

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-651

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006Codification
District of
Columbia
Official Code

2001 Edition

2007 Winter
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Publisher

To amend Title 47 of the District of Columbia Official Code to allow parties to a domestic partnership to file their income taxes jointly.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Domestic Partnerships Joint Filing Act of 2006".

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

(a) Section 47-1801.04 is amended as follows:

Amend
§ 47-1801.04

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

"(1A) Domestic partners" means persons who have registered their relationship with the District pursuant to § 32-702."

(2) Paragraph (4) is amended by striking the phrase "whether married or unmarried." and inserting the phrase "whether married, domestic partners, or unmarried." in its place.

(3) Paragraph (26) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase "spouse or jointly by husband and wife," and inserting the phrase "spouse, or jointly by husband and wife (or domestic partner)," in its place.

(B) Subparagraph (B) is amended by striking the phrase "Code of 1986" and inserting the phrase "Code of 1986; provided, that in applying section 2(a) of the Internal Revenue Code of 1986, the term "spouse" shall be deemed to include a domestic partner" in its place.

(b) Section 47-1805.01 is amended by adding a new subsection (f) to read as follows:

Amend
§ 47-1805.01

"(f) *Joint filing of returns for domestic partners.* – Domestic partners may file either a joint return or separate returns on a combined form prescribed by the Mayor as if the federal government recognized the right of domestic partners to file jointly."

(c) Section 47-1806.02 is amended by striking the word "spouse" wherever it appears and inserting the phrase "spouse (or domestic partner)" in its place.

Amend
§ 47-1806.02
Amend
§ 47-1806.03

(d) Section 47-1806.03(d) is amended as follows:

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(1) Strike the word "married" and insert the phrase "married (or domestic partner)" in its place.

(2) Strike the word "spouse" and insert the phrase "spouse (or domestic partner)" in its place.

(e) Section 47-1812.08 is amended by striking the phrase "husband and wife" wherever it appears and inserting the phrase "husband and wife (or domestic partner who filed under § 47-1805.01(f))" in its place. Amend § 47-1802.08

(f) Section 47-4212 is amended by striking the word "spouse" and inserting the phrase "spouse (including a domestic partner who files under § 47-1805.01(f))" in its place. Amend § 47-4212

(g) Section 47-4432 is amended by adding a new sentence at the end to read as follows: "For the purposes of this section, the term "spouse" shall include a domestic partner who files under § 47-1805.01(d).". Amend § 47-4432

(h) Section 47-4440 is amended by striking the word "spouse" and inserting the phrase "spouse (or domestic partner)" in its place. Amend § 47-4440

(i) Section 47-4509(a) is amended as follows: Amend § 47-4509

(1) Strike the phrase "married individuals" and inserting the phrase "married individuals (or domestic partners registered under § 32-702)" in its place.

(2) Strike the phrase "married individual" and inserting the phrase "married individual (or domestic partner registered under § 32-702)" in its place.

Sec. 3. Applicability; conditional effect.

(a) Section 2 shall apply as of January 1, 2007.

(b) The Chief Financial Officer shall include the fiscal effect of the act in the next revised quarterly revenue estimate, less the amount to be allocated to section 1043 of the Fiscal Year 2007 Budget Support Act of 2006, signed by the Mayor on August 8, 2006 (D.C. Act 16-476; 53 DCR 6899), the Washington Stage Guild Exemption Act of 2006, effective September 26, 2006 (D.C. Law 16-172; D.C. Official Code §10-1074), and the Organ and Bone Marrow Donor Act of 2006, signed by the Mayor on December 4, 2006 (D.C. Act 16-536; 53 DCR _____).

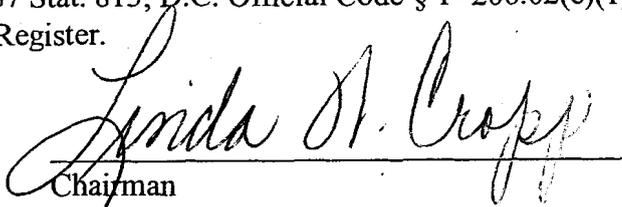
(c) This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Fiscal impact statement.

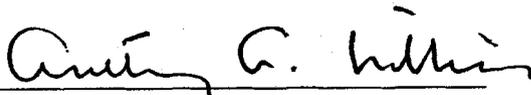
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 28, 2006

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To amend Title 47 of the District of Columbia Official Code to exempt certain agency overspending from review by a review board, to adjust the period for submission of a revised spending plan, and to make technical amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Anti-Deficiency Act Revision Act of 2006".

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

(a) Section 47-355.02 is amended as follows:

Amend
§ 47-355.02

(1) The lead-in text is amended by striking the phrase "chief financial" and inserting the word "fiscal" in its place.

(2) Paragraph (1) is amended by striking the phrase "or fund" and inserting the phrase "for an agency or fund" in its place.

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

"(2) Obligate the District for the payment of money before an appropriation is made or before a certification of the availability of funds is made, unless authorized by law;"

(5) Paragraph (3) is amended by striking the phrase "or" at the end.

(6) Paragraph (4) is amended by striking the period at the end and inserting a semicolon in its place.

(7) New paragraphs (5) through (8) are added to read as follows:

"(5) Allow an expenditure or obligation to exceed apportioned amounts;

"(6) Fail to submit a required plan or projection in a timely manner;

"(7) Knowingly report incorrectly on spending to date or on projected total annual spending; or

"(8) Fail to adhere to a spending plan through overspending that is greater than 5% of the agency's budget, or \$1 million, regardless of the percentage."

(b) Section 47-355.03 is amended as follows:

Amend
§ 47-355.03

(1) Strike the word "monthly" and insert the word "quarterly" in its place.

(2) Strike the phrase "chief financial" and insert the word "fiscal" in its place.

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(3) Striking the word "month" and insert the word "quarter" in its place.

(c) Section 47-355.04 is amended as follows:

Amend
§ 47-355.04

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

(A) Strike the phrase "agency chief financial" and insert the phrase "agency fiscal" in its place.

(B) Strike the phrase "15 days" and insert the phrase "one month" in its place.

(2) Subsection (b) is amended by striking the phrase "10 days" and inserting the phrase "one month" in its place.

(d) Section 47-355.05(b) is amended by striking the phrase "agency chief financial officer" and inserting the phrase "agency fiscal officer" in its place.

Amend
§ 47-355.05

(e) Section 47-355.06 is amended to read as follows:

"An agency head, deputy agency head, agency fiscal officer, agency budget director, agency controller, manager, or other employee may be subject to adverse personnel action, including removal, for violating any provision in § 47-355.02."

Amend
§ 47-355.06

(f) Section 47-355.07 is amended as follows:

Amend
§ 47-355.07

(1) Subsection (a) is amended by striking the phrase "which shall within 30 days of learning of a violation specified in § 47-355.06 by an agency convene a review board" and inserting the phrase "which shall convene, within 60 days of an alleged violation of § 47-355.02," in its place.

(2) Subsection (c) is amending by striking the word "violation" and inserting the phrase "violation or may determine that no violation actually occurred" in its place.

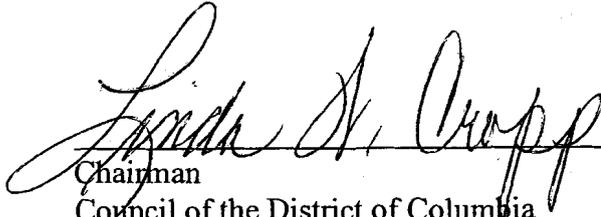
Sec. 3. Fiscal impact statement.

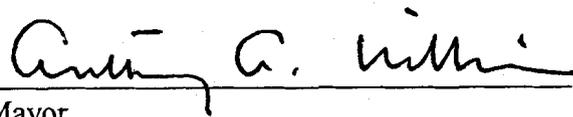
The Council adopts the fiscal impact statement contained in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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

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


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Council of the District of Columbia


Mayor
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To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to clarify when a waiver of notice or injury or death shall be allowed and to conform the disability period for retention rights upon return to employment; to amend the Rental Housing Act of 1985 to correct the citation of the year of passage; to repeal sections 47-1806.08, 47-1806.08a, 47-1806.08b, 47-1808.08c, 47-1808.08d, 47-1808.08e, 47-1808.08f, and 47-1808.08g of the District of Columbia Official Code, which provided for a targeted historic housing tax credit program that has been replaced by a grant program established by Targeted Historic Preservation Assistance Amendment Act of 2006; to amend the Department of Transportation Establishment Act of 2002 to strike an erroneous clause inadvertently retained in a previous amendment; to amend the Parking Enhancement Amendment Act of 2006 to correct a typographical error; to amend the Parking Amendment Act of 2006 to correct a section citation and to add an inadvertently omitted phrase; to amend the Fiscal Year 2007 Budget Support Act of 2006 to correctly state an expenditure amount, to strike an erroneous word, and to correct a cross reference; to amend section 5 of the Washington Stage Guild Tax Exemption Act of 2007 to make a conforming amendment; to amend the Tobacco Settlement Trust Fund and Tobacco Settlement Financing Amendment Act of 2006 to add an inadvertently omitted parenthesis; to amend section 47-340.23 of the District of Columbia Official Code to correct a typographical error and to correct an address and expenditure amount; to amend the District of Columbia Deed Recordation Tax Act to restore an amendment that was inadvertently omitted during the enrollment process; to amend Chapter 10 of Title 47 of the District of Columbia Official Code to correct section numbering; to amend section 115(b) of the New Convention Center Hotel Omnibus Financing and Development Act of 2006 to correct a typographical error; to amend the Poverty Lawyers Loan Assistance Repayment Program Act of 2006 to add a paragraph that was inadvertently omitted during enrollment; to amend section 47-1803.02(a)(2) of the District of Columbia Official Code to add a new subparagraph (X) that was inadvertently omitted during enrollment; to amend the School Modernization Financing Act of 2006 to change the date of calculation of the cost-of-construction adjustment applied to the additional revenue allocation to conform to the end of the fiscal year

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instead of the calendar year; to repeal section 47-1806.11 of the District of Columbia Official Code; and to amend the Living Wage Act of 2006 to clarify that contracts or other agreements that are subject to higher federal wage level determinations are exempt from the act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Second Technical Amendments Act of 2006".

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-623.01 *et seq.*), is amended as follows:

(a) Section 2319(b) (D.C. Official Code §1-623.19(b)) is amended as follows:

(1) The lead-in sentence is amended by striking the word "if".

(2) Paragraph (b)(1) is amended by striking the word "The" and inserting the phrase "If the" in its place.

(3) Paragraph (b)(2) is amended by striking the word "The" and inserting the phrase "If the" in its place.

(4) Paragraph (b)(3) is amended by striking the word "Objection" and inserting the phrase "Unless objection" in its place.

(b) Section 2345(b)(1) (D.C. Official Code §1-623.45(b)(1)) is amended by striking the phrase "one year" and inserting the phrase "two years" in its place.

(c) This section shall apply as of April 5, 2005.

Sec. 3. Section 206(a) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.06(a)), is amended by striking the phrase "June 6, 1006 (Enrolled version of Bill 16-109). Petitions and voluntary agreements pending as of the effective date of the Rent Control Reform Amendment Act of 2006, passed on 2nd reading on June 6, 1006" and inserting the phrase "June 6, 2006 (Enrolled version of Bill 16-109). Petitions and voluntary agreements pending as of the effective date of the Rent Control Reform Amendment Act of 2006, passed on 2nd reading on June 6, 2006" in its place.

Sec. 4. Sections 47-1806.08, 47-1806.08a, 47-1806.08b, 47-1808.08c, 47-1808.08d, 47-1808.08e, 47-1808.08f, and 47-1808.08g of the District of Columbia Official Code are repealed.

Sec. 5. Section 9b(a)(2) of the Department of Transportation Establishment Act of 2002, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 50-921.10(a)(2)), is amended by striking the phrase "transferred or revert to the fund balance of" and inserting the phrase "transferred to" in its place.

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Sec. 6. Section 2(a) of the Parking Enhancement Amendment Act of 2006, signed by the Mayor on July 25, 2006 (D.C. Act 16-464; 53 DCR 6719), is amended by striking the section designation "2411.9" and in inserting the section designation "2411.19" in its place.

Sec. 7. The Parking Amendment Act of 2006, signed by the Mayor on July 21, 2006 (D.C. Act 16-453; 53 DCR 6499), is amended as follows:

(a) Section 3 is amended by striking the section citation "47-2892(c)" and inserting the section citation "47-2829(c)" in its place.

(b) Section 5(a)(3) is amended by striking the phrase "where a wedding" and inserting the phrase "where a non-recurring event such as a wedding" in its place.

Sec. 8. The Fiscal Year 2007 Budget Support Act of 2006, signed by the Mayor on August 8, 2006 (D.C. Act 16- 476; 53 DCR 6899), is amended as follows:

(a) Section 1043 is amended by adding a new paragraph (1A) to read as follows:

“(1A) An amount of \$5 million to the Office of the City Administrator for the Mayor’s Youth Strategy fund;”.

(b) Section 2102 is amended by striking the phrase "of \$950,000 million" and inserting the phrase "of \$950,000" in its place.

(c) Section 2055(18) is amended by striking the phrase “subtitle O” and inserting the phrase “subtitle II-L” in its place.

Sec. 9. Section 5 of the Washington Stage Guild Tax Exemption Act of 2006, signed by the Mayor on July 18, 2006 (D.C. Act 16-441; 53 DCR 6432), is amended as follows:

(a) Strike the subsection designation "(a)".

(b) Subsection (b) is repealed.

Sec.10. Section 3(c)(1)(A) of the Tobacco Settlement Trust Fund and Tobacco Settlement Financing Amendment Act of 2006, effective July 25, 2006 (D.C. Law 16-142; 53 DCR 4412), is amended by striking the phrase "District and" and inserting the phrase "District) and" in its place.

Sec. 11. Section 47-340.23(c) of the District of Columbia Official Code is amended as follows:

(a) Paragraph (1)(A) is amended by striking the phrase “\$1 million shall be allocated to the Deputy Mayor for Planning and Economic Development for the purposes of acquisition and redevelopment of property in the 3300 block of Georgia Avenue, N.W.” and inserting the phrase “\$2 million shall be allocated to the Deputy Mayor for Planning and Economic Development for the purposes of acquisition and redevelopment of property in the 3200 block of Georgia Avenue, N.W., for redevelopment of Park Morton under the Great Streets initiative.” in its

place.

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

(1) Subparagraph (O) is repealed.

(2) Subparagraph (Q) is amended by striking the phrase "6500 block of Georgia Avenue" and inserting the phrase "6400 block of Georgia Avenue" in its place.

Sec. 12. Section 303(a-3) of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 12; D.C. Official Code § 42-1103(a-3)), is amended by striking the phrase "(a)(1)" and inserting the phrase "(a)(1) or (3)" in its place.

Sec. 13. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the section designation "47-1074. Far Southeast Community Organization; lots 73, 74, and 75, square 5753." and inserting the section designation "47-1075. Far Southeast Community Organization; lots 73, 74, and 75, square 5753." in its place.

(b) Strike the phrase "§ 47-1074. Far Southeast Community Organization; lots 73, 74, and 75 in square 5753." and insert the phrase "47-1074. Far Southeast Community Organization; lots 73, 74, and 75, square 5753." in its place.

Sec. 14. Section 115(b) of the New Convention Center Hotel Omnibus Financing and Development Act of 2006, effective September 19, 2006 (D.C. Law 16-163; 53 DCR 5438), is amended by striking the phrase "47-4608" and inserting the phrase "47-4609" in its place.

Sec. 15. Section 2(6) of the District of Columbia Poverty Lawyer Loan Assistance Repayment Program Act of 2006, signed by the Mayor on October 25, 2006 (D.C. Act 16-503; 53 DCR 9055), is amended to read as follows:

"(6) "Eligible employment" means those areas of legal practice certified by the Attorney General to serve the public interest, including employment with legal organizations that qualify for District of Columbia Bar Foundation funding. The term "eligible employment" shall not include employment with the District of Columbia or federal government or with or as the Administrator."

Sec. 16. Section 47-1803.02(a)(2) of the District of Columbia Official Code is amended by adding a new subparagraph (X) to read as follows:

"(X) Loans awarded and subsequently forgiven under the District of Columbia Poverty Lawyer Loan Assistance Repayment Program Act of 2006, signed by the Mayor on October 25, 2006 (D.C. Act 16-503; 53 DCR 9055)."

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Sec. 17. Section 121(b) of the School Modernization Financing Act of 2006, effective June 7, 2006 (D.C. Law 16-123; 53 DCR 2843), is amended by striking the phrase "December 31 of such fiscal year." and inserting the phrase "September 30 of such fiscal year." in its place.

Sec. 18. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents for Chapter 18 is amended by striking the phrase "§ 47-1806.11. Tax on residents and nonresidents – Credits - energy conservation credit." and inserting the phrase "§ 47-1806.11. Tax on residents and nonresidents – Credits - energy conservation credit. Repealed." in its place.

(b) Section 47-1806.11 is amended to read as follows:

"§ 47-1806.11. Tax on residents and nonresidents – Credits – energy conservation credit. Repealed."

Sec. 19. Section 105(1) of the Living Wage Act of 2006, June 8, 2006 (D.C. Law 16-118; D.C. Official Code § 2-220.05(1)), is amended by striking the phrase "wage level determinations" and inserting the phrase "higher wage level determinations" in its place.

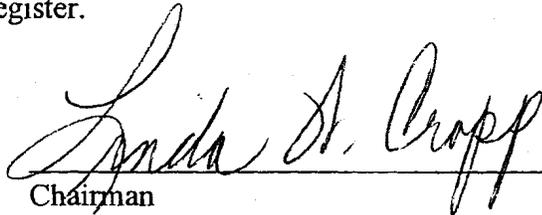
Sec. 20. Fiscal impact statement.

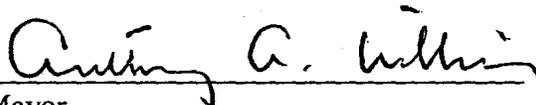
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 21. Effective date.

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

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


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Council of the District of Columbia


Mayor
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To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to increase the compensation of the Mayor and of members of the Council, and to create a Mayor and Council Compensation Advisory Commission, to require the Commission to study the compensation and benefits for elected officials by reviewing the best practices regionally and nationally of comparable jurisdictions and to submit its findings and recommendations to the Mayor and the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Mayor and Council Compensation Adjustment and Compensation Advisory Commission Establishment Amendment Act of 2006."

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 1109 (D.C. Official Code § 1-611.09) is amended as follows:

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

"(a-1) In accordance with section 421(d) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 789; D.C. Official Code § 1-204.21(d)) ("Home Rule Act"), effective January 2, 2007, the Mayor shall receive annual compensation in the amount of \$200,000, which shall be payable in equal and periodic installments. The compensation shall not be subject to step, cost of living, or other increases."

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

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

"(1) Members of the Council shall receive compensation in the amount of \$115,000 per year; except, that the Chairman shall receive compensation pursuant to section 403(d) of the Home Rule Act (D.C. Official Code § 1-204.03(d)), which shall be payable in equal and periodic installments. The compensation shall be subject to cost of living increases, but not to step or other increases. For the purposes of this section "cost of living increases"

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means the Consumer Price Index for all Urban Consumers (all items Washington D.C. Standard Metropolitan Statistical Area average), published on January 1 of each year.”

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

(i) Subparagraph (B) is amended by striking the word "and" at the end.

(ii) Subparagraph (C) is amended by striking the phrase "deems necessary." and inserting the phrase "deems necessary; and" in its place.

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

“(D) The recommendations of the Mayor and Council Compensation Advisory Commission established by Title XI-A.”

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

“(d) In determining the proper compensation level for the Mayor, the Council shall consider the recommendations of the Mayor and the Council Compensation Advisory Commission established by Title XI-A.”

(b) A new Title XI-A is added to read as follows:

“TITLE XI-A

“MAYOR AND COUNCIL COMPENSATION ADVISORY COMMISSION”

“Sec. 1151. Establishment of the Mayor and Council Compensation Advisory Commission.

“(a) The Mayor and Council Compensation Advisory Commission (“Commission”) is established to determine the proper compensation of elected officials in the District of Columbia. “Sec. 1152. Composition and term.

“(a) The Commission shall consist of 5 voting members and one nonvoting member as follows:

“(1) Two members appointed by the Mayor with the advice and consent of the Council;

“(2) Three members appointed by the Council by resolution; and

“(3) The Director of the Office of Personnel, or his or her designee, as an *ex officio* nonvoting member.

“(b) The Chairperson of the Commission shall be selected the voting members.

“(c) Commission members shall serve a 3-year term; except, that the terms shall be staggered such that the first member appointed by the Mayor shall serve a one-year term and the first 2 members appointed by the Council shall each serve a 2-year term, with all other and subsequent appointments serving a 3-year term. A member is eligible for reappointment.

“(d)(1) Commission members shall be private citizens generally recognized for their knowledge and experience in management and compensation and have been residents of the District for at least 5 years.

(2) The Mayor, members of the Council, and officers and employees of the District of Columbia or the federal government shall not be eligible for appointment to the

Commission.

"(e) The Commission shall establish rules and procedures as the Commission shall determine.

"(f) Any vacancy on the Commission shall be filled in the same manner as the original appointment. A person appointed to fill a vacancy shall serve the remainder of the unexpired term of the original appointee.

"(g) All members of the Commission shall serve without compensation, but may be reimbursed for reasonable actual expenses incurred in the performance of official duties, pursuant to rules issued by the Mayor in accordance with section 1108.

"Sec. 1153. Duties.

"The Commission shall:

"(1) Conduct an annual review examining the best practices in compensation and benefits for mayors and members of the Council and other elected officials in the surrounding Washington Metropolitan Area, as well as in comparable jurisdictions in the country;

"(2) Study the feasibility of allowing a Councilmember to elect between engaging in employment, whether as an employee or as a self-employed individual, or holding a position other than the position as Councilmember for which the member is compensated in an amount in excess of his or her actual expenses and authorizing additional compensation for Councilmembers who agree not to engage in outside employment; and

"(3) Develop recommendations for changes in compensation levels for the Mayor or Councilmembers, or a recommendation that no changes be made, based on the review and study conducted pursuant to paragraphs (1) and (2) of this section and:

"(A) The duties and level of responsibilities of each position;

"(B) The current compensation for the position and the length of time since the last compensation change;

"(C) Any change in the cost of living since the last compensation change;

"(D) Salary trends for positions with analogous duties and responsibilities, both within government and in the private sector;

"(E) Budget limitations;

"(F) The information required by section 1109(b)(2)(A) and (B); and

"(G) Any other factors it considers to be reasonable, appropriate, and in the public interest.

"Sec. 1154. Reports.

"(a) On February 1 of each odd numbered year, the Commission shall submit to the Council, the Mayor, and each Councilmember a draft act, together with a report explaining its recommendations regarding compensation for the Mayor, the Chairman, and individual Councilmembers; provided, that the salary of the Chairman shall be pursuant to section 403(d) of the Home Rule Act (D.C. Official Code § 1-204.03(d)). The Commission shall also make

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the report available to the general public.

"(b) The Commission may make recommendations as to salaries for other District of Columbia elected or appointed officials.

"Sec. 1155. Meetings and hearings.

"(a) The Commission shall meet as frequently as the proper and efficient discharge of its duties may require. A majority of the voting members shall constitute a quorum. The Commission may act by an affirmative vote of a majority of its voting members.

"(b) Other than executive sessions to consider privileged matters, the meetings of the Commission shall be open to the public. The discussion of compensation shall not be a privileged matter.

"(c) An executive meeting may be convened by a vote of a majority of the voting members of the Commission, upon good cause shown.

"(d) The Commission shall hold at least 2 public hearings to take public testimony on any proposed compensation changes, including from compensation experts from the public and private sectors.

"(e) The Commission shall maintain minutes of the meetings.

"Sec. 1156. Powers.

"(a) All offices, agencies, and instrumentalities of the District government shall fully cooperate with the Commission and provide requested information and documents.

"(b) Subject to the availability of appropriations, the Commission may hire or contract for necessary staff and technical assistance or may require any office, agency, or instrumentality of the District government to provide such assistance.

"Sec. 1157. Council action.

"Upon receiving the draft act and report from the Commission as required by section 1154, the Chairman shall introduce the proposed legislation at the next legislative session. The Council shall hold a public hearing on the legislation within 6 months of its introduction."

Sec. 3. Applicability.

This act shall apply subject to the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Fiscal impact statement.

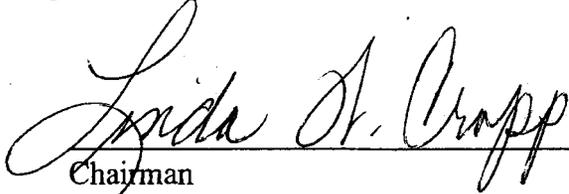
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

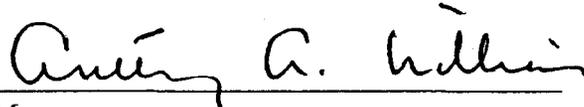
Sec. 5. Effective date.

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

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 28, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-655

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.West Group
Publisher

To amend the Homeless Services Reform Act of 2005 to establish an Office of Shelter Monitoring ("Office") to monitor shelter and services provided by the District and its contractors to clients who are homeless, to enumerate the powers and duties of the Office, to establish basic procedures for the Office, to provide for the staff of the Office, to prohibit retaliation against a client or provider employee who cooperates in the monitoring efforts of the Office, to require the Mayor to issue rules on the administration of emergency cash assistance grants to individuals and families who are at imminent risk of becoming homeless, and to establish an intake center for persons in need of crisis intervention services located in close proximity to the Landlord and Tenant Branch of the Superior Court of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Shelter Monitoring and Emergency Assistance Amendment Act of 2006".

Sec. 2. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

- (a) The table of contents is amended by inserting after the phrase "Sec. 27. Administrative review." the following:
- "Sec. 27a. Establishment of Office of Shelter Monitoring.
 - "Sec. 27b. Powers and duties of the Office.
 - "Sec. 27c. Shelter monitoring reports.
 - "Sec. 27d. Shelter monitoring staff.
 - "Sec. 27e. Retaliation prohibited.
 - "Sec. 27f. Policies and procedures for shelter monitoring."

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(b) Section 2 (D.C. Official Code § 4-751.01) is amended as follows:

Amend
§ 4-751.01

(1) Paragraph 9 is amended by striking the phrase "mortgage payments," and inserting the phrase "mortgage payments, utility assistance," in its place.

(2) Paragraph 18(A) is amended to read as follows:

"(A) Lacking a fixed, regular residence that provides safe housing, and lacking the financial means to acquire such a residence immediately; or".

(3) A new paragraph (27A) is added to read as follows:

"(27A) "Office" means the Office of Shelter Monitoring established pursuant to section 27a."

(4) A new paragraph (32A) is added to read as follows:

"(32A) "Safe housing" means housing that does not jeopardize the health, safety, or welfare of its occupants and that permits access to electricity, heat, and running water for the benefit of occupants."

(c) Section 3 (D.C. Official Code § 4-754.01) is amended as follows:

Amend
§ 4-754.01

(1) Subsection (a) is amended by striking the phrase "9-27" and inserting the phrase "9-27f" in its place.

(2) Subsection (b) is amended by striking the phrase "9-27" and inserting the phrase "9-27f" in its place.

(d) Section 4(b) (D.C. Official Code § 4-752.01(b)) is amended as follows:

Amend
§ 4-752.01

(1) Paragraph 6 is amended by striking the phrase "population; and" and inserting the phrase "population;" in its place.

(2) Paragraph 7 is amended by striking the phrase "members." and inserting the phrase "members; and" in its place.

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

"(8) The administrative head of the Office of Shelter Monitoring, who shall be a non-voting member."

(e) Section 7 (D.C. Official Code § 4-753.01) is amended by adding a new subsection (e) to read as follows:

Amend
§ 4-753.01

"(e) Pursuant to section 31, the Mayor shall issue rules on the administration of emergency assistance grants offered as crisis intervention services to individuals and families in need of cash assistance for mortgage, rent, or utility bills in arrears or for a security deposit or first month's rent."

(f) Section 8(c) (D.C. Official Code § 4-753.02(c)) is amended by adding a new paragraph (1A) to read as follows:

Amend
§ 4-753.02

"(1A) The Mayor shall operate an intake center specializing in crisis intervention services and located in close proximity to the Landlord and Tenant Branch of the Superior Court of the District of Columbia."

(g) Section 9(11) (D.C. Official Code § 4-754.11(11)) is amended by striking the phrase "File complaints with" and inserting the phrase "File complaints with, testify before, or provide

Amend
§ 4-754.11

information to" in its place.

(h) Section 17(b) (D.C. Official Code § 4-754.31(b)) is amended by striking the phrase "Inspections shall be conducted:" and inserting the phrase "Except for inspections of shelters monitored by the Office of Shelter Monitoring pursuant to section 27b, inspections shall be conducted:" in its place.

Amend
§ 4-754.31

(i) New sections 27a through 27f are added to read as follows:

"Sec. 27a. Establishment of Office of Shelter Monitoring.

"There is established within the Department of Human Services an Office of Shelter Monitoring to monitor shelters and services provided by the District and its contractors to clients who are homeless.

"Sec. 27b. Powers and duties of the Office.

"(a) The Office shall monitor the conditions, services, and practices at shelters, evaluating the following, to the extent applicable:

"(1) Health, safety, and cleanliness of shelters;

"(2) Policies, practices, and program rules;

"(3) Accessibility of shelters to clients with disabilities;

"(4) Appropriateness of shelters for families;

"(5) Respect for client rights established by sections 9 and 10;

"(6) Compliance with provider standards established by sections 12 through 16;

"(7) Comments of shelter clients and program staff;

"(8) Ability of the program to facilitate transition from homelessness to permanent housing; and

"(9) Any other information deemed appropriate.

"(b) The Office shall conduct inspections on the premises of each shelter covered by section 3.

"(c) The Office shall receive complaints about programs, facilities, and services provided within the continuum of care and shall investigate programs not in compliance with the applicable standards established in this act or with other requirements or agreements.

"(d) The Office shall establish procedures for notifying providers of deficiencies and procedures for correcting those deficiencies in a timely manner.

"(e) During any inspection or investigation conducted pursuant to this section, the provider shall make available to the Office for examination any records or other materials related to the delivery of its services, including records related to clients and to internal complaints, in accordance with the confidentiality requirements of section 9(7).

"(f) The Office shall ensure confidential treatment of the personal, social, legal, financial, educational, and medical records and information related to a client or any member of a client's family, whether obtained from the client or from any other source, consistent with confidentiality requirements of District and federal law. The Office shall not disclose the identity of any person who brings a complaint or provides information to the Office without the

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person's consent, unless the Office determines that disclosure is unavoidable or necessary to further the ends of an inspection or investigation.

"(g) The Office shall encourage appropriate use of mediation, fair hearing, and administrative review processes for resolving grievances, pursuant to sections 25, 26, and 27.

"(h) The Office shall post in prominent places at each program and shelter site its contact information, its procedures for accepting complaints, and procedures for requesting mediation, a fair hearing, or administrative review of grievances.

"Sec. 27c. Shelter monitoring reports.

"(a) The Office shall issue reports summarizing the findings of each inspection or investigation it conducts.

"(b) The Office shall make available, upon request, each report issued pursuant to subsection (a) of this section to the provider, the Mayor, and all members of the Interagency Council. Upon request, the Office shall deliver an appropriate number of copies of the final report to the shelter for distribution to clients.

"(c) The Office, in coordination with the Interagency Council, shall issue the general findings of its monitoring efforts as a section of the annual report required under section 5(5).

"Sec. 27d. Shelter monitoring staff.

"(a) Employees of the Office shall agree in writing to comply with all applicable confidentiality requirements in accordance with their official duties.

"(b) The Office shall train its employees, as appropriate, in compliance with applicable confidentiality restrictions, in homeless shelter program evaluation, and in sensitivity to the diversity of persons who are homeless in the District.

"(c) The Office shall endeavor to hire staff who reflect the diversity of people accessing shelter in the District, including with respect to disability status, language, and experience being homeless.

"Sec. 27e. Retaliation prohibited.

"No person shall retaliate against a person who brings a complaint or provides information to the Office relevant to the performance of its duties. The Office shall report any violation of this section to the Interagency Council and the Office of the Inspector General.

"Sec. 27f. Policies and procedures.

"The Mayor, pursuant to section 31 and in consultation with the Interagency Council, shall set forth the policies and procedures for inspections, procedures for identifying and curing deficiencies, and procedures for taking enforcement actions against providers in violation of the standards of this act. The policies and procedures may include criteria for the provision of performance-based bonuses or penalties for providers.

(j) Section 29 (D.C. Official Code § 4-755.02) is amended by adding a new subsection (d) to read as follows:

"(d) After the fiscal year ending September 30, 2007, the District may not enter into agreements with third parties to execute its shelter monitoring duties set forth in this act."

Amend
§ 4-755.02

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 28, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-656

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

To order, on an emergency basis, the closing of the public alley in Square 798, bounded by 3rd, 4th, I, and K Streets, S.E., a portion of the public alley in Square 799, bounded by 3rd, 4th, K, and L Streets, S.E., a portion of the public alley in Square 824, bounded by 4th, 5th, I, and K Streets, S.E., to accept the dedication and designation of land for public street and alley purposes, to authorize the improvement of the dedicated land for street purposes, to authorize modifications to the permanent system of highways in the District of Columbia, and to designate the dedicated streets as 2nd Place, S.E., 3rd Place, S.E., and L Street, S.E., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of Public Alleys in Squares 798, 799, and 824 (S.O. 04-12081) and Dedication and Designation of 2nd Place, S.E., 3rd Place, S.E., L Street, S.E., (S.O. 04-12080), Emergency Act of 2006".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01) ("Act"), the Council finds that the public alley in Square 798 and the portion of the public alleys in Square 799 and Square 824, as shown on the Surveyor's plat filed under S.O. File 04-12081, are unnecessary for alley purposes and orders them closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all the conditions set forth in the official S.O. File 04-12081.

Sec. 3. Pursuant to sections 302 and 401 of the Act (D.C. Official Code §§ 9-203.02 and 9-204.01), and notwithstanding the requirements set forth in sections 303, 304 and 402 of the Act (D.C. Official Code §§ 9-203.03, 9-203.04, and 9-204.02), the Council accepts the dedication of the streets and alley portion as shown on the Surveyor's plats filed under S.O. File 04-12080 and designates the streets as 2nd Place, S.E., 3rd Place, S.E., and L Street, S.E., as shown on the Surveyor's plats filed under S.O. File 04-12080. The approval of the Council of this dedication and designation is contingent upon the satisfaction of all the conditions set forth in the official S.O. File 04-12080.

ENROLLED ORIGINAL

Sec. 4. Notwithstanding section 306 of the Act (D.C. Official Code § 9-203.06), the Mayor is authorized to:

(1) Accept street improvements made or to be made by the applicant to the area dedicated for street purposes, subject to confirmation by the District Department of Transportation that the streets have been constructed in accordance with District Department of Transportation standards; and

(2) Waive all deposits related to this section.

Sec. 5. Notwithstanding the Federal-Aid Highway Act of 1973, approved August 13, 1973 (87 Stat. 268; D.C. Official Code § 9-103.01 *et seq.*), regarding the Permanent Highway Plan and section 6 of An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities, and for other purposes, approved June 28, 1898 (30 Stat. 520; D.C. Official Code § 9-101.06), regarding the procedural requirements for a modification to the Permanent Highway Plan, the Council amends the Permanent System of Highways in the District of Columbia by adding the area of land shown on the Surveyor's plat filed under S.O. File 04-12080. The National Capital Planning Commission approved the modification to the Permanent Highway Plan on July 28, 2005.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Closing of Public Alleys in Squares 798, 799, and 824 (S.O. 04-12081) and Dedication and Designation of 2nd Place, S.E., 3rd Place, S.E., L Street, S.E., (S.O. 04-12080), Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-779), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

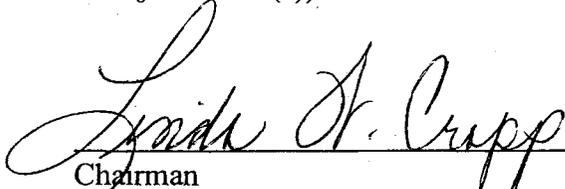
Sec. 7. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Surveyor of the District of Columbia and the District of Columbia Recorder of Deeds.

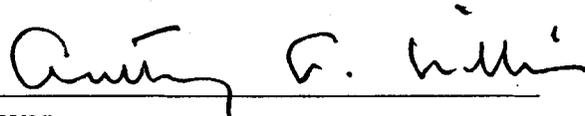
Sec. 8. Effective date.

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

ENROLLED ORIGINAL

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 28, 2006

AN ACT

D.C. ACT 16-657

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

To order, on an emergency basis, the closing of a portion of the public alley system in Square 701, bounded by M Street, S.E., Half Street, S.E., N Street, S.E., and Van Street, S.E., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of Public Alleys in Square 701, S.O. 06-3392, Emergency Act of 2006".

Sec. 2. (a) Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that a portion of the alley system on the west side of Square 701, as shown on the Surveyor's plat filed under S.O. 06-3392, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the applicant recording a covenant in the Office of the Recorder of Deeds for the District of Columbia as described in subsection (b) of this section.

(b)(1) The applicant shall file a covenant that incorporates the conditions set forth in the file for S.O. 06-3392, including the conditions required by the District of Columbia Water and Sewer Authority and the establishment of an easement for the benefit of the public that shall extend from Cushing Place south to N Street, S.E., and be a minimum of 30 feet in width.

(2) The applicant shall have the right to construct improvements above and below the easement; provided, that any improvements provide a minimum clearance of 14 feet above the surface of the easement.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Closing of Portions of a Public Alley System on the West Side of Square 701, S.O. 06-3392, Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-879), as the fiscal

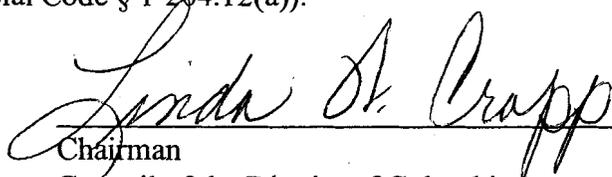
ENROLLED ORIGINAL

impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

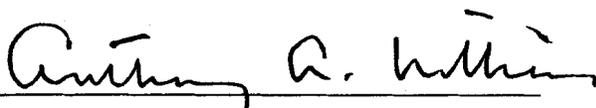
Sec. 4. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the District of Columbia Surveyor and the Recorder of Deeds.

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 28, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-658

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 28, 2006

To order, on an emergency basis, the closing of the public alley in Square 739, bounded by New Jersey Avenue, Canal, 2nd, and K Streets, S.E., the opening of I Street, S.E., between 2nd Street and New Jersey Avenue, S.E., the widening of 2nd Street, S.E., between I and K Streets, S.E., the widening of New Jersey Avenue north of Canal Street, S.E., the opening of H Street, S.E., to connect to New Jersey Avenue, S.E., the closing of Closing Canal Street (North), Canal Street (South), and a portion of 1st Street, S.E., to accept the dedication and designation of Reservation 17-A and Lot 801, Square 737N for public street purposes, to authorize the improvement of the dedicated land for street purposes, to authorize modifications to the permanent system of highways in the District of Columbia, and to designate the dedicated streets as I Street, S.E., H Street, S.E., and New Jersey Avenue, S.E., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Squares 739, the Closure of Streets, the Opening and Widening of Streets, and the Dedication of Land for Street Purposes S.O. 06-221, Emergency Act of 2006".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01) (D.C. Official Code § 9-203.02) ("Act"), the Council finds that the public alley in Square 739, as shown on the Surveyor's plat filed under S.O. File 06-221, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all the conditions set forth in the official S.O. File 06-221.

Sec. 3. Pursuant to sections 302 and 401 of the Act (D.C. Official Code §§ 9-203.02 and 9-204.01), and notwithstanding the requirements set forth in sections 303, 304, and 402 of the Act (D.C. Official Code §§ 9-203.03, 9-203.04, and 9-204.02), the Council accepts the

ENROLLED ORIGINAL

dedications of the streets as shown on the Surveyor's plats filed under S.O. File 06-221 and designates the streets as I Street, S.E., H Street, S.E., and New Jersey Avenue, S.E., as shown on the Surveyor's plats filed under S.O. File 06-221. The approval of the Council of this dedication and designation is contingent upon the satisfaction of all the conditions set forth in the official S.O. File 06-221.

Sec. 4. Notwithstanding section 306 of the Act (D.C. Official Code § 9-203.06), the Mayor is authorized to:

(1) Accept street improvements made or to be made by the applicant to the area dedicated for street purposes, subject to confirmation by the District Department of Transportation that the streets have been constructed in accordance with District Department of Transportation standards; and

(2) Waive all deposits related to this section.

Sec. 5. Notwithstanding the Federal-Aid Highway Act of 1973, approved August 13, 1973 (87 Stat. 268; D.C. Official Code § 9-103.01 *et seq.*), regarding the Permanent Highway Plan and section 6 of An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities, and for other purposes, approved June 28, 1898 (30 Stat. 520; D.C. Official Code § 9-101.06), regarding the procedural requirements for a modification to the Permanent Highway Plan, the Council amends the Permanent System of Highways in the District of Columbia by adding the area of land shown on the Surveyor's plat filed under S.O. File 06-221. The National Capital Planning Commission approved the modification to the Permanent Highway Plan on July 28, 2005.

Sec. 6. Fiscal impact statement.

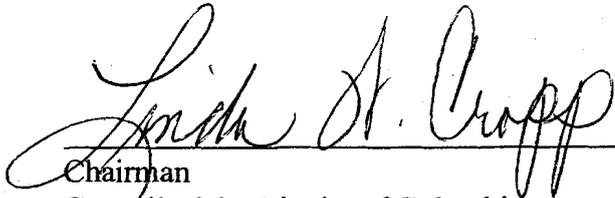
The Council adopts the fiscal impact statement in the committee report for the Closing of a Public Alley in Squares 739, the Closure of Streets, the Opening and Widening of Streets, and the Dedication of Land for Street Purposes (S.O. 06-221), Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-888), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

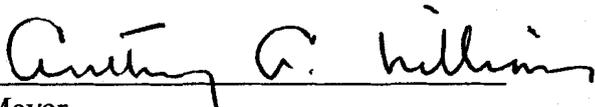
Sec. 7. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor, the Office of Planning, the Building and Land Regulation Administration of the Department of Consumer and Regulatory Affairs, the District of Columbia Recorder of Deeds, and to the Office of the Mayor.

ENROLLED ORIGINAL

Sec. 8. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 28, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-659

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

To order, on an emergency basis, the closing of a portion of the public alley system in Square 700, bounded by M Street, S.E., Half Street, S.E., N Street, S.E., and Van Street, S.E., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of Public Alley System in Square 700, S.O. 06-3582, Emergency Act of 2006".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that a portion of the alley system in Square 700, as shown on the Surveyor's plat filed under S.O. 06-3582, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Closing of Portions of a Public Alley System in Square 700, S.O. 06-3582, Act of 2006 (Enrolled version of Bill 16-880), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

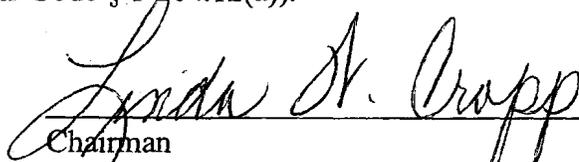
Sec. 4. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the District of Columbia Surveyor and the Recorder of Deeds.

Sec. 5. Effective date.

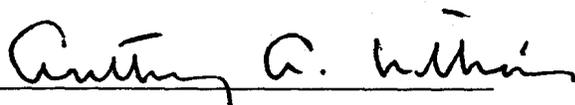
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 28, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-660

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

To authorize, on an emergency basis, the transfer, during fiscal year 2007, of \$3.5 million of pay-as-you-go capital funds allocated in the District of Columbia Appropriations Act, 2005, and earmarked for the Eastgate Improvement Project, to the Office of the Deputy Mayor for Planning and Economic Development for the purpose of making a grant in the amount of \$3.5 million from the Office of the Deputy Mayor for Planning and Economic Development to the National Association for the Advancement of Colored People ("NAACP"), a nonprofit entity, to assist the NAACP in the acquisition of property located at 1800 Martin Luther King, Jr. Avenue, S.E.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Association for the Advancement of Colored People Grant Authority Emergency Act of 2006".

Sec. 2. (a) Of the \$6,531,000 of pay-as-you-go capital funds allocated in the District of Columbia Appropriations Act, 2005, approved October 18, 2004 (Pub. L. No. 108-335; 118 Stat. 1322), \$5 million was earmarked for the Eastgate Improvement Project. In addition, the fiscal year 2007 proposed budget (which is in effect pursuant to the current continuing resolution (Making further continuing appropriations for the fiscal year 2007, and for other purposes, approved December 9, 2006 (Pub. L. No. 109-383; 120 Stat. 2678)) includes \$87,987,000 of pay-as-you-go funds.

(b) Of the \$87,987,000 of fiscal year 2007 pay-as-you-go capital funds, the Mayor is authorized to transfer \$3.5 million during fiscal year 2007 to the Office of the Deputy Mayor for Planning and Economic Development ("ODMPED"). The Mayor is further authorized, through ODMPED, to grant \$3.5 million to the National Association for the Advancement of Colored People ("NAACP"), a nonprofit entity, to assist the NAACP in the acquisition of property for the relocation of its headquarters from Baltimore, Maryland to Ward 8 in the District of Columbia. The property to be acquired is located at 1800 Martin Luther King, Jr. Avenue, S.E.

(c) Of the \$5 million of pay-as-you-go capital budget authority earmarked for the Eastgate Improvement Project, the Mayor is authorized to reduce \$3.5 million of capital budget authority to reflect the reduced pay-as-you-go transfer in fiscal year 2007.

Sec. 3. Rulemaking.

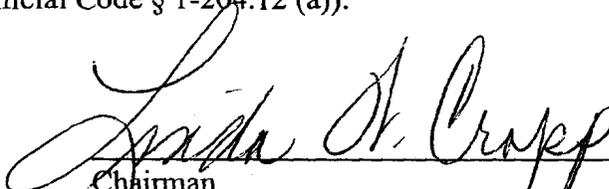
The Mayor may promulgate any rules necessary to implement the provisions of this act.

Sec. 4. Fiscal impact statement.

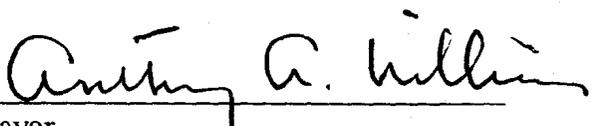
The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 28, 2006

AN ACT
D.C. ACT 16-661

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 28, 2006

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2007 Winter
 Supp.

West Group
 Publisher

To amend, on an emergency basis, due to Congressional review, An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia to grant the Board of Library Trustees the authority to procure goods and services independent of the Office of Contracting and Procurement and the requirements of the District of Columbia Procurement Practices Act of 1985 ("PPA"), except for provisions of the PPA pertaining to contract protests, appeals, and claims, and to make the independent procurement authority of the Board of Library Trustees contingent upon it issuing procurement regulations that have been approved by the Council; and to amend the PPA to exempt the Board of Library Trustees from the provisions of the act except for those provisions pertaining to contract protests, appeals, and claims.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Library Procurement Congressional Review Emergency Amendment Act of 2006".

Sec. 2. Section 5 of 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 (29 Stat. 244; D.C. Official Code § 39-105), is amended as follows:

Note,
 § 39-105

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

(1) Paragraph (1) is amended by striking all text after the semicolon.

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

"(3) Have the authority to procure all goods and services necessary to operate the library system, independent of the Office of Contracting and Procurement and the requirements of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*) ("Act"), except as specified in section 320 of the Act, and in accordance with subsection (c) of this section."

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

"(c)(1) The Board shall not exercise the procurement authority granted to it under subsection (a)(3) of this section until the Council has approved rules governing the procurement of goods and services submitted by the Board pursuant to this subsection.

"(2) The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within the 45-day period, the proposed rules shall be deemed disapproved."

Sec. 3. Section 320 of the District of Columbia Procurement Practices Act of 1985, effective April 12, 1997 (D.C. Law 11-259; D.C. Official Code § 2-303.20), is amended by adding a new subsection (s) to read as follows:

Note,
§ 2-303.20

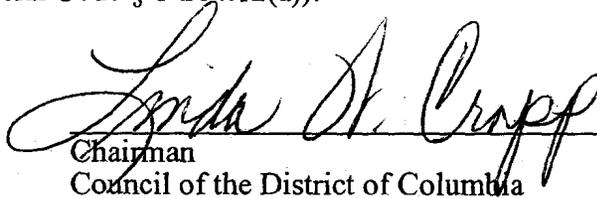
“(s) Nothing in this act shall affect the authority of the Board of Library Trustees, except that Title IX shall apply to contract protests, appeals, and claims arising from procurements of the Board of Library Trustees.”.

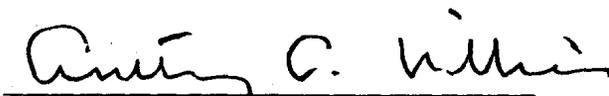
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report on the Library Procurement Amendment Act of 2006, signed by the Mayor October 23, 2006 (D.C. Act 16-492), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 28, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-662

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 28, 2006

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2007 Winter
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To amend, on an emergency basis, due to Congressional review, the District of Columbia Unemployment Compensation Act to comply with the federal SUTA Dumping Prevention Act of 2004 by preventing the manipulation of employer contribution Rates.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unemployment Compensation Contributions Federal Conformity Congressional Review Emergency Amendment Act of 2006".

Sec. 2. The District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat 947; D.C. Official Code § 51-101 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 51-103) is amended as follows:

(1) Subsection (c)(7) is amended as follows:

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

(i) Strike the phrase "If all or substantially all of the business of any employer is transferred" and inserting the phrase "After December 31, 2005, if any employer transfers all or a portion of its trade or business to another employer" in its place.

(ii) Sub-subparagraph (i) is amended by striking the phrase "whether or not all or substantially all" and inserting the phrase "what portion" in its place.

(iii) Sub-subparagraph (ii) is amended by striking the phrase "all or substantially all" and inserting the phrase "a portion" in its place.

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

"(n) Notwithstanding any other provision of this act, all assignments of contribution rates and transfers of experience in any year commencing after December 31, 2005 shall be made in accordance with the following:

"(1) If an employer transfers all or a portion of its trade or business to another employer and, at the time of transfer, there exists any common ownership, management, or control of the 2 employers, the unemployment experience for the trade or business shall be transferred to the employer receiving the trade or business. The contribution rates of both employers shall be recalculated and made effective on the 1st day of the next rating year. Any penalties that may be imposed on the transfer under section 4 shall be retroactive to the beginning of the year in which the transfer occurred.

"(2) If a person is not subject to this act at the time it acquires the trade or business of an employer subject to this act, the unemployment experience of that trade or business shall not be transferred if the Director determines that the acquisition was solely or

Note,
 § 51-106

primarily for purpose of obtaining a lower contribution rate. In such event, the person shall be assigned a new employer rate under subsection (c)(3)(A) of this section. The Director shall use objective criteria to determine whether the trade or business was acquired solely or primarily for the purpose of obtaining a lower contribution rate, including:

“(A) The cost of acquiring the trade or business enterprise;

“(B) Whether the trade or business was continued by the person after acquisition;

“(C) The length of time that the trade or business was continued; and

“(D) Whether a substantial number of new employees were hired to perform duties unrelated to the trade or business activity prior to the acquisition.

“(3) The Director shall establish procedures to identify the transfer or acquisition of a trade or business for the purposes of this act.”

(b) Section 4 (D.C. Official Code § 51-104) is amended by adding a new subsection (p) to read as follows: Note,
§ 51-104

“(p)(1) For purposes of this subsection, the term:

“(A) “Knowingly” means having actual knowledge of or acting with deliberate ignorance or reckless disregard of the prohibitions under this subsection.

“(B) “Person” means an individual, a trust, estate, partnership, association, company, or corporation.

“(C) “Trade or business” includes the employer’s workforce.

“(D) “Violates or attempts to violate” includes acts evidencing an intent to evade, misrepresentation, or willful nondisclosure of material information.

“(2) Any person that knowingly violates or attempts to violate any provision of this act related to the calculation, determination, or assignment of contribution rates, or knowingly advises another person in a way that results in a violation of any of those provisions, shall be subject to the following penalties:

“(A) If the person is an employer subject to this act, the highest rate shall be assigned for the duration of the rate year in which the violation or attempted violation occurred and for the following 3 consecutive years; provided, that if the employer is already subject to the highest rate for the year that the violation or attempted violation occurred or if the increased rate would be less than 2% for that year, an additional 2% of taxable wages shall be imposed for that year and for the following 3 consecutive years.

“(B) If the person is not an employer subject to this act, a fine shall be imposed in the amount of \$5,000 for the 1st violation and in an amount not to exceed \$25,000 for each additional violation. Fines shall be enforced by civil action brought by the Director and shall be deposited in the Special Administrative Expense Fund established by section 14(b).

“(3) Any violation of this subsection may also be prosecuted on information brought by the Attorney General for the District of Columbia in the Superior Court. Any person that is convicted shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$5,000 or imprisoned not more than 180 days, or both and shall be liable for costs of prosecution.

“(4) This subsection shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulations issued by the Secretary of Labor.”

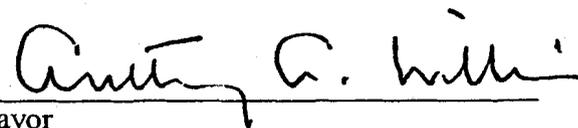
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 28, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-663

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 28, 2006

To establish, on an emergency basis, rules to enact the D.C. Housing Authority Rent Supplement program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this act may be cited as the "D.C. Housing Authority Rent Supplement Emergency Act of 2006".

Sec. 2. Title 14 of the District of Columbia Municipal Regulations is amended by adding a new Chapter 95 to read as follows:

DCMR

"TITLE 14
"CHAPTER 95
"RENT SUBSIDY PROGRAMS: LOCAL RENT SUPPLEMENT PROGRAM

- "Section
- "9500 Introduction
- "9501 Purpose of the Program
- "9502 Eligibility Generally
- "9503 Admissions/Preferences and the Waiting List
- "9504 Project and Sponsored Based Housing Assistance
- "9505 Tenant Based Housing Assistance
- "9506 Continuing Eligibility for LRSP Funding
- "9507 Allocation of Annual Funding
- "9599 Definitions

"9500 INTRODUCTION

"The District of Columbia Housing Authority's (DCHA) Local Rent Supplement Program (LRSP) is authorized and funded with annual appropriations by the District of Columbia government. The intent of the LRSP is to increase the stock of permanent affordable housing units in the District of Columbia. It is designed to complement the Housing Choice Voucher Program (HCVP) which is funded by the federal government and administered by the DCHA. Similar to HCVP, the LRSP is designed so that households contribute thirty percent (30%) of their adjusted annual income toward the cost for housing. The LRSP will pay

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the difference in the cost of housing. The LRSP has three types of housing assistance: Tenant-based, Project-based, and Sponsor-based. For the most part, and unless otherwise specified in this Chapter, the LRSP follows the rules and regulations of the HCVP program as may be amended from time to time. Some of the differences between LRSP and HCVP, as specified more fully herein, are that LRSP is not for housing outside of the District of Columbia and the preferences and priorities for the housing assistance are different than those specified in the HCVP rules and regulations.

“9501 PURPOSE OF THE PROGRAM

“9501.1 This chapter of this title shall set forth the rules governing the operation of the Local Rent Supplement Program (LRSP) established under Title II of the Fiscal Year 2007 Budget Support Emergency Act of 2006, effective August 8, 2006 (D.C. Act 16-0476; 53 DCR 7068), which is the D.C. Housing Authority Rent Supplement Act of 2006, as amended or as provided in subsequent appropriation authority.

“9501.2 LRSP is established to provide housing assistance to Extremely Low-Income Households in the District of Columbia, including, but not limited to, those who are homeless and those in need of supportive services, such as elderly individuals or those with disabilities.

“9501.3 Unless provided otherwise in this Chapter, DCHA shall administer the LRSP in accordance with federal and District of Columbia HCVP rules and regulations, as amended.

“9502 ELIGIBILITY GENERALLY

“9502.1 DCHA shall ensure that initial admission to the LRSP is limited to Extremely-Low Income Households (including 1 person households) and all households served by LRSP funding shall be located in the District of Columbia.

“9503 ADMISSIONS/PREFERENCES AND THE WAITING LIST

“9503.1 Generally, eligible households shall be selected and admitted from the DCHA’s existing HCVP waiting list in accordance with the HCVP rules and regulations established by the DCHA for selection and admission for the Tenant-based, Project-based, and Sponsor-based housing assistance in the LRSP unless specified otherwise in this Chapter.

“9503.2 DCHA shall provide preferences for the LRSP Tenant-based housing assistance according to the following:

“(a) District of Columbia residents who are homeless households with one or more children under 18 years of age shall be the first priority to the extent that resources are available. The percentage for this preference shall be determined

ENROLLED ORIGINAL

each year, by DCHA, based on the total applicant number of homeless households with children on the HCVP Tenant-based wait list to the total number of applicants on the HCVP Tenant-based wait list at the end of each fiscal year.

“(b) The remainder of the LRSP Tenant-based housing assistance not administered in accordance with § 9503.2(a) shall be administered in accordance with the preferences and priorities established by the HCVP rules and regulations.

“(c) The LRSP Tenant-based housing assistance preference percentages shall be published as a notice annually in the District of Columbia Register.

- “9503.3 DCHA shall give preferences in the selection of the Sponsor-based housing assistance to sponsors of supportive housing for individuals with special needs.
- “9503.4 DCHA shall be able to provide LRSP funding to Project-based and Sponsor-based housing assistance for Supportive Housing for otherwise eligible applicants not currently on the HCVP wait list in accordance with the following:
“(a) Residents of such rental units shall be eligible for assistance under the LRSP without being processed through the HCVP wait list but shall meet the eligibility requirements of this Chapter and HCVP as determined by DCHA; and
“(b) The Housing Provider shall provide DCHA with written explanation for the selection of the otherwise eligible applicants not currently on the HCVP waiting list.
- “9504 PROJECT AND SPONSOR BASED HOUSING ASSISTANCE
- “9504.1 Project-based and Sponsor-based housing shall be operated and administered in accordance with DCHA HCVP rules and regulations governing HCVP project based assistance and the Partnership Program for Affordable Housing described in Chapter 93 of Title 14 of the District of Columbia Municipal Regulations, including, but not limited to, the execution of Long Term Subsidy Contracts with the Housing Provider unless specified otherwise in this Chapter.
- “9504.2 Pending LRSP funding availability, Long Term Subsidy Contracts for Project-based and Sponsor-based rental units shall have an initial term of up to fifteen (15) years.
- “9504.3 Payments under a Long Term Subsidy Contract may be paid as each rental unit in a project is leased to an eligible household as opposed to waiting until the project is fully occupied.
- “9504.4 LRSP funding is available for up to one hundred percent (100%) of the eligible rental units in any Project-based or Sponsor-based housing or such lesser percentage as may be determined by DCHA without regard to the type of households being served.
- “9504.5 LRSP funding may be available for eligible rental units in any Project-based or

ENROLLED ORIGINAL

Sponsor-based housing with some or all operating costs subsidized by some other source of funds besides the LRSP, but for which the other subsidy(s) alone does not make the rental units affordable to income-eligible households unless prohibited or determined by DCHA otherwise.

- “9504.6 To maintain consistency for households receiving the LRSP funding, the DCHA shall, to the extent possible given funding resources available in the LRSP, continue to fund Project-based and Sponsor-based Housing Providers at rent levels, with adjustments from year to year, in accordance with the procedures and the amount of adjustments authorized in the HCVP or as determined by DCHA. Such continued funding shall also be based on continued compliance by the Housing Provider with this Chapter and HCVP rules and regulations.
- “9504.7 Project-based and Sponsor-based funds left “unobligated” at the end of each DCHA fiscal year shall be added to the LRSP funding for next fiscal year. Funds are left unobligated when there are no applications pending and there are no outstanding Requests for Proposals (RFPs) in which the respondents could use LRSP funding.
- “9504.8 Dollars allocated to Project-based and Sponsor-based housing assistance shall be based on a sum of the new fiscal year funding plus any “unobligated” Project-based and Sponsor-based carryover funds from the previous fiscal year.
- “9504.9 Single Resident Occupancy (SROs) units are eligible for Project-based and Sponsor-based housing assistance.
- “9504.10 Long Term Subsidy Contracts for Project-based and Sponsor-based housing assistance shall be awarded on a competitive basis as currently provided in Chapter 93 of Title 14 of the District of Columbia Municipal Regulations, as amended, which identifies the HCVP Partnership Program for Affordable Housing application and award process. Also, in furtherance of providing Project-based and Sponsor-based housing assistance, DCHA shall coordinate with District of Columbia agencies and departments, including, but not limited to, the Department of Housing and Community Development, District of Columbia Housing Finance Agency, Department of Human Services, and Department of Mental Health.
- “9505 TENANT-BASED HOUSING ASSISTANCE
- “9505.1 LRSP Tenant-based housing assistance shall be administered in accordance with the DCHA HCVP rules and regulations except as provided in this Chapter.
- “9505.2 Rent Supplement Voucher shall not be eligible for portability as such term is defined and utilized in 24 CFR §§ 982.351 and 982.353, as amended.
- “9505.3 LRSP Tenant-based funds left “unobligated” at the end of each DCHA fiscal year shall be added to the LRSP funding for the next fiscal year. Funds are left

ENROLLED ORIGINAL

- unobligated when there are no Extremely Low Income households who could use LRSP funding.
- “9505.4 Dollars allocated to Tenant-based housing assistance shall be based on a sum of the new fiscal year funding plus any “unobligated” carryover funds from the previous fiscal year.
- “9506 CONTINUING ELIGIBILITY FOR LRSP FUNDING
- “9506.1 Subject to availability of LRSP funds and the terms of the Long Term Subsidy Contract and any renewals thereof after the initial term, LRSP funds for Project-based and Sponsor-based housing assistance shall continue so long as the Housing Provider is in compliance with this Chapter and HCVP rules and regulations.
- “9506.2 Subject to availability of LRSP funds and the terms of the Rent Supplement Voucher, LRSP funds for Tenant-based housing assistance shall continue so long as the household is in compliance with this Chapter and the HCVP rules and regulations subject to §9506.3, as amended.
- “9506.3 Households assisted by LRSP funds shall be entitled to Title 14 of the District of Columbia Municipal Regulations Chapter 89, as amended, Informal Hearing Procedures for Applicants and Participants of the Housing Choice Voucher and Moderate Rehabilitation Programs as well as 24 CFR §982.555, as amended, as administered by DCHA.
- “9507 ALLOCATION OF ANNUAL FUNDING
- “9507.1 For each annual appropriation of funds for the LRSP from the Government of District of Columbia, DCHA is authorized to make LRSP housing assistance available.
- “9507.2 For the initial year of appropriation for LRSP, the annual percentage of LRSP funding that will be available for Tenant-based, Project-based, and Sponsor-based housing assistance shall be the following:
(a) Tenant-based in an amount of sixty percent (60%); and
(b) Project-based and Sponsor-based in an amount of forty percent (40%).
- “9507.3 After the initial year of appropriation for LRSP, DCHA shall be able to annually amend §9507.2, through official action of its Board of Commissioners, subsequent publication of notice of such action in the District of Columbia Register, and submittal, for approval, to the Council of the District of Columbia.
- “9599 DEFINITIONS
- “9599.1 Area Median Income -

- “(a) For a household of 4 persons: the area median income for a household of 4 persons in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development;
- “(b) For a household of 3 persons: 90% of the area median income for a household of 4 persons;
- “(c) For a household of 2 persons: 80% of the area median income for a household of 4 persons;
- “(d) For a household of 1 person: 70% of the area median income for a household of 4 persons; and
- “(e) For a household of more than 4 persons: the area median income for a household of 4 persons, increased by 10% of the area median income for a family of 4 persons for each household member exceeding 4 persons (e.g., the area median income for a family of 5 shall be 110% of the area median income for a family of 4; the area median income for a household of 6 shall be 120% of the area median income for a family of 4.
- “9599.2 Extremely Low Income Household - an individual or family whose gross income does not exceed 30% of the Area Median Income, as adjusted for size of household.
- “9599.3 Housing Choice Voucher Program - the federal housing program authorized by Section 8 of the United States Housing Act of 1937, approved September 1, 1937 (50 Stat. 888; 42 U.S.C. § 1737(f) *et seq.*), as administered by the District of Columbia Housing Authority.
- “9599.4 Housing Provider - an entity or its affiliate that owns and/or operates a unit receiving LRSP funds.
- “9599.5 Local Rent Supplement Program (LRSP) - the program established under Title II of the Fiscal Year 2007 Budget Support Emergency Act of 2006, effective August 8, 2006 (D.C. Act 16-476; 53 DCR 7068), which is the D.C. Housing Authority Rent Supplement Act of 2006, to provide housing assistance to Extremely Low-Income residents in the District of Columbia, including, but not limited to, those who are homeless and those in need of supportive services, such as elderly individuals or those with disabilities.
- “9599.6 Long Term Subsidy Contract - a long term housing assistance payment contract between DCHA and the owner of building(s) or the Housing Provider receiving LRSP housing assistance; and shall mean the same as the Housing Assistance Payment contract under the HCVP rules and regulations unless specified otherwise in this Chapter.
- “9599.7 Project-Based Housing Assistance - LRSP funds allocated under a Long Term Subsidy Contract and attached to units in a particular building, or set of buildings, owned and operated by a private or nonprofit Housing Provider; and shall have the same meaning as “Project-based assistance” under the HCVP rules

ENROLLED ORIGINAL

and regulations unless specified otherwise in this Chapter.

- “9599.8 Rent Supplement Voucher - a document issued by DCHA to households selected for admission to LRSP and shall mean the same as the “Housing Choice Voucher” under the HCVP rules and regulations unless specified otherwise in this Chapter. This document describes the LRSP, the procedures for DCHA’s approval of the dwelling unit selected by the household, and shall state the obligations of the household under the LRSP.
- “9599.9 Sponsor-Based Housing Assistance - LRSP funds allocated under a Long Term Subsidy Contract to a particular private or non-profit Housing Provider to subsidize the rent, in units owned and operated by the provider, for the number of households established by the contract.
- “9599.10 Supportive Housing - housing provided in connection with voluntary services designed primarily to help tenants maintain housing, including, but not limited to, coordination/case management, physical and mental health, substance use management and recovery support, job training, literacy, and education, youth and children’s programs, and money management.
- “9599.11 Tenant-Based Housing Assistance - LRSP funds allocated for an individual or family holding a Rent Supplement Voucher issued by DCHA to the individual or family selected for admission by HCVP and shall have the same meaning as “Tenant-Based assistance” under the HCVP rules and regulations unless specified otherwise in this Chapter.”.

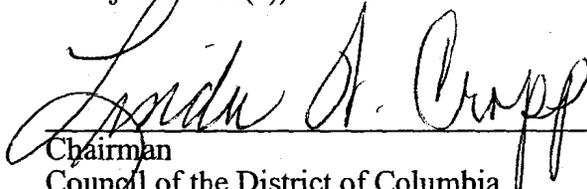
Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

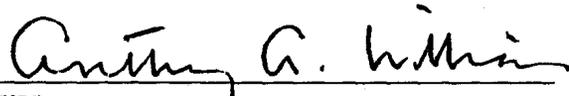
Sec. 4. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 28, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-664

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
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To approve, on an emergency basis, the establishment of the Northwest One/Temple Courts Redevelopment Corporation as a nonprofit subsidiary and affiliate of the District of Columbia Housing Authority to carry out certain purposes of the Northwest One Redevelopment Plan.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Housing Authority Northwest One/Temple Courts Subsidiary Establishment Approval Emergency Act of 2006".

Sec. 2. (a) Approval of establishment of subsidiary.

The Council approves the establishment by DCHA of the Northwest One/Temple Courts Redevelopment Corporation ("Corporation") as a District of Columbia instrumentality and a subsidiary of the DCHA to acquire, construct, equip, maintain, develop, redevelop, expand, restore, repair, own, and operate the Temple Courts Apartments, or to maintain and operate Temple Courts Apartments until such time as the Corporation develops, expands, or redevelops such affordable housing project, in furtherance of the Northwest One/Sursum Corda Affordable Housing Protection, Preservation and Production Act of 2006, signed by the Mayor on July 25, 2006 (D.C. Act 16-466; 53 DCR 6750), and Northwest One Redevelopment Plan as it relates to the Temple Courts Apartments.

(b) The Office of the Deputy Mayor for Planning and Economic Development will cause periodic reports to be provided to the Council on the operation and activities of the Corporation.

Sec. 3. Fiscal impact statement.

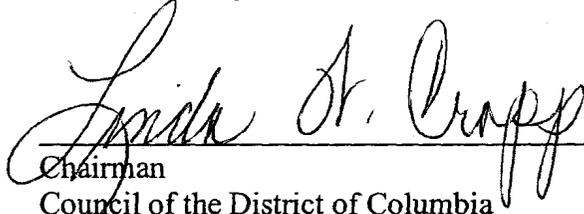
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (84 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

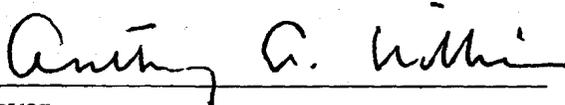
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 28, 2006

AN ACT

D.C. ACT 16-665

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

To amend, on an emergency basis, the closing of a portion of the public alley system in Square 375, bounded by 9th Street, NW, G Street, NW, 10th Street, NW, and H Street, NW, in Ward 2.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 375, S.O. 06-656, Emergency Act of 2006".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C Law 4-201; D.C. Official Code § 9-202.01), the Council finds that the portion of the alley system in Square 375, as shown on the Surveyor's plat filed under S.O. 06-656, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this alley closing is contingent upon the satisfaction of all the conditions set forth in the official S.O. File 06-656.

Sec. 3. This act will facilitate the redevelopment of the First Congregational United Church of Christ along with the development of new residential units in Square 375. This project will provide additional and more modern and efficient space for the important social services provided at the First Congregational United Church of Christ. It will also have a positive fiscal impact on the District of Columbia through the generation of new property tax and new residential income tax revenues on a property that is currently tax exempt. The development will create more than 100 jobs during construction and approximately 200 new residents after completion of the project.

Sec. 4. Fiscal impact statement.

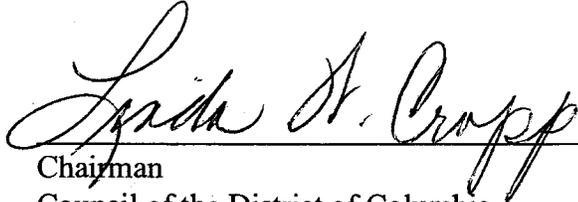
This Council adopts the fiscal impact statement in the committee report for Closing of a Public Alley in Square 375, S.O. 06-656, Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-952), as the fiscal impact statement required by section

602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

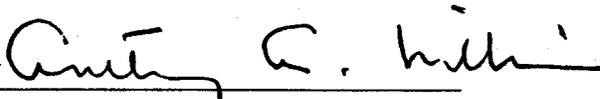
Sec. 5. The Secretary to the Council shall transmit a copy of this act, upon its effectiveness, each to the District of Columbia Surveyor of the District of Columbia and the District of Columbia Recorder of Deeds.

Sec. 6. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 28, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-666

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

To amend, on an emergency basis, the closing of a portion of a public alley in Square 85, bound by K Street, N.W., L Street, N.W., 19th Street, N.W., and 20th Street, N.W., in Ward 2.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Portion of a Public Alley in Square 85, S.O. 06-8859, Emergency Act of 2006".

Sec. 2. Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01) ("Act"), the Council finds that a portion of the public alley system in Square 85, as shown on the Surveyor's plats filed under S.O. 06-8859, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. (a) Notwithstanding section 212 of the Act (D.C. Official Code § 9-202.12), if an abutting property owner files an objection to the closing of the alleys in Square 85 pursuant to sections 210 and 211 of the Act (D.C. Official Code § 9-202.10 and § 9-202.11), the Surveyor shall record the alley closing plat prior to the payment of any damages assessed through an *in rem* proceeding; provided, that the conditions set forth in section 4 have been satisfied.

(b) An objecting property owner shall retain the right to seek damages under section 211 of the Act and the applicant shall be fully responsible for any damages that may be assessed by the court in an *in rem* proceeding.

Sec. 4. The approval of the Council of this closing is contingent upon the:

(1) Execution of a covenant between the applicant, the owners of adjacent lots 57 and 60 of Square 85, and the District providing an access easement over the 30-foot wide portion of the alley to be closed extending from the continuation of the west line of the north/south alley to the edge of the property line of lot 840;

(2) Execution of a covenant between the applicant and the owner of adjacent lot 57 of Square 85 providing easements for access to the existing doors of the building on Lot 57;

(3) Execution of a covenant between the applicant and the owner of adjacent Lot 60 of Square 85 providing easements for access to the existing doors of the building on Lot 60;

(4) Applicant's building plans satisfying the easement and other conditions required by the District of Columbia Water and Sewer Authority as set forth in the official file on S.O. 06-8859;

(5) Recordation of the Surveyor's plat for the alley closing filed under S.O. 06-8859, which recordation shall be contingent upon the covenants described in paragraphs (1), (2), and (3) of this section being recorded on the Surveyor's plat; and

(6) Applicant making the minimum affordable housing payment as required by the Office of Planning memorandum dated October 23, 2006, to the Surveyor in the official file for S.O. 06-8859, and building permits for new construction shall not be issued until this payment is made.

Sec. 5. Fiscal impact statement

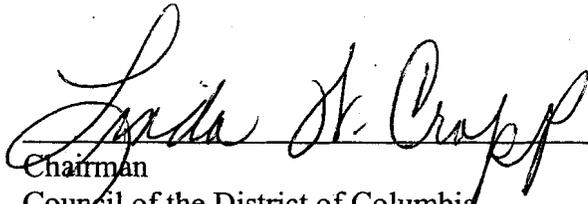
The Council adopts the fiscal impact statement in the committee report for the Closing of a Portion of a Public Alley in Square 85, S.O. 06-8849, Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-914), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (84 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

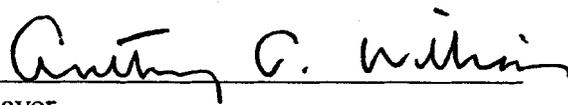
Sec. 6. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Surveyor of the District of Columbia and the District of Columbia Recorder of Deeds.

Sec. 7. Effective date.

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

Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 28, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-667

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 28, 2006

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2007 Winter
 Supp.

West Group
 Publisher

To establish, on an emergency basis, the circumstances under which a student with a disability can be placed and publicly funded in a nonpublic special education school or program, to grant the District of Columbia Public Schools, as the state education agency, the authority to issue certificates of approval to nonpublic schools or programs serving students with disabilities with funding from the District of Columbia government, and to authorize the Mayor, or his or her designee, to set rates for the payment of tuition and related services to nonpublic schools that serve students with disabilities who reside in the District of Columbia; and to repeal the Special Education Assessment and Placement Act of 1998.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Placement of Students with Disabilities in Nonpublic Schools Emergency Amendment Act of 2006".

TITLE I

Sec. 101. Definitions.

For the purposes of this title, the term:

(1) "Certificate of Approval" means the document issued by the SEA to the legal authority responsible for governing and operating a nonpublic special education school or program upon determination that the nonpublic special education school or program is in compliance with the requirements of section 107.

(2) "DCPS" means the public local education system under the control of the Board of Education. The term "DCPS" does not include public charter schools.

(3) "Free appropriate public education" means special education and related services that:

(A) Have been provided at public expense, under public supervision and direction, and without charge;

(B) Meet the standards of the State Education Agency;

(C) Include an appropriate preschool, elementary school, or secondary school education; and

(D) Are provided in conformity with the individualized education plan.

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(4) "IDEA" means the Individuals with Disabilities Education Act, approved April 13, 1970 (84 Stat. 175; 20 U.S.C. § 1400 *et seq.*), and its implementing regulations.

(5) "Individualized education plan" or "IEP" means a written plan that specifies the special education programs and services to be provided to meet the unique educational needs of a student with a disability, as required under section 614(d) of the IDEA.

(6) "Least restrictive environment" means a placement of a student with a disability that:

(A) Provides the special education needed by the student;

(B) Provides for the education of the student, to the maximum extent appropriate, with other students who do not have disabilities;

(C) Is based upon consideration of the proximity of the placement to the student's place of residence; and

(D) Is in accordance with section 612(a)(5)(A) of the IDEA.

(7)(A) "Nonpublic special education school or program" means a privately owned or operated preschool, school, educational organization, or program, no matter how titled, that maintains or conducts classes for the purpose of offering instruction, for a consideration, profit, or tuition, to students with disabilities.

(B) The term "nonpublic special education school or program" shall not include a privately owned or operated preschool, elementary, middle, or secondary school whose primary purpose is to provide educational services to students without disabilities, even though the school may serve students with disabilities in a regular academic setting.

(8) "Panel" means the Rate Reconsideration Panel established by section 114.

(9) "Rates" are the annual or per-diem costs paid to each nonpublic special education school or program, for tuition and for each unit of related service delivered.

(10) "Related services" shall have the same meaning as provided in section 602(26) of the IDEA.

(11) "Residential child care facility" means a program that provides care for children 24 hours a day with a structured set of services and activities designed to achieve objectives related to the needs of the children served.

(12) "Special education" shall have the same meaning as provided in section 602(29) of the IDEA.

(13) "State education agency" or "SEA" means the District of Columbia Public Schools, or any successor agency that has primary responsibility for the state-level supervisory functions for special education that are typically handled by a state department of education or public instruction, a state board of education, a state education commission, or a state education authority.

(14) "Student with a disability" means a student determined to have:

(A) Autism;

(B) Deaf-blindness;

(C) A developmental delay;

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(D) A hearing impairment, including deafness;
(E) Mental retardation;
(F) Multiple disabilities;
(G) An orthopedic impairment or other health impairment;
(H) An emotional disturbance;
(I) A severe disability;
(J) A specific learning disability;
(K) A speech or language impairment;
(L) A traumatic brain injury;
(M) A visual impairment, including blindness; or
(N) Any other condition, disability, or impairment described in section 602(3) of the IDEA, or in section 7(8) of the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 359; 29 U.S.C. § 706(8)).

Sec. 102. Assessment and placement of a students with a disability - General.

(a) DCPS shall assess or evaluate a student who may have a disability and who may require special education services within 120 days from the date that the student was referred for an evaluation or assessment.

(b) DCPS shall place a student with a disability in an appropriate special education school or program in accordance with this act, and the IDEA.

(c) Special education placements shall be made in the following order or priority; provided, that the placement is appropriate for the student and made in accordance with the IDEA and this act:

- (1) DCPS schools, or District of Columbia public charter schools pursuant to an agreement between DCPS and the public charter school;
- (2) Private or residential District of Columbia facilities; and
- (3) Facilities outside of the District of Columbia.

Sec. 103. Placement and funding of a student with a disability in a nonpublic special education school or program.

(a) DCPS shall be responsible for the placement and funding of a student with a disability in a nonpublic special education school or program when:

(1) DCPS cannot implement the student's IEP or provide an appropriate placement in conformity with DCPS rules, the IDEA, and any other applicable laws or regulations; and

(2) The nonpublic special education school or program to which the student has been referred:

- (A) Has been approved by the SEA in accordance with section 107;
- (B) Can implement the student's IEP; and
- (C) Represents the least restrictive environment for the student.

(b)(1) No student with a disability whose education, including special education and

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related services, is funded by the District government shall be placed in a nonpublic special education school or program that has not received and maintained a valid Certificate of Approval from the SEA in accordance with section 107, unless the placement has been ordered by a District of Columbia court, a federal court, or a hearing officer pursuant to the IDEA.

(2) A hearing officer may make a placement in a nonpublic special education school or program that lacks a valid Certificate of Approval from the SEA only if the hearing officer has determined that:

(A) There is no public school or program able to provide the student with a free appropriate public education; and

(B) There is no nonpublic special education school or program with a valid Certificate of Approval that meets the requirements of subsection (a)(2) of this section.

(c) In conformity with the IDEA, DCPS is not responsible for paying the cost of education, including special education and related services, of a student with a disability who attends a nonpublic special education school or program if:

(1) DCPS made a free appropriate public education available to the student; and

(2) The student's parent or guardian elected to place the student in a nonpublic special education school or program.

Sec. 104. Funding of a placement of a student with disabilities in a nonpublic special education school or program made by other District of Columbia government agencies.

(a) If another District of Columbia government agency places a student with a disability in a nonpublic special education school or program, DCPS shall fund the placement unless and until the other agency agrees to fund the placement.

(b) The District of Columbia shall comply with section 612(a)(12) of the IDEA and 34 C.F.R. § 300.154, by developing appropriate mechanisms for interagency coordination between DCPS and other District government agencies to ensure that all necessary services are provided and funded by the appropriate agency.

(c) Nothing in this section shall be construed as removing DCPS's liability for providing and paying for special education and related services if another public agency fails to provide or pay for them.

Sec. 105. Resolution of assessment, evaluation, placement, and funding disputes.

(a) The due process procedures set forth in Chapter 30 of Title 5 of the District of Columbia Municipal Regulations and the IDEA shall govern any disputes between a student's parent or guardian and DCPS regarding the assessment, evaluation, placement, and funding of a student with a disability in a nonpublic special education school or program.

(b) In conformity with the IDEA, DCPS may not terminate funding for the last approved nonpublic placement of a student while an administrative or judicial review of a recommended placement is pending.

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Sec. 106. Participation of DCPS in development or review of the IEP.

When a student is receiving education and related services from a nonpublic special education school or program that is approved by the SEA under section 107 and receives funding from the District of Columbia government, DCPS shall participate in the initial meeting to develop an IEP. For any subsequent meeting to review or revise the IEP, the failure or inability of a DCPS representative to attend the IEP meeting after the meeting has been set shall not prevent the meeting from taking place as planned.

Sec. 107. Certificate of Approval for nonpublic special education schools or programs—General.

(a) The SEA shall develop and administer a Certificate of Approval process for nonpublic schools or programs that serve District of Columbia students with disabilities with funding from the District of Columbia government. The SEA shall issue a Certificate of Approval to a nonpublic special education school or program after determining that the school or program complies with the regulations set forth in Chapters 22, 25, 30, and 38 of Title 5 of the District of Columbia Municipal Regulations, this act, and any applicable fire safety, building code, health, and sanitation requirements.

(b) Any nonpublic special education school or program that will be affected by the Certificate of Approval process shall be allowed to participate in the development and revision of applicable standards pursuant to the IDEA.

(c) A Certificate of Approval shall be for a period not to exceed 3 years.

(d) The SEA shall develop and maintain a list of approved nonpublic special education schools and programs, and shall display this list along with appropriate information about each nonpublic special education school or program on the Internet site of the District of Columbia Public Schools.

(e) The initial application and the Certificate of Approval shall include the following information:

- (1) Name of the school or program;
- (2) Location of the school or program;
- (3) The name and address of the individual or entity responsible for governing and operating the school or program;
- (4) The classification of the educational school or program to include, but not be limited to, one or more of the following:
 - (A) Nursery school;
 - (B) Kindergarten;
 - (C) Elementary school with sequential grades specified;
 - (D) Secondary school with sequential grades specified; and
 - (E) Special education and related services; and
- (5) Any additional information the SEA requires.

(f) A school or program shall operate in a manner that is consistent with the specifications recorded on the Certificate of Approval issued to the individual or entity with

legal responsibility for governing and operating the school or program.

(g) The SEA may issue a provisional Certificate of Approval to schools or programs that meet minimum requirements to be established by SEA regulations.

(h) When placing District of Columbia students with disabilities in a nonpublic special education school or program outside the District, the SEA may adopt a certificate of approval or license established by that jurisdiction's state education agency, if the standards of that state are substantially similar to the District of Columbia's Certificate of Approval standards.

(i) In issuing Certificates of Approval to residential child care facilities, or when otherwise required, the SEA shall coordinate with the Department of Mental Health, the Department of Human Services, the Child and Family Services Agency, the Department of Youth Rehabilitation Services, and the Medical Assistance Administration of the Department of Health, or any other appropriate public agency.

Sec. 108. Certificate of Approval – Compliance.

(a) All nonpublic special education schools or programs serving students with disabilities with funding provided by the District of Columbia government shall come into full compliance with this act by August 15, 2007, for the 2007-2008 academic school year.

(b) To continue receiving funding from the District of Columbia government in the 2007-2008 academic school year, all nonpublic special education schools or programs shall submit an initial application for a Certificate of Approval to the SEA no later than 90 days after the effective date of this act.

(c) For the 2008-2009 academic school year and each subsequent school year, a nonpublic special education school or program seeking a Certificate of Approval shall submit an initial application to the SEA no later than 45 days prior to the start of the school year.

(d) Not later than 45 days prior to the start of each school year, a school or program granted a Certificate of Approval by the SEA shall certify its annual compliance with this act, and regulations issued pursuant to this act, by filing a certificate of compliance with the SEA.

Sec. 109. Certificate of Approval – Inspection.

(a) The SEA shall schedule periodic monitoring visits to each nonpublic special education school or program at least once every 3 years. The employees of the SEA may make unannounced visits to a school or program during the 3-year period.

(b) A nonpublic special education school or program approved by the SEA shall be subject to inspection by the SEA or its designee for the following reasons:

(1) To verify compliance with this act and its implementing regulations for the purpose of reviewing an application for a Certificate of Approval;

(2) To verify compliance with this act and its implementing regulations when a nonpublic special education school or program receives District of Columbia government funds for its educational program;

(3) To investigate complaints relating to this act or violations of the IDEA; and

ENROLLED ORIGINAL

(4) To determine compliance with DCPS regulations or to monitor program quality.

Sec. 110. Certificate of Approval - Renewal.

(a) Nonpublic schools and programs for special education students may have their Certificates of Approval renewed for a period not to exceed 3 years.

(b) If a Certificate of Approval has not been renewed by the SEA on or before the renewal anniversary date, the Certificate of Approval shall expire and the DCPS Superintendent of Schools shall take immediate steps to determine an appropriate placement, in accordance with the IDEA, to any DCPS-funded students who attended the nonpublic special education school or program with the expired Certificate of Approval.

Sec. 111. Certificate of Approval – Denial, revocation, refusal to renew, or suspension.

(a) The SEA may deny, revoke, refuse to renew, or suspend a Certificate of Approval for any one or combination of the following causes:

(1) Violating any provision of this act, applicable rules of the SEA or DCPS, or applicable federal laws or regulations, except that noncompliance with section 112 shall not be grounds for denial, revocation, refusal to renew, or suspension;

(2) Providing false, misleading, or incomplete information, or failing to provide information requested by the SEA or DCPS;

(3) Violating any commitment made in an application for a Certificate of Approval;

(4) Failing to provide or maintain the premises or equipment of the special education school or program in a safe and sanitary condition as required by applicable law or regulation;

(5) Failing to maintain adequate programs or to retain adequate, qualified instructional staff; and

(6) Failing within a reasonable time to provide information requested by DCPS or the SEA as a result of a formal or informal complaint, or as a supplement to an initial application for a Certificate of Approval.

(b)(1) If the SEA determines a nonpublic special education school or program is in violation of subsection (a) of this section, the SEA shall provide the nonpublic special education school or program written notice of the violations before denying, revoking, refusing to renew, or suspending the Certificate of Approval.

(2) A nonpublic special education school or program determined to be in violation of subsection (a) of this section may request a hearing before an independent panel of the SEA. The request shall be in writing and submitted to the SEA within 30 days of receipt of the written notice required under paragraph (1) of this subsection. The panel that reviews the SEA decision shall not contain any individual who participated in the decision to issue the original notice.

(3) The SEA shall hold a hearing within 30 days of receiving a written request,

and shall issue its decision no later than 10 days after the hearing. The decision of the SEA panel shall be final and not appealable.

(4) Pursuant to the IDEA, while review is pending, the nonpublic special education school or program shall continue to provide special education and related services to enrolled students.

(c) The Mayor shall conduct a study of how to improve the process of appealing the SEA's decision to deny, revoke, refuse to renew, or suspend a Certificate of Approval. The study shall include the options of review of SEA decisions by the Office of Administrative Hearings or the courts. The Mayor shall provide a report to the Council, including recommendations for legislative and operations changes, by January 1, 2009.

Sec. 112. Rate-setting for nonpublic schools.

(a) The Mayor, or his or her designee, shall administer and implement a rate-setting process for the payment of tuition and related services to nonpublic special education schools and programs that provide special education and related services to students with disabilities funded by the District of Columbia.

(b) In establishing fair and reasonable rates, the Mayor, or his or her designee, shall consider a variety of factors, including historical data, the rates established by surrounding jurisdictions, and administrative costs.

(c) The Mayor, or his or her designee, may adopt the rates established by surrounding jurisdictions and apply those rates to nonpublic special education schools or programs that have already been approved to provide services with public funds by a surrounding jurisdiction.

(d) A nonpublic special education school or program serving students who are funded by the District government shall enter into a contract with the District government accepting rates set by the Mayor, or his or her designee, except that a contract is not required for a student whose placement has been ordered by a District of Columbia court, a federal court, or a hearing officer pursuant to the IDEA.

Sec. 113. Rate-setting for nonpublic schools—Reconsideration.

(a) A nonpublic special education school or program may request reconsideration of a rate approved by the Mayor, or his or her designee, by the Rate Reconsideration Panel established by section 114. A rate is eligible for reconsideration only for matters that relate to the ability of the nonpublic special education school or program to meet the requirements of an IEP for a student placed by a District government agency.

(b) The opportunity to request rate reconsideration shall apply only to an aggregate rate for students funded by the District government and the rate may not be reconsidered for individual students, except that the Panel may make case-by-case exceptions for a student the Panel determines has unique or highly specialized needs that cannot be properly addressed and funded through an aggregate rate.

(c) A request for reconsideration shall be filed within 30 days of the nonpublic special education school or program's notification of rates from the Mayor, or his or her designee. The

reconsideration request shall include the relief requested, the basis for the relief, and sufficient and appropriate information to allow an analysis of the claim.

(d) The decision of the Panel is final and binding.

Sec. 114. Rate Reconsideration Panel.

(a) A Rate Reconsideration Panel shall be established to review requests for rate reconsideration. The Panel shall be comprised of the following individuals:

- (1) One individual designated by the Superintendent of Schools;
- (2) One individual designated by the State Education Officer;
- (3) One individual designated by the Chief Financial Officer;
- (4) One individual designated by the Director of the Department of Health;
- (5) Two parents of students with disabilities, designated by the Mayor; and
- (6) One representative of a nonpublic special education school or program

serving students from the District of Columbia, designated by the Mayor.

(b) The members of the Panel shall elect the Chairman of the Panel.

(c) The presence of at least 4 members of the Panel shall constitute a quorum necessary for the Panel to conduct official business.

(d) The representative of the nonpublic special education school or program shall recuse himself or herself from any cases involving his or her school or program.

Sec. 115. Rules.

(a) Not later than 90 days after the effective date of this act, the Mayor shall issue regulations to implement the powers and duties assigned to the Mayor by this act.

(b) Not later than 90 days after the effective date of this act, DCPS shall issue regulations to implement its powers and duties pursuant to this act.

TITLE II

Sec. 201. The Special Education Assessment and Placement Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 38-2501), is repealed.

Note,
Repeal
§ 38-2501

TITLE III

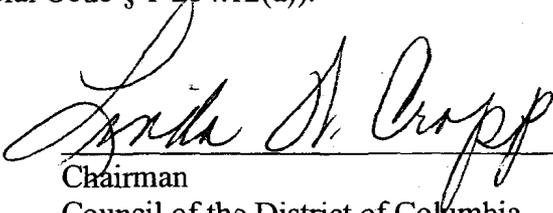
Sec. 301. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

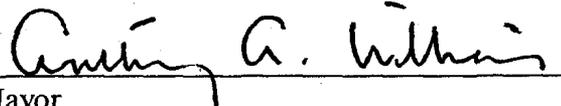
Sec. 302. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 28, 2006

AN ACT
D.C. ACT 16-668

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

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West Group
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To amend, on an emergency basis, due to Congressional review, the Prevention of Child Abuse and Neglect Act of 1977 to include limited grant-making authority among the duties and powers of the Director of the Child and Family Services Agency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child and Family Services Grant-making Second Congressional Review Emergency Amendment Act of 2006".

Sec. 2. Section 303(a-1) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1303.03(a-1)), is amended by adding a new paragraph (3A) to read as follows:

Note,
§ 4-1303.03

"(3A) To issue grants to community and neighborhood-based groups for programs that deliver prevention and intervention services;"

Sec. 3. Fiscal impact statement.

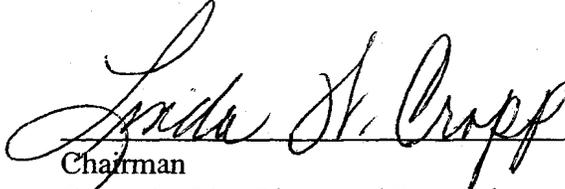
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

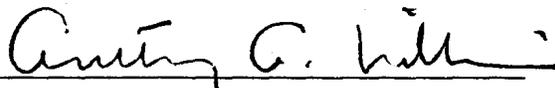
Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 28, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-669

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

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To amend, on an emergency basis, due to Congressional review, Chapter 8 of Title 47 of the District of Columbia Official Code to authorize a certain tax abatement to facilitate the construction of a mixed-use, predominately affordable housing residential building in Square 2910 in Ward 4; and to provide an exemption from permit fees and other financial impositions for the project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Square 2910 Residential Development Stimulus Second Congressional Review Emergency Act of 2006".

Sec. 2. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-857.01(2) is amended by adding a new paragraph (4A) to read as follows: "(4A) "Eligible area #4" means all real property in Lots 35 and 803 (and any subsequent subdivision or division of those lots) and the alley in between them in Square 2910."

Note,
§ 47-857.01

(b) Section 47-857.02(b) is amended as follows:

(1) Paragraph (2) is amended by striking the word "or" at the end.

Note,
§ 47-857.02

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

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

"(4) December 31, 2008, if the property is located in eligible area #4."

(c) Section 47-857.07 is amended by adding a new subsection (d) to read as follows:

"(d)(1) For the purposes of this subsection, the term:

Note,
§ 47-857.07

"(A) "4100 Georgia Avenue Developer" means:

"(i) The person (or any successor in interest) who will develop or has developed the 4100 Georgia Avenue Project; and

"(ii) Any subsequent owner or assignee of or successor in interest of the 4100 Georgia Avenue Project.

"(B) "4100 Georgia Avenue Project" means the project constructed on Lots 35 and 803 (and any subsequent subdivision or division of those lots) and the alley in between them in Square 2910, consisting of affordable housing. The term "4100 Georgia Avenue Project" shall not include the portion of the project used for commercial purposes.

"(C) "Affordable housing" means a housing unit which is rented to a household whose income does not exceed 60% of the area median income.

"(2)(A) Notwithstanding the provisions of § 47-857.02, beginning on the date that a certificate of occupancy for the 4100 Georgia Avenue Project is issued, there shall be allowed an abatement of all of the real property tax imposed by § 47-811 on the 4100 Georgia Avenue Project if:

"(i) The certificate of occupancy for the building shall have been issued on or before May 28, 2009; and

"(ii) The building satisfies the provisions of § 47-857.06(a)(2), (3), and (4).

"(B) If the conditions of subparagraph (A)(i) and (ii) of this paragraph are satisfied, the Mayor shall issue to the 4100 Georgia Avenue Developer a certification letter stating that the 4100 Georgia Avenue Project is eligible for the abatement and that the Mayor has reserved the abatement for the 4100 Georgia Avenue Project in the allocated amount. A copy of the certification letter shall be sent to the Director of the Real Property Tax Administration of the Office of Tax and Revenue.

"(C)(i) All of the housing units in the 4100 Georgia Avenue Project shall be affordable housing. If all of the housing units in the 4100 Georgia Avenue Project are not affordable housing, the abatement provided by this subsection shall terminate as of the beginning of the real property tax year in which all of the housing units in the 4100 Georgia Avenue Project are not affordable housing. If the abatement shall terminate, the tax, plus interest from the termination date, shall be due and payable 30 days after the date of the billing therefor.

"(ii)(I) The Georgia Avenue Developer shall provide a certification of an independent certified public accounting firm to the Mayor and the Director of the Real Property Tax Administration of the Office of Tax and Revenue on or before October 1 of each year that all of the housing units in the 4100 Georgia Avenue Project are affordable housing:

"(aa) As of October 1 of the preceding year; and

"(bb) For the entire calendar year for the preceding year.

"(II) If the Georgia Avenue Developer does not file timely the certification required by sub-sub-subparagraph (I) of this sub-subparagraph, the abatement provided by this subsection shall terminate as of October 1 of the preceding year and the tax, plus interest from the termination date, shall be due and payable 30 days after the date of billing

therefor; provided, that the Director of the Real Property Tax Administration of the Office of Tax and Revenue may, in his discretion, grant an extension for such period as he considers reasonable.

"(3) For each deadline set forth in paragraph (2)(A) and (B) of this subsection, one 6-month extension may be granted at the discretion of the Mayor.

"(4) The abatement allowed by this subsection shall be included in and subject to the annual \$3.5 million abatement limit set forth in § 47-857.09(c).

"(5) The abatement allowed by this subsection shall expire 40 years after the tax abatement takes effect."

(d) Section 47-857.09(c) is amended to read as follows:

"(c) The Mayor may approve up to \$3.5 million in annual tax abatements under §§ 47-857.07 and 47-857.08; provided, that \$500,000 shall be reserved for properties in eligible area #4."

Note,
§ 47-857.09

Sec. 3. Financial imposition exemption for the 4100 Georgia Avenue, N.W., project.

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

(1) "4100 Georgia Avenue Developer" means:

(A) The person (or any successor in interest) who will develop or has developed the 4100 Georgia Avenue Project; and

(B) Any subsequent owner or assignee of or successor in interest of the 4100 Georgia Avenue Project.

(2) "4100 Georgia Avenue Project" means the project constructed on Lots 35 and 803 (and any subsequent subdivision or division of those lots) and the alley in between them in Square 2910, consisting of affordable housing and first-floor retail space.

(b) Notwithstanding any other provision of law, no fees shall be charged to the 4100 Georgia Avenue Developer for any permits related to the construction of the 4100 Georgia Avenue Project, including private space or public permit fees or building permit fees (involving vault space rental). The exemption provided by this subsection shall not include condominium registration application fees or condominium conversion fees.

Sec. 4. Inclusion in the budget and financial plan.

This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Square 2910 Residential Development Stimulus Act of 2006, passed on 2nd reading on December 5, 2006 (Enrolled version of Bill 16-658), as the fiscal impact statement required by section

ENROLLED ORIGINAL

602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
December 28, 2006

AN ACT
D.C. ACT 16-670

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 28, 2006

*Codification
District of
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Official Code*

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2007 Winter
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To amend, on an emergency basis, due to Congressional review, the Prevention of Child Abuse and Neglect Act of 1977 to require certain records to be made available to the Child and Family Services Agency as part of an investigation of suspected child abuse or neglect.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child Abuse and Neglect Investigation Record Access Congressional Review Emergency Amendment Act of 2006".

Sec. 2. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02 *et seq.*), is amended by adding a new section 106b to read as follows:

"Sec. 106b. Obtaining records.

"(a) Notwithstanding any other provisions of law, upon the Agency's request, a person who is required to report suspected incidents of child abuse or neglect under section 2 of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 5, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02), shall immediately provide the Agency copies of all records of a child who is the subject of a report of child abuse or neglect, or of any other child residing in the home where the abuse or neglect is alleged to have occurred, that are in the possession of the person or the person's employees.

"(b) The Agency shall request the records needed for its investigation conducted under Title I.

"(c) The Agency shall not be charged a fee for the records provided to it under this section."

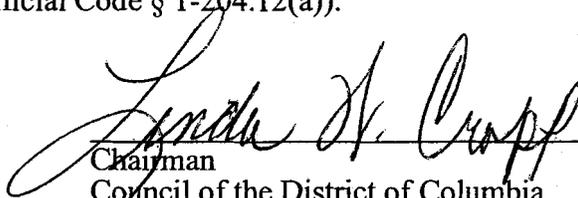
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

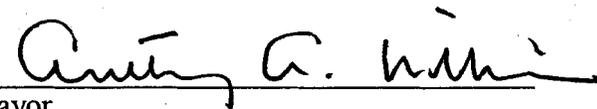
Sec. 4. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 28, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-671

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

To provide, on an emergency basis, the details of the purpose for the expenditure of reserve funds and additional revenues.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2007 Operating Cash Reserve and Revised Revenue December Allocation Emergency Act of 2006".

Sec. 2. In accordance with section 202(j)(3)(B) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 109; D.C. Official Code § 47-392.02(j)(3)(B)), and section 101 of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (Pub. L. No.109-356; 120 Stat. 2020), the Council approves the expenditure of \$71,792,600 of which \$47,500,000 shall be made available from the District of Columbia 2007 Operating Cash Reserve fund and \$24,292,600 shall be made available from the additional certified revenues, to be allocated follows:

(1) An amount not to exceed \$22,126,000, of which \$10,987,000 shall be derived from the Operating Cash Reserve and \$11,139,000 shall be from revised revenues to be allocated to the Department of Health to cover increased participation in and other related costs of the District's Health Care Safety Net;

(2) An amount not to exceed \$5,983,000 from the Operating Cash Reserve for the Child and Family Services Administration, of which \$983,000 shall be to cover additional costs associated with meeting court-ordered staffing levels, and \$5 million shall be to cover the cost of the changes in federal law as enacted by the Deficit Reduction Act of 2005, approved February 08, 2006 (Pub. L. No. 109-171; 120 Stat. 4), limiting the number of claimable activities and restricting the definition of children eligible for administrative claiming;

(3) An amount not to exceed \$1 million from the Operating Cash Reserve for the Office of the Attorney General to the cover the costs of implementing the District Government Injured Employee Protection Act of 2006, passed on 2nd reading on December 5, 2006 (Enrolled version of Bill 16-238), providing for attorney fees for injured District of Columbia government employees who are successful appellants in claims against the District government;

(4) An amount not to exceed \$29,530,000 from the Operating Cash Reserve for the Mental Retardation and Developmental Disabilities Administration, of which \$1,413,000

shall be to cover costs associated with personal service salaries, \$27,448,000 shall be to cover the increased costs of client services, and \$669,000 shall be to cover the cost of implementing the Developmental Disabilities Services Management Reform Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-398); and

(5) An amount not to exceed \$10,155,000 for the Department of Mental Health for costs associated with meeting the Department of Justice's requirements for the hiring of additional staff, maintenance contracts and additional supplies for St. Elizabeths; provided, that \$1.5 million shall be used to continue strategic management evaluation; provided further, that funds shall be derived either from revised revenues or from proceeds received by the District through a contract for the collection of unpaid prior year receivables and claims for Medicaid;

(6) An amount not to exceed \$800,000 from revised revenues for the Office of the Attorney General for costs associated with the implementation of the Criminal Record Sealing Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-746).

(7) An amount not to exceed \$300,000 from revised revenues for the Metropolitan Police Department for costs associated with the implementation of the Criminal Record Sealing Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-746).

(8) An amount not to exceed \$273,600 from revised revenues for the Office of Tax and Revenue to implement the Organ and Bone Marrow Donor Act of 2006, signed by the Mayor on December 4, 2006 (D.C. Act 16-536; 53 DCR __).

(9) An amount not to exceed \$25,000 from revised revenues for the Office of Tax and Revenue to implement the Domestic Partnerships Joint Filing Act of 2006, passed on 2nd reading on December 19, 2006 (Enrolled version of Bill 16-958); and

(10) An amount not to exceed \$1.6 million from revised revenues for the Office of Motion Picture and Television Development's Film DC Economic Incentive Grant Fund to implement the Film DC Economic Incentive Emergency Act of 2006, effective December 19, 2006 (D. C. Act 16-570; 53 DCR __).

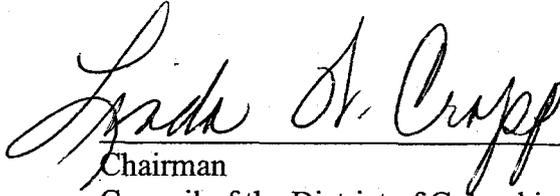
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

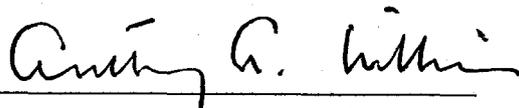
Sec. 4. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 28, 2006

AN ACT
D.C. ACT 16-672

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 2006

*Codification
District of
Columbia
Official Code*

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To establish, on an emergency basis, the Department on Disability Services and provide for its composition, staff, powers, and duties; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to add the Department on Disability Services to the list of subordinate agencies; and to make conforming amendments to the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Developmental Disabilities Services Management Reform Emergency Amendment Act of 2006".

TITLE I. ESTABLISHMENT OF DEPARTMENT ON DISABILITY SERVICES

Sec. 101. Short title.

This title may be cited as the "Department on Disability Services Establishment Emergency Act of 2006".

Sec. 102. Definitions.

For the purposes of this title, the term:

(1) "Community-based services" means non-residential specialized or generic services for the evaluation, care, and habilitation of persons with mental retardation, in a community setting, directed toward the intellectual, social, personal, physical, emotional, or economic development of a person with mental retardation. Such services shall include, but not be limited to, diagnosis, evaluation, treatment, day care, training, education, sheltered employment, recreation, counseling of the person with mental retardation and his or her family, protective and other social and socio-legal services, information and referral, and transportation to assure delivery of services to persons of all ages with mental retardation.

(2) "Consumer" means a resident of the District of Columbia who is receiving, or eligible to receive, services from the Department on Disability Services.

(3) "Department" or "DDS" means the Department on Disability Services established by section 103.

(4) "DHS" means the Department of Human Services.

(5) "Director" means the Director of the Department on Disability Services.

ENROLLED ORIGINAL

(6) "Habilitation" means the process by which a person is assisted to acquire and maintain those life skills which enable him or her to cope more effectively with the demands of his or her own person and of his or her own environment, including, in the case of a person committed under section 406a of the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective October 17, 2002 (D.C. Law 14-199; D.C. Official Code § 7-1304.06a), to refrain from committing crimes of violence or sex offenses, and to raise the level of his or her physical, intellectual, social, emotional, and economic efficiency. The term "habilitation" includes, but is not limited to, the provision of community-based services.

(7) "Home and community-based services waiver" means a Medicaid home and community-based services waiver approved under section 1915(c) of the Social Security Act, approved August 13, 1981 (95 Stat. 809; 42 U.S.C. §1396n).

(8) "Medical Assistance Administration" or "MAA" means the division of the Department of Health responsible for administering the District's Medical Assistance Program, or its successor agency.

(9) "Medical Assistance Program" and "Medicaid Program" mean the program described in the Medicaid State Plan and administered by the Medical Assistance Administration pursuant to section 1(b) of An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02(b)), and Title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. §1396 *et seq.*).

(10) "Mental retardation" or "persons with mental retardation" means a substantial limitation in capacity that manifests before 18 years of age and is characterized by significantly subaverage intellectual functioning, existing concurrently with 2 or more significant limitations in adaptive functioning.

(11) "MRDDA" means the former Mental Retardation and Developmental Disabilities Administration within the Department of Human Services.

(12) "Resident of the District of Columbia" shall have the same meaning as provided in section 103(22) of the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.03(22)).

(13) "RSA" means the Rehabilitation Services Agency within the Department of Human Services.

Sec. 103. Establishment and purpose of the Department on Disability Services.

Pursuant to section 404(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04(b)), the Department on Disability Services is established as a separate Cabinet-level agency, subordinate to the Mayor, within the executive branch of the District of Columbia, for the purpose of:

(1) Leading the reform of the District's mental retardation and developmental disabilities system by coordinating the collaborative efforts of government agencies, contractor providers, Medicaid waiver providers, labor, and community leaders to improve the care and habilitation services provided to consumers;

(2) Ensuring that District laws, regulations, programs, policies, and budgets are developed and implemented to promote inclusion and integration, independence, self-determination, choice, and participation in all aspects of community life for individuals with developmental disabilities and their families; and

(3) Promoting the well-being of individuals with developmental disabilities throughout their life spans, through the delivery of individualized, high-quality, safe services and supports.

Sec. 104. Organization.

(a) The Department shall have sufficient staff, supervisory personnel, and resources to accomplish the purposes of this title.

(b) The Director shall have the authority to organize the Department as the Director may determine is necessary and appropriate to carry out the Department's mission.

Sec. 105. Duties.

The Department shall:

(1) Provide services and supports to consumers in accordance with:

(A) The Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.02 *et seq.*); and

(B) Section 109 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, approved October 30, 2000 (114 Stat. 1692; 42 U.S.C. § 15009);

(2) No later than June 30, 2007, provide services and supports in accordance with the Rehabilitation Services Program Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-332; D.C. Official Code § 32-331 *et seq.*);

(3) Establish rules, quality standards, and policies for all services and supports, including Medicaid-funded services;

(4) Execute provider agreements and, in consultation with MAA, establish rates for all services and supports, including Medicaid-funded services;

(5) In conjunction with other District agencies and directed by a comprehensive quality management plan which makes clear that facility licensure and certification is an integral component of the Department's overall responsibility, monitor the provision of all services and supports and investigate, remediate, and enforce quality standards for all services and supports, including Medicaid-funded services; and

(6) Identify federal and other appropriate funding opportunities for services and supports for individuals with developmental disabilities and their families, and directly pursue,

and recommend and encourage other agencies to pursue, funding opportunities, where appropriate.

Sec. 106. Appointment and authority of the Director.

(a) The Department shall be headed by a Director who shall report to the Mayor. The Mayor shall appoint the Director with the advice and consent of the Council pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

(b) The Director shall:

(1) Hold at least a master's degree or its equivalent in human services, clinical services, human service management, public administration, social work, or a related field;

(2) Have relevant work experience; and

(3) Possess:

(A) Demonstrated knowledge of current best-practice policies, programs, services, and supports for individuals with developmental disabilities;

(B) Familiarity with local and federal funding streams supporting services to people with developmental disabilities; and

(C) Experience managing human service programs.

(c) The Director shall serve as the administrative chief of the Department, and may organize personnel, re-delegate authority, develop programs, and take any other action, consistent with appropriations, as warranted to accomplish the purpose and mission of the Department or to satisfy the requirements of applicable court orders.

(d) The Mayor shall delegate to the Director all personnel authority, including full authority to hire, retain, and terminate personnel, and the Director shall exercise that personnel authority independent of the Office of Personnel and consistent with applicable court orders.

(e) The Mayor shall delegate to the Director all procurement authority, including contracting and contracting oversight, and the Director shall exercise that procurement authority independent of the Office of Contracting and Procurement and consistent with applicable court orders.

(f) The Mayor shall fix the compensation of the Director pursuant Title X-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code §§ 1-610.51 - 1-610.63).

Sec. 107. Medicaid services.

(a) The Department and the Medical Assistance Administration shall enter into an agreement for the Department to direct policy development and design of services and supports provided under the home and community-based services waiver, including policies, services, and supports related to the operation of intermediate care facilities for persons with mental retardation.

ENROLLED ORIGINAL

(b) Nothing in this act shall affect the status of the Medical Assistance Administration as the single state agency for the administration of the Medicaid Program under section 1902(a)(5) of the Social Security Act, approved July 30, 1965 (79 Stat. 344; 42 U.S.C. § 1396a(a)(5)).

Sec. 108. Transfers of authority.

(a) All real or personal property, leased or assigned to the Department of Human Services on behalf of the Mental Retardation and Developmental Disabilities Administration, positions, assets, records, and obligations, and all unexpended balances of appropriations, allocations, and other funds available or to be made available relating to those powers, duties, functions, and operations of the DHS as set forth in, and utilized to carry out, section III(U) of the Reorganization Plan No. 3 of 1986, effective January 3, 1987, relating to MRDDA, are transferred to the Department.

(b) No later than June 30, 2007, all real or personal property, leased or assigned to the Department of Human Services on behalf of the Rehabilitation Services Administration, positions, assets, records, and obligations, and all unexpended balances of appropriations, allocations, and other funds available or to be made available relating to those powers, duties, functions, and operations of the DHS as set forth in, and utilized to carry out, section III(V) and those functions and operations of the DHS pertaining only to social security disability and social security income eligibility determinations as set forth in, and utilized to carry out, section III(T) of the Reorganization Plan No. 3 of 1986, effective January 3, 1987, relating to RSA, shall be transferred to the Department.

(c) The Chief Financial Officer shall promptly create within the system of accounting and reporting a separate account for the appropriations and expenditures of the Department, distinct from the accounts of DHS.

(d)(1) All of the authority and functions of the DHS as set forth in section III(U) of Reorganization Plan No. 3 of 1986, effective January 3, 1987, are transferred to the Department.

(2) No later than June 30, 2007, all of the authority and functions of the DHS as set forth in section III(V) and the authority and functions pertaining to social security disability and social security income eligibility determinations as set forth in section III(T) of the Reorganization Plan No. 3 of 1986, effective January 3, 1987, shall be transferred to the Department.

Sec. 109. Rulemaking and contracting authority.

(a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules as necessary to implement the provisions of this title.

(b) Pursuant to the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), the Mayor may execute contracts, grants, and other legally binding documents to implement the provisions of this title.

Sec. 110. Delegation and redelegation of authority.

The Department and its Director shall be the successors to all mental retardation and developmental disabilities-related authority delegated to the DHS and its Director, and the Director of the Department shall be authorized to act, either personally or through a designated representative, as a member of any committees, commissions, boards, or other bodies that include as a member the Director of the DHS with respect to mental retardation and developmental disabilities-related authority.

Sec. 111. Rescission.

All organizational orders and parts thereof in conflict with any of the provisions of this title are rescinded, except that any regulations adopted or promulgated by virtue of the authority granted by such orders shall remain in force until revised, amended, or repealed.

TITLE II. SUBORDINATE AGENCY STATUS CONFORMING AMENDMENTS

Sec. 201. Section 301(q) 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 § 1-603.01(17)), is amended as follows:

Note,
§ 1-603.01

(a) Paragraph (54) is amended by striking the word "and" at the end.

(b) Paragraph (55) is amended by striking the phrase "established by Reorganization Plan No. 1 of 2003." and inserting the phrase "established by Reorganization Plan No. 1 of 2003; and" in its place.

(c) A new paragraph (56) is added to read as follows:
"(56) Department on Disability Services."

TITLE III. RIGHTS OF MENTALLY RETARDED CITIZENS CONFORMING AMENDMENTS

Sec. 301. The Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.01 *et seq.*), is amended as follows:

(a) Section 103 (D.C. Official Code § 7-1301.03) is amended as follows:

Note,
§ 7-1301.03

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

"(8C) "Department on Disability Services" or "DDS" means the Department on Disability Services established by section 103 of the Department on Disability Services Establishment Emergency Act of 2006, passed on emergency basis on December 19, 2006 (Enrolled version of Bill 16-1066)."

(2) Paragraph (19A) is repealed.

(b) Section 303 (D.C. Official Code § 7-1303.03) is amended by striking the phrase "Department of Human Services" wherever it appears and inserting the phrase "Department on Disability Services" in its place.

Note,
§ 7-1303.03

(c) Section 304 (D.C. Official Code § 7-1303.04) is amended as follows:

Note,
§ 7-1303.04

(1) Subsection (b)(3) is amended by striking the phrase "Department of Human Services" and inserting the phrase "Department on Disability Services" in its place.

(2) Subsection (c) is amended by striking the phrase "Department of Human Services" and inserting the phrase "Department on Disability Services" in its place.

(d) Section 305 (D.C. Official Code § 7-1303.05) is amended by striking the phrase "Department of Human Services" wherever it appears and inserting the phrase "Department on Disability Services" in its place.

Note,
§ 7-1303.05

(e) Section 306 (D.C. Official Code § 7-1303.06) is amended as follows:

Note,
§ 7-1303.06

(1) Subsection (a)(3) is amended by striking the phrase "Department of Human Services" and inserting the phrase "Department on Disability Services" in its place.

(2) Subsection (b) is amended by striking the phrase "Department of Human Services" and inserting the phrase "Department on Disability Services" in its place.

(f) Section 309 (D.C. Official Code § 7-1303.09) is amended as follows:

Note,
§ 7-1303.09

(1) Subsection (a) is amended by striking the phrase "Department of Human Services" wherever it appears and inserting the phrase "Department on Disability Services" in its place.

(2) Subsection (c) is amended by striking the phrase "Department of Human Services" and inserting the phrase "Department on Disability Services" in its place.

(g) Section 312a (D.C. Official Code § 7-1303.12a) is amended by striking the word "MRDDA" wherever it appears and inserting the word "DDS" in its place.

Note,
§ 7-1303.12a

(h) Section 314(a) (D.C. Official Code § 7-1303.14(a)) is amended by striking the phrase "Department of Human Services" and inserting the phrase "Department on Disability Services" in its place.

Note,
§ 7-1303.14

(i) Section 406a(d) (D.C. Official Code § 7-1304.06a(d)) is amended by striking the word "MRDDA" and inserting the word "DDS" in its place.

Note,
§ 7-1304.06a

(j) Section 411 (D.C. Official Code § 7-1304.11) is amended as follows:

Note,
§ 7-1304.11

(1) Subsection (a)(2) is amended by striking the phrase "Department of Human Services" and inserting the phrase "Department on Disability Services" in its place.

(2) Subsection (a-1) is amended by striking the word "MRDDA" and inserting the word "DDS" in its place.

(3) Subsection (b) is amended by striking the phrase "Department of Human Services" and inserting the phrase "Department on Disability Services" in its place.

(k) Section 504 (D.C. Official Code § 7-1305.04) is amended as follows:

Note,
§ 7-1305.04

(1) Subsection (b) is amended by striking the phrase "Department of Human Services" and inserting the phrase "Department on Disability Services" in its place.

(2) Subsection (c) is amended by striking the phrase "Department of Human Services" and inserting the phrase "Department on Disability Services" in its place.

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(l) Section 509 (D.C. Official Code § 7-1305.09) is amended by striking the phrase "Department of Human Services" and inserting the phrase "Department on Disability Services" in its place.

Note,
§ 7-1305.09

(m) Section 512 (D.C. Official Code § 7-1305.12) is amended by striking the phrase "Department of Human Services" in the lead-in text and inserting the phrase "Department on Disability Services" in its place.

Note,
§ 7-1305.12

(n) Section 515 (D.C. Official Code § 7-1305.15) is amended by striking the word "MRDDA" and inserting the word "DDS" in its place.

Note,
§ 7-1305.15

TITLE IV. FISCAL IMPACT STATEMENT

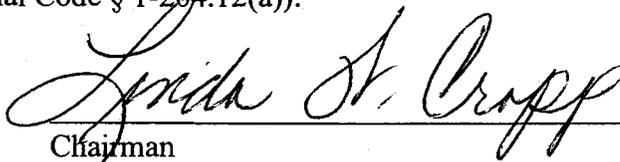
Sec. 401. Fiscal impact statement.

The Council adopts the December 18, 2006 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

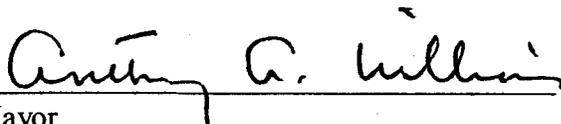
TITLE V. EFFECTIVE DATE

Sec. 501. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 28, 2006

AN ACT
D.C. ACT 16-673

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 28, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer needed for public purposes to authorize the Board of Education to sell and convey a portion of the School Without Walls property and density rights to the George Washington University for the purpose of renovating and expanding the School Without Walls pursuant to a development partnership.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "School Without Walls Development Project Second Emergency Amendment Act of 2006".

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer needed for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended by adding a new subsection (n) to read as follows:

Note,
§ 10-801

"(n) Notwithstanding any other provision of law, or any rule of law, the Board is authorized to sell and convey to the George Washington University ("GWU") approximately 8,600 square feet of land located on a portion of the property identified as Lot 829 in Square 80 and known as the School Without Walls public high school ("School Without Walls") that is currently used as a parking lot, to sell and convey to GWU certain density rights not used by the District of Columbia Public Schools ("DCPS") at Lot 829, Square 80, and to enter into and execute all agreements necessary to consummate these sales; provided, that DCPS reports to the Mayor and Council on the design, budget, and spending plan prior to commencement of the renovation project and DCPS and GWU have entered into a development partnership agreement, approved by the Board, to renovate and expand the School Without Walls. The terms of the agreement shall include:

"(1) GWU shall purchase a portion of the School Without Walls property currently used as a parking lot and comprising approximately 8,600 square feet of land area from DCPS along with density rights not used by DCPS;

"(2) GWU and DCPS shall agree to a purchase price of the density rights, including the School Without Walls parking lot, which shall be expressed as the value per square foot of residential gross floor area, both as determined pursuant to an appraisal process agreed upon by both parties;

"(3) The Board is responsible for all costs associated with the development project incurred by DCPS for the renovation and expansion of the School Without Walls that exceed the purchase price and are not covered by GWU pursuant to the agreement; and

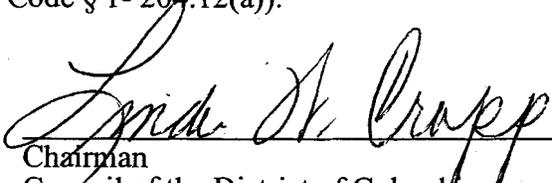
"(4) All proceeds of the sale of the portion of the School Without Walls property and the density rights shall remain with DCPS and be used to renovate and expand the existing school building on the remaining School Without Walls property."

Sec. 3. Fiscal impact statement.

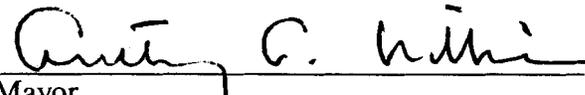
The Council adopts the February 3, 2006 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 28, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-1

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 16, 2007

FISCAL YEAR 2007 BUDGET SUPPORT
CONGRESSIONAL REVIEW EMERGENCY ACT OF 2007

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