:	N/A
Application Deadline Date:	July 14, 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.

DEPARTMENT OF HUMAN RESOURCES

NOTICE OF VERIFICATION OF CERTIFICATES OF GOOD STANDING

Pursuant to section 881(a)(1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-608.81(a)(1)) ("CMPA"), each attorney, hearing officer, and administrative law judge who is required to be a member of the District of Columbia Bar as a condition of their employment with the Mayor, a subordinate agency under the Mayor, the Office of the Attorney General, the Office of the Chief Financial Officer, or any independent agency, shall file with the Department of Human Resources ("DCHR") a Certificate of Good Standing from the Committee on Admissions of the District of Columbia Court of Appeals by December 15 of each year. In the alternative, section 881(a)(2) of the CMPA (D.C. Official Code § 1-608.81(a)(2)) authorizes DCHR to verify the good standing of attorneys, hearing officers, and administrative law judges subject to the Certificate of Good Standing requirement by electronic means with the District of Columbia Bar.

Section 881(b) of the CMPA (D.C. Official Code § 1-608.81(b)) requires the Director of DCHR to publish, on an annual basis, a listing in the *District of Columbia Register* of those attorneys, hearing officers, and administrative law judges who did not meet the filing or verification requirements.

Pursuant to section 881(a)(2) of the CMPA (D.C. Official Code § 1-608.81(a)(2)), the Director of DCHR has verified that no attorney, hearing examiner, or administrative law judge was found to be out of compliance with the Certificate of Good Standing requirement for Fiscal Year 2026. All attorneys, hearing examiners, and administrative law judges employed by the District government who are subject to the Certificate of Good Standing requirement have met their annual filing or verification obligation.

LEARN DC PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSAL

Preschool Classroom Furniture

LEARN DC Public Charter School, located in Washington DC, is requesting proposals to procure all labor, materials, transportation, delivery, assembly, and installation services necessary to furnish six (6) preschool charter school classrooms with age-appropriate, durable, and commercially rated educational furniture. Furniture shall include, but not be limited to, student tables and chairs, teacher desks and seating, storage units, shelving, cubbies, dramatic play furnishings, reading area furniture, and other classroom furnishings as specified in the final scope of work. All products must meet applicable safety, fire, and early childhood education standards and be suitable for daily use by preschool-aged children. The vendor shall coordinate delivery and installation schedules with the school to minimize disruption to operations and shall ensure all furniture is fully assembled, properly placed, and ready for immediate use upon project completion. The vendor shall also remove and dispose of all packaging and debris generated during installation and provide warranty information and product documentation at the time of completion.

The full RFP can be found under the "RFP" section at Learncharter.org or requested via email by contacting Rene Rodriguez at rrodriguez@learncharter.org. Proposals will be accepted until **5:00pm EST on Tuesday, June 2nd, 2026**. Submissions should be sent to Rene Rodriguez at rrodriguez@learncharter.org.

EXECUTIVE OFFICE OF THE MAYOR MURIEL BOWSER

NOTICE OF FUNDING AVAILABILITY

FY2027 Access to Jobs Grant

The Executive Office of Mayor Muriel Bowser (EOM) is soliciting grant applications for the Fiscal Year 2027 (FY27) Access to Jobs Grant from qualified District of Columbia businesses or nonprofits with 501(c)(3) status.

A. Background Information

In Fiscal Year 2021, the Council passed the Access to Jobs Amendment Act of 2020, that requires MORCA to implement a subsidy employment program for returning citizens. Through this program, organizations will be selected to be funded to hire up to ten (10) returning citizens for work of up to 40 hours per week for a minimum of 8 weeks.[1] An employer can apply to hire anywhere from one (1) to ten (10) employees. Through this program, organizations will be selected to be funded to hire up to ten (10) returning citizens for work of up to 40 hours per week for a minimum of 8 weeks.[2] An employer can apply to hire anywhere from one (1) to ten (10) employees.

The subsidization provided by this Grant is for up to two (2) years:

- The first year of the Grant will subsidize 40% of the minimum wage for each employee.
- The second year of the Grant will fund 80% of the minimum wage.
- Organizations must apply each year for the Grant.

Organizations that participate in this Grant must provide sufficient supplemental wages so that the employee earns minimum wage; of course, employers are free to pay more than minimum wage, but the Grant will only subsidize minimum wage as outlined above.

This Grant does not cover costs for fringe benefits or overtime pay. Those costs are the responsibility of the organization. Participating organizations seeking to hire returning citizens, who reside in the District beyond the two (2) year grant period are welcomed and encouraged to do so but on an unsubsidized basis.

A. Target Population

The target population for this Grant is returning citizens who reside in the District of Columbia.

A. Eligibility Criteria

Organization(s) that meet the following eligibility requirements may apply:

1. The organization must be registered with the Office on Returning Citizen Affairs to accept applications for employment from eligible individuals. To register,

[1] D.C. Code §24-1302((b)(2)(L). Please access at https://code.dccouncil.gov/us/dc/council/code/titles/24/chapters/13.
[2] D.C. Code §24-1302((b)(2)(L). Please access at https://code.dccouncil.gov/us/dc/council/code/titles/24/chapters/13.

please fill out this form: Mayor's Office of Returning Citizens Affairs (MORCA) Registration - FY27 Access to Jobs https://forms.office.com/g/T7xVEEPj0n;

2. The organization must pay eligible individuals at least minimum wage (which includes the Grant subsidy) per the District Department of Employment Services' Office of Wage-Hour for Employees (OWH);
3. The organization must pay eligible individuals for a minimum of twenty (20) hours per week for a minimum of eight (8) weeks to participate in this Grant;
4. The organization must be able to comply with the following pay structure:
    - For the first year, the Grant will subsidize 40% of the minimum wage and the hiring organization must be able to provide the remaining 60% of the minimum wage and any other direct or indirect costs associated with hiring the returning citizen;
    - For the second year, subject to appropriations, the Grant will subsidize 80% of the minimum wage and the hiring organization must be able to provide the remaining 20% of the minimum wage. Organizations must reapply to be considered for the second year;
5. The organization must be in good financial standing to cover the unsubsidized portion of the wage and any other direct or indirect expenses associated with hiring the returning citizen. (For example, provide proof of capacity to pay a minimum wage for the number of employees the organization is seeking to hire in FY2027;
6. The organization must be a for-profit or Community-Based Organization with a Federal 501(c)(3) tax-exempt status and is a licensed business with the Department of Licensing and Consumer Protection (DLCP);
7. The organization's principal place of business must be located in the District of Columbia and the employment must occur within the District and be in person;
8. The organization must conduct all services and programming funded through this Grant in the District of Columbia;
9. The organization must be registered in good standing with the DLCPs, the Corporations Division (or successor office), and the Office of Tax and Revenue. Applicants must have an active Good Standing Certificate at the date of the application deadline and maintain their good standing status with the aforementioned entities throughout the pre-award process and the Grant's performance period;
10. The Applicant must have a Clean Hands Certificate from Office of Tax and Revenue (OTR) with a date that is within 12 months of the application deadline;
11. The organization shall provide an affidavit regarding any debarments, suspensions, or defaults with the Office of Contract and Procurement (OCP) and Federal Government;
12. The organization must be and is responsible for compliance with all areas of law and regulation, including labor law, workplace safety, and tax law, both federal and District laws;
13. Current grantees must be current on reporting obligations for the FY26 grant cycle, must be in good standing with the District's legal requirements, including those imposed by any grants or contracts, and progress reports must reflect substantial progress towards the goals of their current grant agreement.

For a hiring organization to receive funding under this Grant for the employment of an individual, the individual must:

1. Have been previously incarcerated;
2. Be a resident of the District of Columbia;
3. Have completed a workforce development and life skills program sponsored by an organization in the District of Columbia;
4. Have been unemployed for a period of at least three (3) months before being hired by the participating employer; and
5. Be currently enrolled in a mentoring program specifically for returning citizens that is sponsored by an organization within the District of Columbia.

D. Program Priorities

In FY2027, the Access to Jobs Grant will prioritize grant applications with the following demonstrated priorities:

- Connect returning citizens to subsided employment opportunities;
- Build workplace skills, work experience, and career advancement opportunities for returning citizens;
- Create workplace flexibilities that consider the unique needs and challenges that returning citizens face in the workplace; and
- Offer short-term, subsidized positions within organizations that could feasibly be extended into long-term, unsubsidized employment.

E. Important Dates

Request for Applications (RFA) Release Date:	Friday, June 5th, 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-grantprogram
Amount of Awards:	Eligible organizations can be awarded up to $75,000 for up to ten (10) District returning citizens.
Application Deadline:	Applications must be submitted via the ZoomGrants Grants Management Portal by Friday, June 26th, 2026, at 5:00 PM EST.
Length of Awards:	Grant awards are for FY2027, with a possibility of extension through FY2028, subject to appropriations.
Performance Period:	Execution of Grant Agreement – September 30, 2027, with a possibility of extension through FY 2028 (October 1, 2026 – September 30, 2027), subject to appropriations.
Pre-Bidder's Conference:	Tuesday June 9th, 2026 10:00 AM – 12:00 PM 899 North Capitol
Point of Contact:	Caterina Abruzzo Chief Partnerships Officer Executive Office of Mayor Muriel Bowser Phone: 202-710-8798 Email: EOM.Grants@dc.gov

PERRY STREET PREPARATORY CHARTER SCHOOL

REQUEST FOR PROPOSALS

Auditorium Remodeling Services

Introduction & Purpose

Perry Street Preparatory Charter School (PSPCS), located in Washington, DC, is seeking proposals from qualified vendors to provide renovations services for the School auditorium, including the removal and replacement of auditorium seating and associated work. Submission deadline May 29, 2026 (12:00 PM EST). See Full RFP at https://www.pspdc.org/apps/pages/procurment

For additional information, contact:

finance@pspdc.org

Perry Street Preparatory Public Charter School

1800 Perry Street NE

Washington, DC 20018

(202)-589-4400

SEED PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSAL (RFP)

General Contractor Services

The SEED School of Washington, D.C. is soliciting proposals from qualified and licensed General Contractors to provide construction, renovation, repair, and facility improvement services for various campus projects.

Project Overview

The selected contractor will provide comprehensive construction services that may include, but are not limited to:

- Interior and exterior renovations
- Carpentry, painting, flooring, and drywall work,and Doors
- Electrical and plumbing coordination
- Roofing and waterproofing
- Site improvements and general maintenance projects
- Compliance with local building codes and safety regulations

Contractor Qualifications

Interested firms should demonstrate:

- Valid business license and insurance coverage
- Experience with institutional, educational, or commercial facilities
- Ability to manage projects within schedule and budget
- Strong safety record and OSHA compliance
- References from similar completed projects
- Capacity to provide skilled labor and project supervision

Proposal Requirements

Proposals should include the following information:

1. Company profile and history
2. Contractor license information
3. Proof of insurance and bonding capacity
4. Relevant project experience
5. List of references

6. Proposed staffing and project management approach
7. Pricing structure and fee schedule
8. Estimated project timelines

Submission Instructions

All proposals must be submitted electronically or in sealed envelope format by the deadline listed below.

Submission Deadline: May 26th, 2026
Submission Address: CDyson@dc.seedschool.org
Attention: RFP Facilities Department

Selection Criteria

Proposals will be evaluated based on:

- Relevant experience and qualifications
- Cost competitiveness
- Project approach and responsiveness
- References and past performance
- Ability to meet scheduling requirements

The SEED School of Washington, D.C. reserves the right to reject any or all proposals and to waive informalities in the proposal process.

For questions regarding this RFP, please contact:

Carl Dyson
Facilities Department
SEED School of Washington, D.C.
(240) 463-3685
CDyson@dc.seedschool.org

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting by Microsoft Teams on Thursday, June 4, 2026, at 9:30 a.m. The meeting will be held in the boardroom (2nd floor) at 1385 Canal Street, S.E., Washington, D.C. 20003. The Chief Executive Officer and General Manager invite the public to attend the meeting via livestream. Please see the website for remote access information for this meeting. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com that will also contain a link to the livestream.

For additional information, please contact Debra Mathis, Acting Board Secretary at (202) 787-2331 or Debra.Mathis@dcwater.com.

DRAFT AGENDA

1.	Call to Order	Board Chairman
2.	Roll Call	Board Secretary
3.	Approval of May 7, Meeting Minutes	Board Chairman
4.	Committee Report(s)	Committee Chairperson(s)
5.	Chief Executive Officer's Report	Chief Executive Officer and General Manager
6.	Action Items Joint-Use Non-Joint-Use	Board Chairman
7.	Other Business	Board Chairman
8.	Adjournment	Board Chairman

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, July 29, 2026, @ 9:30 a.m.
Via WebEx: https://dcoz.dc.gov/BZA07-29-2026
Via Telephone: 202-860-2110 Access Code: 2316 105 9681
Via YouTube: https://www.youtube.com/c/DCOfficeofZoning

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule but reserves the right to call items on the agenda out of turn.

WARD FOUR

Application of:	**Jose Andres Reinoso and Miguelina Zapata, Trustees**
Case No.:	**20676B**
Address:	4500 Hampshire Avenue N.W. (Square 3248, Lot 77)
ANC:	**4C**
Relief:	Time Extension to: • Board of Zoning Adjustment Order No. 20676 (pursuant to Subtitle Y § 705.1)
Project:	To extend for an additional two years, Board of Zoning Adjustment Order No. 20676, to convert an existing, semi-detached, two-story with basement, principal dwelling unit, to a child development center, in the R-3 Zone.

WARD FOUR

Application of:	**Alexandra E. Chevalier**
Case No.:	**21081A**
Address:	3721 9th Street N.W. (Square 2900, Lot 31)
ANC:	**4C**
Relief:	Time Extension to: • Board of Zoning Adjustment Order No. 21081 (pursuant to Subtitle Y § 705.1)
Project:	To extend for an additional two years, Board of Zoning Adjustment Order No. 21081, to construct a rear addition and convert to a three-unit apartment house, an existing, attached, two-story with cellar flat, in the RF-1 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
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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 PLANNING COMMISSION
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 .

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