

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-455

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JULY 21, 2006

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Fall  
Supp.

West Group  
Publisher

To designate the Watts Branch Recreation Center and the adjacent playground, located within Watts Branch Parkway, N.E., as the Marvin Gaye Recreation Center and Marvin Gaye Playground, in Ward 7.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Marvin Gaye Recreation Center and Playground Designation Act of 2006".

Sec. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01), the Council designates the Watts Branch Recreation Center and the Watts Branch Playground located within the Marvin Gaye Park, as the "Marvin Gaye Recreation Center" and "Marvin Gaye Playground," respectively.

Note,  
§ 9-204.01

Sec. 3. The Secretary to the Council shall transmit a copy of this act, upon its effective date to the Director of the Department of Parks and Recreation.

Sec. 4. Fiscal impact statement.

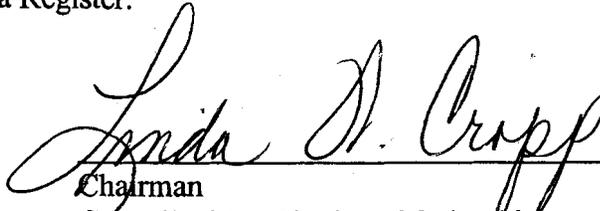
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

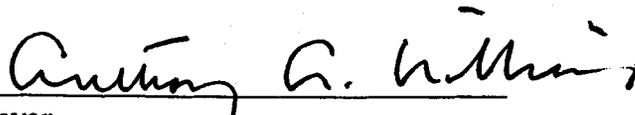
Sec. 5. Effective date.

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

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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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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia

APPROVED  
July 21, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-456

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 21, 2006

*Codification  
District of  
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2001 Edition

2006 Fall  
Supp.

West Group  
Publisher

To amend the District of Columbia Public Assistance Act of 1982 to provide for confidentiality of information for individuals applying for or receiving public benefits through the Department of Human Services, Income Maintenance Administration, and to authorize the Mayor to issue rules pertaining to the release and disclosure of such records.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Assistance Confidentiality of Information Amendment Act of 2006".

Sec. 2. Section 904 of the District of Columbia Public Assistance Act of 1982, effective April 20, 1999 (D.C. Law 12-241; D.C. Official Code § 4-209.04), is amended to read as follows:

Amend  
§ 4-209.04

"Sec. 904. Confidentiality of information.

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

"(1) "Administering" means running public benefits programs in a manner that complies with District of Columbia or federal laws, rules, or regulations.

"(2) "Applicant" means an individual who has submitted an application for services under one or more IMA programs.

"(3) "Disclosure" means the release, transfer, provision of, provision of access to, or distribution of information in any manner by an entity holding the information to a person outside of the entity.

"(4) "Health Insurance Portability and Accountability Act" means the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (Pub. L. 104-191; 110 Stat. 1936), and the regulations issued thereunder, 45 C.F.R. Parts 160 and 164, enacted for the primary purpose of safeguarding the privacy of an individual's protected health information by restricting the use or disclosure of the information to certain limited circumstances, such as treatment by medical providers, payment of medical bills, or health care operations.

"(5) "IMA" means the Income Maintenance Administration within the

## ENROLLED ORIGINAL

Department of Human Services.

“(6) “IMA programs” means public benefit programs, including TANF, POWER, Medical Assistance (including Medicaid), Food Stamps, Interim Disability Assistance, Burial Assistance, Refugee Resettlement Assistance, General Assistance for Children, and programs under titles I, V-A, IV-D, XVI, or XIX of Title 21 of the Social Security Act, approved August 14, 1935 (49 Stat. 757; 42 U.S.C. § 301 *et seq.*).

“(7) “Individual’s representative” means a person authorized in writing to review or copy an applicant’s or recipient’s record, or submit or receive information on behalf of the applicant or recipient by:

“(A) The applicant or recipient;

“(B) A court of competent jurisdiction; or

“(C) A person otherwise authorized by law to make decisions on behalf of the applicant or recipient, including decisions related to health care, such as the custodial parent, legal guardian, or personal representative, as set forth at 45 C.F.R. § 164.502(g).

“(8) “Personal notes” means:

“(A) Mental health information regarding an applicant or recipient disclosed to a mental health professional in confidence by other persons on condition that such information not be disclosed to the applicant or recipient, or to other persons; and

“(B) A mental health professional’s speculations about the applicant or recipient.

“(9) “Personal representative” means a person who:

“(A) Under applicable law, has the authority to act on behalf of an individual who is an adult or an emancipated minor in making decisions related to health care;

“(B) Is an executor, administrator, or other person who, under applicable law, has authority to act on behalf of a deceased individual or the individual’s estate; or

“(C) Is a parent, guardian, or other person acting in loco parentis who may have the authority to act on behalf of an unemancipated minor, as more fully set forth at 45 C.F.R. § 164.502(g).

“(10) “Protected health information” means any individually identifiable information, whether oral or recorded, in any form or medium, that is created or received and relates to the past, present, or future physical or mental health condition of an applicant or recipient, or to the payment for health care for an applicant or recipient.

“(11) “Recipient” means an applicant who meets the eligibility requirements and has been determined eligible to receive services through an IMA program.

“(12) “Record” or “applicant’s or recipient’s record” means any hard copy or electronic item, collection, or grouping of information, which includes protected health information, relating to an applicant or recipient that is maintained, collected, used, or disseminated for the purpose of administering an IMA program. The term “record” or “applicant’s or recipient’s record” includes information that the government of the District of

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Columbia collects and stores by the operation or administration of computerized public benefits eligibility screening tools.

“(b) IMA shall keep records to document information about applicants and recipients relating to IMA programs. The information shall be privileged and confidential and shall only be used or disclosed in accordance with this section.

“(1) The applicant or recipient has a right to privacy and shall be provided with a written notice about IMA’s privacy practices and the conditions governing inspection of records. A copy of the notice shall be maintained in the applicant’s or recipient’s record.

“(2) IMA shall secure the written authorization of the applicant, recipient, or individual’s representative pursuant to the requirements of 45 C.F.R. § 164.508 before requesting or disclosing information about the applicant or recipient to or from other agencies or individuals. A copy of the authorization shall be maintained in the applicant’s or recipient’s record.

“(3) An applicant or recipient shall submit a verbal or written request and an individual’s representative shall submit a written request to access information in an applicant’s or recipient’s record, including protected health information. Except for psychotherapy and personal notes, and information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding, the IMA shall make all information in the applicant’s or recipient’s record available to the applicant, recipient, or the individual’s representative.

“(A) IMA shall permit inspection or provide a copy of the information no later than 30 days after receiving the written request if the information is available on-site unless the applicant or recipient is under investigation pursuant to any provisions of subsection (c) of this section. If the written request is for information that is not maintained by or accessible to IMA on-site and IMA has knowledge of the information and its location, IMA must permit inspection or provide a copy of the information no later than 60 days after receiving the written request.

“(B) If IMA authorizes disclosure to a third party, other than the applicant or recipient’s individual representative, pursuant to a valid authorization, the disclosure shall be limited to the information specifically identified in a written authorization from the applicant, recipient, or the individual’s representative.

“(4) An applicant, recipient, or individual’s representative who believes that information in an applicant’s or recipient’s record is inaccurate or misleading may request that IMA amend the information by submitting a written request for amendment setting forth the reason for the change, including documentation, where appropriate. Within 60 days after it receives the request, the IMA shall make a determination on the request and either make amendments to the record or deny the request.

“(A) The IMA may deny a request for amendment if the information sought to be amended:

## ENROLLED ORIGINAL

“(i) Was not created by IMA, unless the individual requesting the amendment provides a reasonable basis to believe that the originator of the protected health information or the information in the record is no longer available to act on the requested amendment;

“(ii) Is not part of the record;

“(iii) Is not available for inspection as provided in paragraph (3) of this subsection; or

“(iv) Is accurate and complete.

“(B) If the request for amendment is denied, the IMA shall provide the applicant, recipient, or the individual’s representative with a written response setting forth the reason for denying the request for amendment and the procedures on how to request reconsideration of the decision, including a statement that the applicant, recipient, or individual’s representative has a right to submit a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such disagreement.

“(C) If the request for amendment is granted, the IMA shall notify the applicant, recipient, or individual’s representative of the decision and how to obtain authorization concerning persons to be notified of the amendment.

“(D) All documentation generated from a request for amendment shall be included in the record of the applicant or recipient.

“(c) All information and records regarding an applicant or recipient provided to or created by the IMA, its representatives, or its employees, in the course of the administration of IMA programs, shall be privileged and confidential and shall only be disclosed:

“(1) To the applicant, recipient, or individual’s representative, in accordance with subsection (b) of this section;

“(2) To a third party, with a written authorization signed by the applicant, the recipient, or the individual’s representative authorizing disclosure of the specific record, or specific parts of the record; or

“(3) Without consent for one of the following purposes:

“(A) To administer IMA programs;

“(B) To aid in any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of IMA programs;

“(C) To administer any federal or federally-assisted program, which provides assistance, in cash or in-kind, or services directly to individuals on the basis of need;

“(D) To verify a state employment services agency for the purposes of providing information about a public assistance recipient’s eligibility for employer tax credits, except that protected health information shall not be disclosed to such agency;

“(E) For an audit or similar activity, such as review of expenditure reports or financial review, conducted in connection with the administration of any public assistance program by any governmental entity which is authorized by law to conduct such audit or

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activity;

“(F) To administer the unemployment compensation program for the District of Columbia or any other state unemployment compensation program, except that protected health information shall not be disclosed to such agency or program;

“(G) To report to the Metropolitan Police Department information on known or suspected instances of physical or mental injury, sexual abuse, or exploitation, or to report to the appropriate authority charged with investigating such allegations information on known or suspected instances of negligent treatment or maltreatment of a child or vulnerable adult receiving aid under circumstances which indicate that the child's or vulnerable adult's health or welfare is threatened; or

“(H) To comply with a court order (a subpoena being insufficient) issued by a court of competent jurisdiction to compel disclosure of an applicant's or recipient's record or testimony of any Mayor's representative concerning an applicant or recipient for purposes directly related to the purposes listed in subparagraphs (A) through (G) of this paragraph.

“(d)(1) The administrator of the IMA shall approve each request for disclosure of a record made pursuant to subsection (c)(3) of this section before the IMA releases the record, or any portion thereof. For each disclosure of a record pursuant to subsection (c)(3) of this section, the IMA shall:

“(A) Record the disclosure in the applicant's or recipient's record;

“(B) Disclose only the information minimally necessary to satisfy the purpose of the request; and

“(C) Maintain a central log accounting for disclosures of protected health information.

“(2) An accounting for an approved disclosure shall contain, at minimum, the following:

“(A) The date of the disclosure;

“(B) The name of the person or entity that received the information and, if known, the address of the entity or person;

“(C) A brief description of the information disclosed; and

“(D) A brief statement of the purpose of the disclosure that states the exact basis for disclosure or, in lieu of that statement, a copy of the written request for disclosure.

“(3) Accounting is not required if the information is disclosed:

“(A) To administer IMA programs, or to carry out treatment, payment, and health care operations;

“(B) To persons involved in the applicant's or recipient's care;

“(C) For national security or intelligence purposes;

“(D) To correctional institutions or law enforcement officials; or

“(E) Prior to April 14, 2003.

“(e) The IMA shall review a requestor's credentials to verify the requestor's identity

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and authority before disclosing records to an applicant, recipient, or individual's representative, or to a person requesting disclosure of records pursuant to subsection (c)(3) of this section.

“(f) The IMA shall implement appropriate procedures to ensure the security of records and to minimize inadvertent disclosures of confidential records, including protected health information.

“(g) The IMA shall retain all information in an applicant's and recipient's record for at least 3 years after the case is closed. A request for a disclosure of information under subsection (c)(3) of this section, along with the supporting documentation for each such request that the IMA is required to maintain under subsection (d) of this section, shall be retained by the IMA for at least 6 years, and shall be disclosed to an applicant, recipient, or individual representative upon written request.

“(h) The IMA shall ensure that IMA employees are trained on the provisions of this section and are aware that unauthorized use or disclosure of records may constitute cause for adverse or corrective personnel action.

“(i) 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 to implement the provisions of this section.”

### 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)).

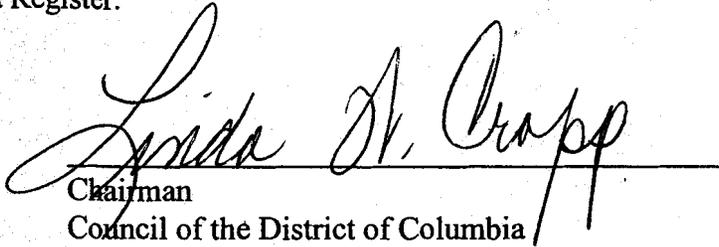
### Sec. 4. Effective date.

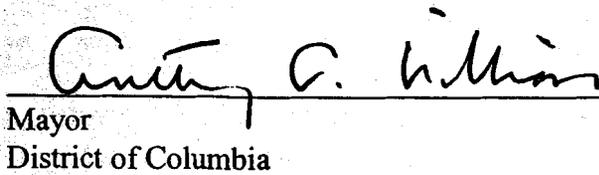
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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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  
July 21, 2006

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-457IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JULY 21, 2006Codification  
District of  
Columbia  
Official Code

2001 Edition

2006 Fall  
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Publisher

To amend the Rental Housing Conversion and Sale Act of 1980 to prevent low-income disabled tenants from being involuntarily displaced when their rental housing is converted to a condominium or a cooperative.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Low-Income Disabled Tenant Rental Conversion Protection Amendment Act of 2006".

Sec. 2. The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 *et seq.*), is amended as follows:

(a) Section 101(a)(4) (D.C. Official Code § 42-3401.01(a)(4)) is amended as follows:

Amend  
§ 42-3401.01

(1) Strike the word "elderly" in the first sentence and insert the phrase "elderly and disabled" in its place.

(2) Strike the phrase "lower income and elderly" in the second sentence and insert the phrase "lower income, elderly, and disabled" in its place.

(b) Section 102 (D.C. Official Code § 42-3401.02) is amended as follows:

Amend  
§ 42-3401.02

(1) Paragraph (3) is amended by striking the word "elderly" and inserting the phrase "elderly and disabled" in its place.

(2) Paragraph (4) is amended by striking the word "non-elderly" and inserting the phrase "non-elderly and non-disabled" in its place.

(c) Section 203(d) (D.C. Official Code § 42-3402.03(d)) is amended as follows:

Amend  
§ 42-3402.03

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

(2) Paragraph (1) is amended by striking the phrase "he or she is a head of household whose continued right to remain a tenant is required by the title" and inserting the phrase "a member of the household's continued right to remain a tenant as guaranteed by this title is exercised" in its place.

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

"(2) An elderly or disabled tenant who delivers a waiver under section 208(a)(2)(D) to the Mayor shall be qualified to vote in an election under this section."

(d) Section 208 (D.C. Official Code § 42-3402.08) is amended as follows:

Amend  
§ 42-3402.08

(1) The section designation is amended to read as follows:

"Sec. 208. Elderly or disabled tenancy."

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

"(a) *Eviction limited.*--(1)(A) For the purposes of this subsection, the term "qualifying income" means the applicable percentage for the household size, as set forth in subparagraph (B) of this paragraph, of the area median income for a household of 4 persons for the Washington-Arlington-Alexandria Metropolitan area, as established by the U.S. Department of

## ENROLLED ORIGINAL

## Housing and Urban Development.

“(B) The applicable percentages for the household size are as follows:

- “(i) One-person household: 60%;
- “(ii) Two-person household: 70%;
- “(iii) Three-person household: 80%;
- “(iv) Four-person household: 90%;
- “(v) Five-person household: 95%;
- “(vi) Six-person household: 100%;
- “(vii) Seven-person household: 105%; and
- “(viii) More than 7-person household: 110% .”

“(2) Notwithstanding any other provision of this title, the Condominium Act, or the Rental Housing Act, an owner of a rental unit in a housing accommodation converted under the provisions of this title shall not evict or send notice to vacate to an elderly or disabled tenant if the combined annual household income for his or her unit, as determined by the Mayor, does not exceed the qualifying income, unless:

“(A) The tenant violates an obligation of the tenancy and fails to correct the violation within 30 days after receiving notice of the violation from the owner;

“(B) A court of competent jurisdiction has determined that the tenant has performed an illegal act within the rental unit or housing accommodation;

“(C) The tenant fails to pay rent; or

“(D)(i) For the purposes of a single, scheduled tenant election under section 203, the tenant waives, in writing, his or her right to remain a tenant.

“(ii) The waiver shall state that it was made voluntarily, without coercion as set forth in section 203(h), and with full knowledge of the ramifications of a waiver of the right to remain a tenant.

“(iii) The waiver under sub-subparagraph (i) of this subparagraph shall apply only to the single, scheduled tenant election for which it was given.”

(3) Subsection (b) is amended by striking the word “elderly” and inserting the phrase “elderly or disabled” in its place.

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

“(c) *Qualification.*— (1) An elderly or disabled tenant shall qualify under this title if, on the day a tenant election is held for the purposes of conversion, the elderly or disabled tenant:

“(A) Is entitled to the possession, occupancy, or the benefits of his or her rental unit; and

“(B)(i) Is 62 years of age or older; or

“(ii)(I) Has a medically determinable physical impairment, including blindness, which prohibits and incapacitates 75% of that person’s ability to move about, to assist himself or herself, or to engage in an occupation.

“(II) In making a determination that a tenant qualifies under this sub-subparagraph, the Mayor shall limit the inquiry to the minimum information and documentation necessary to establish that the tenant meets the definition of disabled provided in sub-sub-subparagraph (I) of this sub-subparagraph, and shall not inquire further into the nature or severity of the disability. The Mayor shall not require the tenant to provide a description of the disability when making an eligibility determination; provided, that the Mayor may request that a physician or other licensed healthcare professional verify that a tenant meets the definition of disabled in sub-sub-subparagraph (I) of this sub-subparagraph. The Mayor shall not require the tenant to provide eligibility documentation in less than 30 days.

ENROLLED ORIGINAL

“(III) The Mayor shall not disclose information compiled under this sub-subparagraph unless the disclosure is required by law; provided, that the Mayor may provide a list of eligible voters upon request; provided further, that the Mayor may make a list of eligible voters available at the site of the tenant election.

“(IV) In requesting information under this sub-subparagraph, the Mayor shall inform tenants that their names will be absent from publicly available lists of eligible voters and the Mayor shall not disclose information provided about a tenant's disability unless the disclosure is required by law.

“(2) The Mayor shall develop such forms and procedures as may be necessary to verify eligibility under this subsection.”

(e) Section 210 (D.C. Official Code § 42-3402.10) is amended by striking the word “elderly” and inserting the phrase “elderly and disabled” in its place.

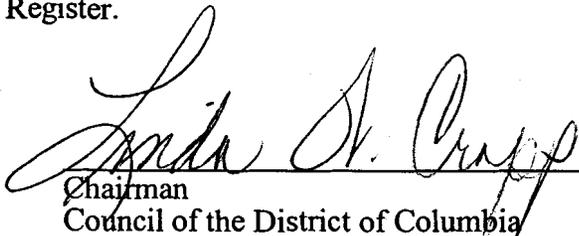
Amend § 42-3402.10

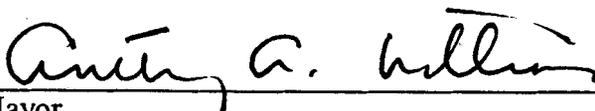
Sec. 3. Fiscal impact statement.

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.

  
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Chairman  
Council of the District of Columbia

  
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Mayor  
District of Columbia

APPROVED  
July 21, 2006

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-458

IN THE DISTRICT OF COLUMBIA

JULY 21, 2006

*Codification  
District of  
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2006 Fall  
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Publisher

To dedicate land for street and alley purposes in Squares 5318, 5319, and 5320, in Ward 7 and designate the new streets as Kimi Gray Court, S.E., and Ivory Walters Lane, S.E.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Dedication of Public Streets and Alleys in Squares 5318, 5139, and 5320, S.O. 05-8132, Act of 2006".

Sec. 2. Pursuant to section 302 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 § 9-203.02) ("Act"), the Council approves the dedication of land for streets and alleys in Squares 5318, 5319, and 5320, in Ward 7, as shown on the Surveyor's plats filed under S.O. 05-8132. The approval of the Council of this dedication is contingent upon the satisfaction of all the conditions set forth in the official file of S.O. 05-8132.

Note,  
§ 9-203.02

Sec. 3. Pursuant to section 401 of the Act (D.C. Official Code § 9-204.01), and as set forth in the official file of S.O. 05-8132, the Council designates:

Note,  
§ 9-204.01

- (1) The new public horseshoe street off of 51<sup>st</sup> Street, S.E., as "Kimi Gray Court, S.E."; and
- (2) The new public street between G Street, S.E., and 51<sup>st</sup> Street, S.E., as "Ivory Walters Lane S.E.".

Sec. 4. Fiscal impact statement.

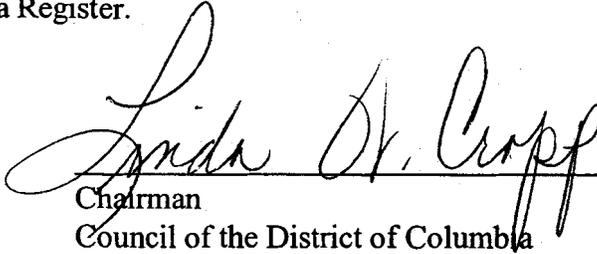
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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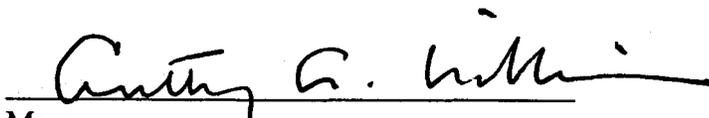
Sec. 5. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Surveyor of the District of Columbia and the Recorder of Deeds.

Sec.6. Effective date.

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
July 21, 2006

AN ACT  
D.C. ACT 16-459

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JULY 21, 2006

Codification  
 District of  
 Columbia  
 Official Code

2001 Edition

2006 Fall  
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West Group  
 Publisher

To amend the Fiscal Year 2006 Budget Support Act of 2005 to establish an independent Office of the Tenant Advocate, effective October 1, 2007, to clarify that the Housing Assistance Fund currently managed by the Office of the Tenant Advocate shall be managed by the independent Office of the Tenant Advocate; to amend the Rental Housing Act of 1980 to make a conforming amendment for the Housing Assistance Fund; and to transfer personnel, property, and records, to the independent Office of the Tenant Advocate.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Independent Office of the Tenant Advocate Establishment Amendment Act of 2006".

Sec. 2. Subtitle G of title II of the Fiscal Year 2006 Budget Support Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 42-3531.01 *et seq.*), is amended as follows:

(a) Section 2061 (D.C. Official Code § 42-3531.01) is amended by striking the phrase "of 2005".

Amend  
 § 42-3531.01

(b) Section 2062 (D.C. Official Code § 42-3531.02) is amended by striking the phrase "as an office within the Department of Consumer and Regulatory Affairs" and inserting the phrase "as an independent agency" in its place.

Amend  
 § 42-3531.02

(c) Section 2063 (D.C. Official Code § 42-3531.03) is amended as follows:

Amend  
 § 42-3531.03

(1) Paragraph (6) is amended by striking the phrase "office at the Department of Consumer and Regulatory Affairs" and inserting the phrase "independent Chief Tenant Advocate" in its place.

(2) Paragraph (7) is amended by striking the phrase "Office of the Tenant Advocate within the Department of Consumer and Regulatory Affairs" and inserting the phrase "independent Office of the Tenant Advocate" in its place.

(d) Section 2065 (D.C. Official Code § 42-3531.05) is amended by striking the phrase "office within the Department of Consumer and Regulatory Affairs" and inserting the phrase "independent agency within the District government" in its place.

Amend  
 § 42-3531.05

(e) Section 2066 (D.C. Official Code § 42-3531.06) is amended as follows:

Amend  
 § 42-3531.06

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

"(b)(1) On or after October 1, 2007, the Chief shall be appointed by the Mayor with the advice and consent of the Council for a term of 3 years, unless sooner removed by the Mayor for cause. Any unexpired term as of October 1, 2007 shall expire on that date.

"(2) A person appointed to fill a vacancy of this office shall be appointed only

for the unexpired term of the Chief whose vacancy is being filled.”.

(2) Subsection (c)(2) is amended by striking the phrase “and shall remain a resident, unless temporarily or permanently exempted from these requirements by the Mayor or for good cause” and inserting the phrase “and shall remain a resident” in its place.

(3) Subsection (d) is amended by striking the phrase “The Office shall employ the staff necessary” and inserting the phrase “The Office shall employ the staff necessary, including attorneys,” in its place.

(f) Section 2067 (D.C. Official Code § 42-3531.07) is amended as follows:

Amend  
§ 42-3531.07

(1) Paragraph (2) is amended by striking the phrase “Represent the interest” and inserting the phrase “Represent the interests” in its place.

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

“(5)(A) Represent tenants, at its discretion and as it determines to be in the public interest, in Federal or District judicial or administrative proceedings;

“(B) Provide an annual report to the Council on or before February 1 of each year setting forth each tenant request for representation, a description of the circumstances surrounding each request, whether or not the Office provided representation, and the outcome of cases where representation was provided;”.

(3) Paragraph (6) is amended by striking the word “and”.

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

“(6A) Manage and administer the Housing Assistance Fund established by section 307 of the Rental Housing Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 *et seq.*); and”.

(g) New sections 2068a and 2068b are added to read as follows:

“Sec. 2068a. Housing Assistance Fund.

“The Housing Assistance Fund established by section 307 of the Rental Housing Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3403.07), shall be administered and managed by the Office of the Tenant Advocate.

“Sec. 2068b. Rulemaking authority.

“On or before December 1, 2007, the Office of the Chief Tenant Advocate shall promulgate rules, subject to Council approval, to implement the provisions of this subtitle.”.

Sec. 3. Section 307 of the Rental Housing Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3403.07), is amended as follows:

Amend  
§ 42-3403.07

(a) Subsection (a-1) is amended by striking the phrase “shall be administered and managed on behalf of the Mayor by the Office of Tenant Advocate” and inserting the phrase “shall be administered and managed by the Office of the Tenant Advocate” in its place.

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

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

“(1) An amount not to exceed 50% of the funds shall be used to fund emergency housing and tenant relocation assistance; and”.

(2) Paragraph (2) is amended by striking the phrase “In an amount not to exceed 50% of the funds deposited in the fund each fiscal year” and inserting the phrase “An amount not to exceed 50% of the funds deposited in the fund each fiscal year shall be used” in its place.

Sec. 4. Transfer of functions of Office of the Tenant Advocate of the Department of Consumer and Regulatory Affairs

All positions, property, records, and unexpended balances of appropriations, allocations,

ENROLLED ORIGINAL

assessments, and other funds available or to be made available to the Office of the Tenant Advocate of the Department of Consumer and Regulatory Affairs relating to the duties and functions assigned herein are transferred to the independent Office of the Tenant Advocate.

Sec. 5. Applicability.

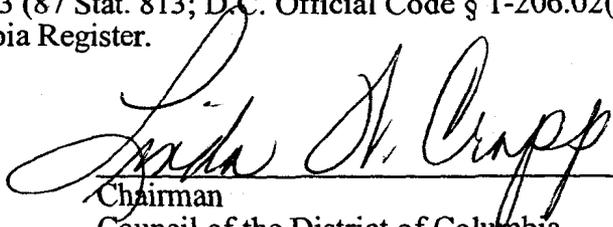
Section 2 through 4 shall apply as of October 1, 2007.

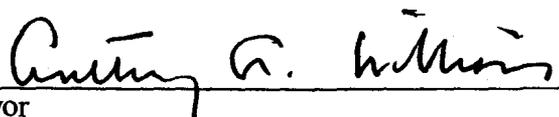
Sec. 6. Fiscal impact statement.

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. 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), 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  
July 21, 2006

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-460

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JULY 21, 2006

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Fall  
Supp.

West Group  
Publisher

To amend, on a temporary basis, Chapter 5 of Title 21 of the District of Columbia Official Code to provide that the commitment of a person for an indeterminate period under section 21-545 of the District of Columbia Official Code shall expire 548 days after the effective date of a federal law enacting provisions of the Mental Health Civil Commitment Act of 2002 that will make all subsequent commitments for a one-year period, unless the chief clinical officer of the Department, facility, hospital, or mental health provider has petitioned for recommitment of the person.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Mental Health Civil Commitment Extension Temporary Amendment Act of 2006".

Sec. 2. Chapter 5 of Title 21 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase "21-589.01. Interim provisions for term of commitment for persons committed prior to January 1, 2003." and inserting the phrase "21-589.01. Interim provisions for term of commitment." in its place.

(b) Section 21-589.01 is amended to read as follows:

"§ 21-589.01. Interim provisions for term of commitment.

Note,  
§ 21-589.01

"(a) The commitment of a person committed under section 21-545 for an indeterminate period of time shall expire 548 days after December 10, 2004, unless the chief clinical officer of the Department, facility, hospital, or mental health provider has petitioned for recommitment of the person.

"(b) A petition for recommitment under this section shall be subject to the provisions for a petition for renewal of commitment brought under section 21-545.01, unless the provision is inconsistent with this section.

"(c) A petition for recommitment may be filed at any time during the 548-day period, but not later than 60 days prior to the expiration of the 548-day period. For good cause shown, a petition for recommitment may be filed within the last 60 days of the 548-day period.

ENROLLED ORIGINAL

“(d) If a petition for recommitment is pending at the expiration of the 548-day period, the period of commitment shall be extended pending resolution of the petition.

“(e) This section shall apply as of July 20, 2005.”

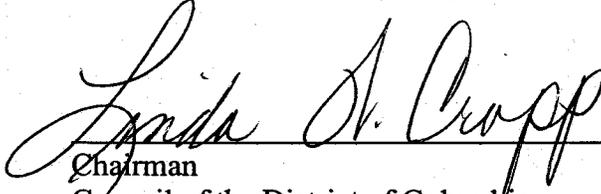
Sec. 3. Fiscal impact statement.

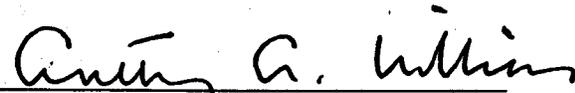
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 206.02(c)(1)), and publication in the District of Columbia Register.

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

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia

APPROVED  
July 21, 2006

AN ACT  
D.C. ACT 16-461

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 21, 2006

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Fall  
Supp.

West Group  
Publisher

To amend, on an temporary basis, An Act to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, to provide for civil fines, penalties, and fees to be imposed as additional sanctions for any infraction of certain provisions; and to amend the Rental Housing Act of 1985 to clarify the duties of the Office of the Tenant Advocate to include assistance to tenant organizations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Additional Sanctions for Nuisance Abatement and Office of the Tenant Advocate Duties Clarification Temporary Amendment Act of 2006".

Sec. 2. Section 10(c) of an Act to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, effective April 27, 2001 (D.C. Law 13-281; D.C. Official Code § 42-3131.10(c)) to read as follows:

Note,  
§ 42-3131.10

"(c) Civil fines, penalties, and fees may be imposed as additional sanctions for any infraction of the provisions of sections 6, 7, 9, or 12, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*)."

Sec. 3. Section 2067 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3531.07), is amended to read as follows:

Note,  
§ 42-3531.07

"Sec. 2067. Duties of the Office of the Tenant Advocate.

"The Office shall:

"(1) Provide education and outreach to tenants and the community about laws, rules, and other policy matters involving rental housing, including tenant rights under the petition process and formation of tenant organizations;

"(2) Represent the interest of tenants and tenant organizations in legislative, executive, and judicial issues, including advocating changes in laws and rules and reviewing landlord petitions on behalf of tenants;

“(3) Advise tenants and tenant organizations on filing complaints and petitions, including petitions in response to disputes with landlords;

“(4) Advise and assist tenants and tenant organizations at conciliation meetings;

“(5) Represent tenants and tenant organizations in court or administrative proceedings;

“(6) Organize tenant and tenant organizations participation in building-wide inspections; and

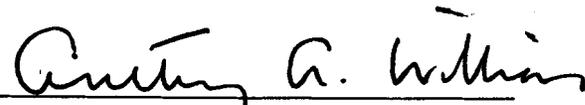
“(7) Operate a Tenant Phone Hotline and Tenant Center.”.

Sec. 4. 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. 5. (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia

APPROVED  
July 21, 2006

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-462

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JULY 21, 2006

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Fall  
Supp.

West Group  
Publisher

To amend, on a temporary basis, 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 living wage.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Living Wage Clarification Temporary Amendment Act of 2006".

Sec. 2. Section 105(1) of the Living Wage Act of 2006, effective June 9, 2006 (D.C. Law 16-118; 53 DCR 2602), is amended by adding the word "higher" before the phrase "wage level determinations".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Living Wage Act of 2006, effective June 9, 2006 (D.C. Law 16-118; 53 DCR 2602), 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.

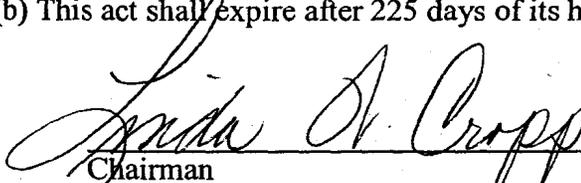
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

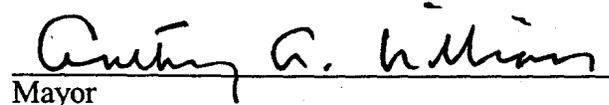
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ENROLLED ORIGINAL

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

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia

APPROVED  
July 21, 2006

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-463

*Codification  
District of  
Columbia  
Official Code*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

2001 Edition

JULY 25, 2006

2006 Fall  
Supp.

West Group  
Publisher

To amend the Historic Landmark and Historic District Protection Act of 1978 to add protection for archaeological sites, to amend the definition of alterations, to establish the number of members that constitute the Historic Preservation Review Board, to provide for consultation with the State Historic Preservation Officer for undertakings involving buildings owned by the District of Columbia, to improve enforcement under the act, and to make clarifying amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Historic Preservation Amendment Act of 2006".

Sec. 2. The Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1101 *et seq.*), is amended as follows:

(a) Section 2(b) (D.C. Official Code § 6-1101(b)) is amended by adding a new paragraph (3) to read as follows:

Amend  
§ 6-1101

"(3) With respect to archaeological sites designated as historic landmarks or contributing properties within historic districts:

"(A) To protect historic and prehistoric archaeological sites from irreparable loss or destruction; and

"(B) To encourage the retrieval of archaeological information and artifacts when the destruction of an archaeological site is necessary in the public interest."

(b) Section 3 (D.C. Official Code § 6-1102) is amended as follows:

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

Amend  
§ 6-1102

"(1) Alter or alteration means:

"(A) A change in the exterior appearance of a building or structure or its site, not covered by the definition of demolition, for which a permit is required;

"(B) A change in any interior space that has been specifically designated as an historic landmark;

"(C) The painting of unpainted masonry on a historic landmark or on a facade restored as a condition of a permit approved pursuant to this act; or

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“(D) Excavation or action disturbing the ground at an archaeological site listed in the District of Columbia Inventory of Historic Sites or an archaeological site identified as a contributing feature in the designation of a historic landmark or historic district.”

(2) Paragraph (3A) is amended by adding the word “substantial” before the word “deterioration”.

(3) Add a new paragraph (4A) to read as follows:

“(4A) “District of Columbia undertaking” means a project of the District of Columbia government that involves or contemplates demolition, alteration, subdivision, or new construction affecting a property owned by or under the jurisdiction of a District of Columbia agency, including an independent agency.”

(4) Paragraph (6)(B) is amended by striking the phrase “pursuant to the procedures contained in section 4(c)(5)”;

(5) Add a new paragraph (6A) to read as follows:

“(6A) “Historic Preservation Office” or “HPO” means the administrative office that serves as the staff to the Historic Preservation Review Board, State Historic Preservation Officer, and Mayor in performing functions pursuant to this act.”

(6) Paragraph (12) is amended by adding the phrase “or “SHPO”” after the word “Officer”.

(c) Section 4 (D.C. Official Code § 6-1103) is amended as follows:

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

(A) Strike the phrase “whose members” and insert the phrase “comprised of nine members who” in its place.

(B) Strike the last sentence.

(2) Subsection (b) is amended by adding new sentences at the end to read as follows:

“The term of office of each member of the Review Board shall be 3 years, staggered so that one third of the appointments expire each year. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term. Upon expiration of his or her term of office, a member shall continue to serve until his or her successor is appointed.

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

(A) Paragraph (1) is amended by striking the phrase “within 12 months of the denial” and inserting the phrase “during the 12-month period after the denial” in its place.

(B) Paragraph (2) is amended by striking the phrase “no more than 1 new application may be filed 12 months from the date that the application is withdrawn” and inserting the phrase “the Review Board shall not accept a new application for the same property during the 12-month period following the withdrawal” in its place.

(d) Section 5(c) (D.C. Official Code § 6-1104(c)) is amended by striking the phrase “if the Review Board has advised” and inserting the phrase “if the Review Board or Commission of

Amend  
§ 6-1103

Amend  
§ 6-1104

Fine Arts has advised" in its place.

(e) Section 5a (D.C. Official Code § 6-1104.01) is repealed.

(f) Section 5b (D.C. Official Code § 6-1104.02) is repealed.

(g) Section 5c (D.C. Official Code § 6-1104.03) is repealed.

(h) Section 6 (D.C. Official Code § 6-1105) is amended as follows:

(1) Subsection (d) is amended by striking the phrase "reasons therefor." and inserting the phrase "reasons therefor. If the Commission of Fine Arts recommends against granting the application, the Historic Preservation Office shall notify the applicant of the Commission of Fine Arts' recommendation." in its place.

(2) Add a new subsection (h) to read as follows:

"(h) If the Mayor finds that an alteration is necessary to allow the construction of a project of special merit, a permit shall not be issued unless the owner demonstrates the ability to complete the project."

(i) Section 7 (D.C. Official Code § 6-1106) is amended as follows:

(1) Subsection (c) is amended by striking the phrase "historic district" and inserting the phrase "historic district or a subdivision that assembles land with the lot of a historic landmark" in its place.

(2) Subsection (g) is amended by striking the phrase "no subdivision permit shall be issued" and inserting the phrase "no subdivision shall be permitted to record" in its place.

(j) Section 8 (D.C. Official Code § 6-1107) is amended as follows:

(1) Subsection (d) is amended by adding a new sentence at the end to read as follows: "If the Commission of Fine Arts recommends against granting the application, the Historic Preservation Office shall notify the applicant of the Commission of Fine Arts' recommendation."

(2) Subsection (f) is amended by adding a new sentence at the end to read as follows:

"Notwithstanding a finding of incompatibility, the Mayor may find that issuance of the permit is necessary to allow the construction of a project of special merit."

(k) Section 9 (D.C. Official Code § 6-1108) is amended as follows:

(1) Designate the existing text as subsection (a).

(2) Add new subsections (b) and (c) to read as follows:

"(b) A prospective permit applicant may apply to the Historic Preservation Review Board for conceptual review of a project for compliance with the provisions of this act relating to demolition, alteration, subdivision, or new construction. After receipt of such information as it may require, the Review Board shall consider the application without requiring the applicant to complete other permit requirements not necessary for its review. To assist in conducting conceptual review, the Review Board may appoint advisory committees composed of two or more Review Board members.

"(c) The Mayor shall not determine compliance with sections 5, 6, 7, or 8 based on an

Repeal  
§§ 6-1104.01  
6-1104.02  
6-1104.03  
Amend  
§ 6-1105

Amend  
§ 6-1106

Amend  
§ 6-1107

Amend  
§ 6-1108

## ENROLLED ORIGINAL

application for conceptual review, but the Mayor may consider the Review Board's recommendation on an application for conceptual review as evidence to support a finding on a related application submitted for review under sections 5, 6, 7, or 8."

(l) Add a new section 9b to read as follows:

New  
§ 6-1108.02

"Sec. 9b. Effect of District undertaking; comment by State Historic Preservation Officer.

"Before authorizing the expenditure of funds for design or construction or seeking the permit, license, or approval for a District of Columbia undertaking, the Deputy Mayor, head of the subordinate agency, or head of the independent agency with direct jurisdiction over the undertaking shall take into account the effect of that undertaking on any property listed or eligible for listing in the District of Columbia Inventory of Historic Sites and shall consult with and afford the State Historic Preservation Officer a reasonable opportunity to comment on the undertaking."

(m) Section 10 (D.C. Official Code § 6-1109) is amended by striking the second sentence.

Amend  
§ 6-1109

(n) Add new sections 10a, 10b, and 10c to read as follows:

"10a. Violations.

"(a) It shall be unlawful for any person to alter, demolish, or construct any building or structure subject to the provisions of this act or to subdivide any property subject to the provisions of this act except in accordance with this act or any rules, regulations, permits, or orders issued pursuant to this act.

New  
§ 6-1109.01

"(b) It shall be unlawful for any person acting under authority of or pursuant to a building permit or otherwise subject to this act to fail to complete any alteration, repair, construction, or other work required as a condition of any order, permit approval, or enforcement action issued in accordance with this act.

"Sec. 10b. Maintenance of property.

"(a) The owner of an historic landmark or a contributing building or structure within an historic district shall comply with all laws and regulations governing the maintenance of real property. The buildings or structures shall be preserved against decay and deterioration and shall be made and kept free from structural defects through prompt correction of defects, such as:

New  
§ 6-1109.02

"(1) Facade or facade elements that may fall and injure persons or property;

"(2) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls, or other vertical structural supports;

"(3) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split, or buckle due to defective material or deterioration;

"(4) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors;

"(5) Defective or insufficient weather protection for exterior wall covering,

## ENROLLED ORIGINAL

including lack of paint or weathering due to lack of paint or other protective covering; or

“(6) A fault or defect in the building or structure that renders it structurally unsafe or not properly watertight.

“(b) An owner who fails to maintain a building or structure in compliance with this section shall be subject to the remedial requirements of section 10c and the penalties under section 11.

“Sec. 10c. Prevention of demolition by neglect.

“(a) If the Mayor determines that an historic landmark or a contributing building or structure within a historic district is threatened by demolition by neglect, upon obtaining an order from the Superior Court of the District of Columbia, the Mayor may:

“(1) Require the owner to repair all conditions contributing to demolition by neglect; or

“(2) If the owner does not make the required repairs within a reasonable period of time, enter the property and make the repairs necessary to prevent demolition by neglect.

“(b) The cost of any work undertaken pursuant to subsection (a) of this section shall be charged to the owner and may be levied by the District of Columbia as a special assessment against the real property. The special assessment shall be a lien against the real property.”.

(o) Section 11 (D.C. Official Code § 6-1110) is amended as follows:

(1) The heading is amended to read as follows:

“Sec. 11. Penalties; remedies; enforcement.

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

(A) Strike the phrase "not more than \$1,000" and insert the phrase "not more than \$1,000 for each day a violation occurs or continues" in its place.

(B) Strike the phrase "All prosecutions" and insert the phrase "Any prosecution" in its place.

(C) Strike the phrase "Corporation Counsel or any of his assistants" and insert the phrase "Office of Attorney General for the District of Columbia" in its place.

(3) Subsection (b) is amended by striking the phrase "shall be brought by the Corporation Counsel" and inserting the phrase "shall be brought in the name of the District of Columbia in the Superior Court of the District of Columbia by the Office of Attorney General for the District of Columbia" in its place.

(4) Add a new subsection (d) to read as follows:

“(d)(1) The Historic Preservation Office shall be responsible for enforcement of the provisions of this act.

(2) The Mayor may delegate to the Historic Preservation Office coordinated enforcement of Building Code provisions applicable to preservation of historic landmarks and historic districts pursuant to a written agreement with and under the authority of the Building Code Official.”.

(p) Add a new section 11a to read as follows:

New  
§ 6-1109.03

Amend  
§ 6-1110

## ENROLLED ORIGINAL

“Sec. 11a. Historic Landmark-District Protection Fund; establishment.

New  
§ 6-1110.01

“(a) There is established within the General Fund of the District of Columbia, the Historic Landmark-District Protection Fund (“HLP Fund”) as a nonlapsing, revolving fund; the funds of which shall not revert to the General Fund at the end of any fiscal but shall remain available, without regard to fiscal year limitation, pursuant to an act of Congress, for the purpose of paying the costs of repair work necessary to prevent demolition by neglect as described in section 10c or for the costs of carrying out any other historic preservation program consistent with the purposes of and pursuant to this act.

“(b) There shall be deposited into the HLP Fund:

“(1) Such amounts as may be appropriated for the fund;

“(2) Grants or donations from any source to the fund or to the District of Columbia for the purposes of the fund;

“(3) Interest earned from the deposit or investment of monies of the fund;

“(4) Amounts assessed and collected as costs or penalties under this act, or otherwise received to recoup any amounts, incidental expenses, or costs incurred or expended for purposes of the fund, or any sums received pursuant to a resolution or settlement of disputes or enforcement actions under this act where the resolution or settlement provides in writing for such payment;

“(5) All other receipts derived from the operation of the fund; and

“(6) The proceeds from the sale of real or personal property or other items of value from any source donated to the fund or to the District of Columbia for the purposes of the fund.

“(c) The Mayor shall include in the budget estimates of the District of Columbia for each fiscal year such amount as may be necessary for capitalization of the HLP Fund.”.

(q) Section 14 (D.C. Official Code § 6-1113) is amended to read as follows:

Amend  
§ 6-1113

“Sec. 14. By April 1 of each year, the Mayor shall transmit to the Council a detailed report on the implementation of this act, including:

“(1) The number of applications reviewed pursuant to sections 5, 6, 7, and 8 for historic landmarks and each historic district, categorized by type of application;

“(2) The number of such applications granted after a public hearing; specifying for each such application the nature of the requested permit, the nature of the applicant’s claim, whether or not economic hardship was found, whether or not it was found to be in the public interest and on what grounds; and

“(3) The financial condition of the HLP Fund, including:

“(A) The results of the operations and collections for the preceding fiscal year;

“(B) An accounting of receipts and expenditures;

“(C) An itemization of the amounts of unrecovered costs, taxes, and penalties;

“(D) The names of delinquent property owners; and

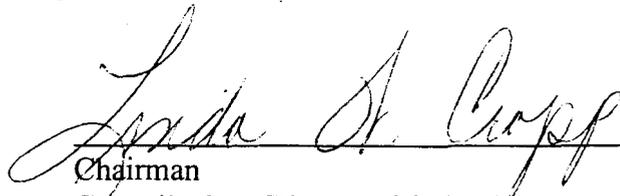
“(E) The nature of corrected building violations.”.

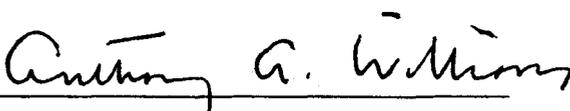
Sec. 3. Fiscal impact statement.

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  
JULY 25, 2006

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-464

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JULY 25, 2006

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Fall  
Supp.

West Group  
Publisher

To amend chapter 24 of Title 18 of the District of Columbia Municipal Regulations to extend the parking enforcement moratorium in residential permit parking areas from the hours of 10:00 p.m. to 7:30 a.m. to the hours of 9:00 p.m. to 7:30 a.m., to establish an around-the-clock parking enforcement moratorium in residential permit parking areas 25 feet or more from an intersection, to establish a civil fine for the forgery, counterfeiting, or unauthorized use or replication of a visitor or temporary parking permit, to prohibit the furnishing of false information in an application for a visitor or temporary permit, to authorize the District to revoke a visitor or temporary permit found in violation of this act, to require the holder of a visitor or temporary permit found in violation of this act to surrender the permit when notified of its revocation, to establish a civil fine for any person who falsely represents himself or herself as being eligible for a residential permit parking sticker or permit, visitor permit, or temporary permit or furnishes false information in an application for an residential permit parking sticker or permit, visitor permit, or temporary permit, and to create at least one 6-month temporary pilot program allowing residents with driveways to park a vehicle on the street in front of their driveway entrance.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Parking Enhancement Amendment Act of 2006".

Sec. 2. Chapter 24 of Title 18 of the District of Columbia Municipal Regulations is amended as follows:

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(a) Section 2411.9 is amended as follows:

(1) In the introductory language, strike the phrase "10:00 p.m." and insert the phrase "9:00 p.m." in its place.

(2) Subsection (a) is repealed.

(b) Add new subsections 2411.21 and 2411.22 to read as follows:

"2411.21 Vehicles displaying a valid residential parking permit may park at all times, within a designated residential permit parking zone, twenty-five (25) feet or more from the intersection. The Director of the District Department of Transportation shall have the discretion to exempt intersections from the parking restriction moratorium established by this section that

the Director determines would be inappropriate and unsafe with such parking.

"2411.22. Parking is permitted within a legal curved driveway located in the front of any one-family detached dwelling at any time."

(c) Add a new section 2414.5 to read as follows:

"2414.5 The forgery, counterfeiting, or unauthorized use or replication of a visitor permit or temporary permit shall be punishable by a fine of \$300."

(d) Section 2416 is amended to read as follows:

"2416. Penalty.

"2416.1 It shall be a violation of the provisions of § 2411 through § 2415 for any person to falsely represent himself or herself as eligible for a residential permit parking sticker or permit, visitor permit, or temporary permit or to furnish any false information in an application for a residential permit parking sticker or permit, visitor permit, or temporary permit. A violation of this subsection shall be punishable by a fine of \$300 and any sticker or permit issued as a result of false information shall be void.

"2416.2 The Director or the Chief of Police shall be authorized to revoke a residential permit parking sticker or permit, visitor permit, or temporary permit found to be in violation of this chapter, and upon written notification of the revocation, the sticker or permit holder shall surrender the sticker or permit to the Director or the Chief of Police.

"2416.3 Failure, when requested, to surrender a residential permit parking sticker or permit, visitor permit, or temporary permit revoked by the Director or the Chief of Police shall constitute a violation of the provisions under § 2411 through § 2415.

"2416.4 Any person who violates any of the provisions of § 2411 through § 2415 shall, upon determination of liability, be subject to a civil fine established pursuant to the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*)".

### Sec. 3. Driveway parking pilot program.

(a) The Mayor shall conduct at least one temporary pilot program of 6 months to test the feasibility of allowing a District resident with a driveway in front of his or her home to park a vehicle on the street in front of the driveway entrance, notwithstanding the prohibition in section 2405 of Title 18 of the District of Columbia Municipal Regulations.

(b) Within 3 months of the conclusion of the temporary pilot program, the Mayor shall present to the Council a report detailing the results of the pilot program, which shall include:

(1) A section on comments from homeowners, visitors, and business owners regarding their experiences with the pilot program; and

(2) The Mayor's recommendations for or against moving forward with the program citywide.

### Sec. 4. Fiscal impact statement.

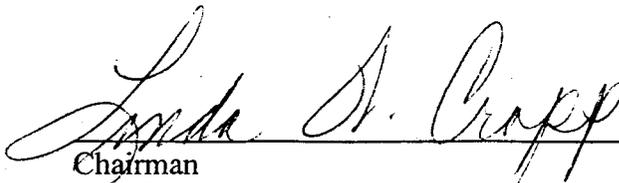
The Council adopts the fiscal impact statement in the committee report as the fiscal

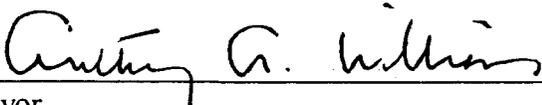
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impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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  
JULY 25, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-465

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 25, 2006

*Codification  
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To establish the Security Officer Advisory Commission to make recommendations regarding training policies pertaining to security officers; to amend the Whistleblower Reinforcement Act of 1998 to provide protections for private security officers; to amend An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes to clarify the authority for the Mayor to appoint special police officers and security officers, to authorize the Mayor to regulate special police officers and security officers, and to require that special police officers and security officers meet minimum training requirements; to amend Chapter 28 of Title 47 of the District of Columbia Official Code to require security agencies to be licensed; to amend the Regulation Establishing Standards for Certification and Employment for Security Officers to revise certification requirements for security officers, to require training for security officers, and to require security agencies to obtain licenses, execute bonds, and maintain liability insurance; and to amend the Manual of the Metropolitan Police Department of the District of Columbia to revise certification requirements for special police officers.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Enhanced Professional Security Amendment Act of 2006".

TITLE I

Sec. 101. Security Officer Advisory Commission.

(a) There is established a Security Officer Advisory Commission ("Commission") to make recommendations on the training of security officers.

(b) The Commission shall be comprised of the following 11 members, all of whom shall be District residents and who shall be appointed by the Mayor and confirmed by the Council in accordance with section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)):

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- (1) Four representatives of security officer companies;
- (2) Three actively employed security officers;
- (3) One full-time faculty member of a college or university who teaches and whose area of expertise is in the field of security with insurance, risk management, lending, or underwriting experience;
- (4) Two representatives of organized labor with security guard members; and
- (5) One representative from owners or managers of commercial property in the District.

(c) The Mayor and the Chief of the Metropolitan Police Department, or their designees, shall be ex-officio members of the Commission.

(d) The Mayor shall designate one member to serve as Chairperson of the Commission.

(e)(1) Except as provided in paragraph (2) of this subsection, all members of the Commission shall serve 3-year terms.

(2) Of the initial appointments, 3 members shall serve one-year terms and 2 members shall serve 2-year terms.

(3) A member may be reappointed for additional terms.

(4) Vacancies shall be filled in the same manner as appointments, with the appointed member to serve the remainder of the unexpired term.

(f) The members of the Commission shall receive no compensation for their service, but shall be allowed their actual and necessary expenses incurred in the performance of their functions.

(g) The Commission shall meet as frequently as it deems necessary but not less than 3 times each calendar year. Special meetings may be called by the Chairperson, at the request of the Mayor or the Chief of the Metropolitan Police Department, or upon the written request of 6 members of the Commission.

(h) The Commission may establish its own procedures with respect to the conduct of its meetings and other affairs; provided, that all recommendations made by the Commission to the Mayor and the Chief of the Metropolitan Police Department shall require the affirmative vote of a majority of the Commission.

(i)(1) The Commission shall make recommendations to the Mayor for rules pertaining to training for security officers, but not campus police officers, including:

(A) Minimum training duration and content required at training programs;

(B) Minimum qualifications for training instructors; and

(C) Training requirements which security officers and applicants must complete before being certified as security officers.

(2) The Commission may:

(A) Conduct studies and surveys, and issue reports regarding the training of security officers;

(B) Visit and inspect any security officer training program; and

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(C) Perform such other acts as may be necessary or appropriate to carry out its functions.

TITLE II

Sec. 201. Title II of the Whistleblower Reinforcement Act of 1998, effective October 7, 1998 (D.C. Law 12-160; D.C. Official Code § 2-223.01 *et seq.*), is amended as follows:

(a) Section 202 (D.C. Official Code § 2-223.01) is amended as follows:

Amend § 2-223.01

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

(A) Subparagraph (A) is amended by striking the word "or" at the end.

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

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

"(C) Any person who is a security officer and is or was employed in that capacity by a person who or entity that provides security services."

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

"(8A) "Security officer" means an individual appointed under the second paragraph of the section "FOR METROPOLITAN POLICE" of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes, approved March 3, 1899 (30 Stat. 1057; D.C. Official Code § 5-129.02), and shall have the same meaning as provided in section 2100 of Title 17 of the District of Columbia Municipal Regulations."

(3) Paragraph (9) is amended by striking the phrase "District instrumentality or by a District government contractor" and inserting the phrase "District instrumentality, a District government contractor, or a person who or entity that employs security officers" in its place.

(b) Section 204(b) (D.C. Official Code § 2-223.03(b)) is amended by striking the phrase "employing District instrumentality or contractor" and inserting the phrase "employing District instrumentality or contractor, or the person or entity that employed the security officer," in its place.

Amend § 2-223.03

(c) Section 205 (D.C. Official Code § 2-223.04) is amended as follows:

Amend § 2-223.04

(1) Subsection (a) is amended by striking the phrase "any supervisor" and inserting the phrase "a supervisor employed by a District instrumentality" in its place.

(2) Subsection (b) is amended by striking the phrase "any supervisor" and inserting the phrase "a supervisor employed by a District instrumentality" in its place.

(d) Section 207 (D.C. Official Code § 2-223.06) is amended by adding a sentence at the end to read as follows: "A person who or entity that employs security officers shall inform those employees of their rights under this title."

Amend § 2-223.06

Sec. 202. The second paragraph under the section titled "FOR METROPOLITAN POLICE" of An Act Making appropriations to provide for the expenses of the government of

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the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes, approved March 3, 1899 (30 Stat. 1057; D.C. Official Code § 5-129.02), is amended to read as follows: Amend  
§ 5-129.02

“The Mayor, on application of any corporation or individual, or in his own discretion, may appoint special police officers and security officers in connection with the property of, or under the charge of, such corporation or individual; provided, that the special police officers and security officers be paid wholly by the corporation or person on whose account their appointments are made.

“Special police officers and security officers, but not campus police officers, shall be required to complete minimum levels of pre-assignment, on-the-job, and in-service training.

“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 governing special police officers and security officers. 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 this 45-day review period, the proposed rules shall be deemed approved.”

Sec. 203. Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the phrase “47-2839a. Security agencies.” after the phrase “47-2839. Private detectives; “detective” defined; regulations.”

(b) A new section 47-2839a is added to read as follows:

“§ 47-2839a. Security agencies.

New  
§ 47-2839a

“(a) For the purpose of this section, the term:

“(1) “Campus police officer” means an individual appointed under § 5-129.02, and subject to the requirements of Chapter 12 of Title 6A of the District of Columbia Municipal Regulations.

“(2) “Security agency” means a person who conducts a business that provides security services.

“(3) “Security officer” means an individual appointed under § 5-129.02, and shall have the same meaning as provided in section 2100 of Title 17 of the District of Columbia Municipal Regulations.

“(4) “Security services” means any activity that is performed for compensation by a security officer or special police officer to protect an individual or property.

“(5) “Special police officer” means an individual appointed under § 5-129.02, and subject to the requirements of Chapter 11 of Title 6A of the District of Columbia Municipal Regulations.

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“(b) It shall be unlawful for any person to engage in the business of operating, managing, or conducting a security agency, for profit or gain, or to advertise or represent his or her business to be that of a security agency, or that of conducting, managing, or operating a security agency, without first obtaining a license to do so.

“(c) A person who violates any provision of this section, or the provisions of Chapter 21 of Title 17 of the District of Columbia Municipal Regulations pertaining to security agencies, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$1,000 or imprisonment of not more than one year, or both.

“(d)(1) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, may issue rules to implement the provisions of this section.

“(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 this 45-day review period, the proposed rules shall be deemed approved.

“(e) Any license issued pursuant to this section shall be issued as a Public Safety endorsement to a basic business license under the basic business license system as set forth in subchapter I-A of this chapter.”.

Sec. 204. The Regulation Establishing Standards for Certification and Employment for Security Officers, issued December 1, 1974 (Reg. 74-31; 17 DCMR § 2100 *et seq.*), is amended to read as follows:

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“CHAPTER 21. SECURITY OFFICERS AND SECURITY AGENCIES

“Secs.

- “2100 General Provisions.
- “2101 Duty of Security Agency or Employer
- “2102 Eligibility Requirements – General
- “2103 Eligibility Requirements – Health
- “2104 Eligibility Requirements – Criminal Convictions
- “2105 Eligibility Requirements – Criminal History
- “2106 Photographs and Fingerprints
- “2107 Investigation of Applicants
- “2108 Examination and Training
- “2109 Temporary Certification
- “2110 Advertisements and Displays
- “2111 Identification Cards and Employee Lists
- “2112 Uniforms
- “2113 Badges, Patches, and Emblems
- “2114 Certification Renewal
- “2115-2119 [Reserved]

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- “2120 Denial, Suspension, and Revocation of Certification
- “2121 Service of Notice
- “2122 Hearings
- “2123 Appeals
- “2124 Security Agency License
- “2125 Issuance, Renewal, and Display of Licenses for Security Agencies
- “2126 Denial, Suspension, and Revocation of Security Agency License
- “2127 Security Agency Bond and Liability Insurance
- “2199 Definitions
- “2100 GENERAL PROVISIONS
- “2100.1 For purposes of this chapter, the term “security officer” means any person privately employed to do any of the following:
- “(a) Prevent the theft, misappropriation, or concealment of goods, wares, merchandise, money, bonds, stock certificates, or other valuable documents, papers, and articles;
  - “(b) Prevent damage to real or personal property;
  - “(c) Prevent assaults, gate-crashing, or other disorders at meetings, events, or performances; or
  - “(d) Prevent similar illegal occurrences.
- “2100.2 The term “security officer” includes the following:
- “(a) Uniformed individuals employed by a security agency or other employer for any of the purposes set forth in § 2100.1; and
  - “(b) Uniformed individuals privately employed as guards, watchpersons, patrol service personnel for specified property, security technicians, security officers, and other similar positions.
- “2100.3 The term “security officer” does not include any of the following:
- “(a) Persons commissioned as special police officers under the second paragraph of the section “FOR METROPOLITAN POLICE” of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes, approved March 3, 1899 (30 Stat. 1057; D.C. Official Code § 5-129.02);
  - “(b) Persons working in their official capacity as employees of the federal government;
  - “(c) Members of the Metropolitan Police Department or the public police force of any other jurisdiction;
  - “(d) Persons working as armored car guards; or
  - “(e) Persons commissioned as campus police officers under the second paragraph of the section “FOR METROPOLITAN POLICE” of An Act

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Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes, approved March 3, 1899 (30 Stat. 1057; D.C. Official Code § 5-129.02), as regulated by Chapter 12 of Title 6A of the District of Columbia Municipal Regulations.

- “2100.4 “Each certification for a security officer issued under this chapter, except temporary certification cards issued under § 2109 and certifications whose expiration dates have been extended under § 2100.5, shall be effective for 2 years. The expiration date shall be shown on the certification.
- “2100.5 If a security officer has been retained by a new security agency or employer for the 90-day transition employment period required by section 3 of the Displaced Workers Protection Act of 1994, effective April 26, 1994 (D.C. Law 10-105; D.C. Official Code § 32-102), training requirements for certification imposed by this chapter shall be tolled for the duration of the 90 days. If a security officer’s certification is scheduled to expire during the 90-day period, the expiration date for the certification shall be extended until 14 days after the expiration of the 90-day period.
- “2100.6 Except as provided in D.C. Official Code § 47-2839a, violation of any provision of this chapter shall be punishable by a fine of up to three hundred dollars (\$300) or by imprisonment for up to ninety (90) days, in addition to the possible denial, suspension, or revocation of certification under the provisions of this chapter.
- “2100.7 The provisions of this chapter shall supersede any other District of Columbia regulations to the extent of any conflict with those regulations.
- “2101 DUTY OF SECURITY AGENCY OR EMPLOYER
- “2101.1 No investigation or certification under this chapter shall relieve any security agency or other employer of the duty to investigate and make its own determination of an applicant’s suitability for employment as a security officer.
- “2101.2 All security agencies and employers have an affirmative duty to supervise security officers in their employ, and any attempt at a contractual limitation of liability shall be null and void.
- “2101.3 In all cases, the liability of the security agency or other employer for the acts of its employees shall be limited to those times when the employee is on duty and to those acts within the scope of the employee’s assignment or employment.
- “2104.4 Failure of a private detective agency or security agency to properly supervise the activities of its employees is grounds for denial or suspension of the agency’s license.
- “2102 ELIGIBILITY REQUIREMENTS – GENERAL
- “2102.1 Application for certification as a security officer shall be made to the Mayor on a form prescribed by the Mayor.

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- “2102.2 Each person applying for certification shall submit to the Mayor, under oath, the information required by this chapter, as well as any other information that the Mayor may require for assistance in determining the applicant’s suitability for certification.
- “2102.3 To be eligible to be certified as a security officer, an applicant, in addition to meeting the other requirements of this chapter, shall:
- “(a) Be at least eighteen (18) years of age;
  - “(b) Either be a United States citizen or have in his or her possession a valid Immigration and Naturalization Service work permit; and
  - “(c) Be able to read, write, and speak the English language.
- “2103 ELIGIBILITY REQUIREMENTS – HEALTH
- “2103.1 Each applicant for certification shall be required to submit a physician’s certificate stating, to the best of the physician’s knowledge after examining the applicant, the following:
- “(a) The applicant is not presently addicted to drugs or alcohol;
  - “(b) The applicant is not suffering from any debilitating mental defect or disorder; and
  - “(c) The applicant is not suffering from serious heart disease, severe epilepsy, or other physical defect which might cause substantial loss of control in situations of severe stress.
- “2103.2 When testing for epilepsy or other physical defects which might involve substantial costs to determine, the doctor may rely upon the sworn statement of the applicant, under oath. The doctor must give his or her affirmation to the same effect.
- “2103.3 In cases where certification is requested concurrent with or as a condition of employment with a security agency or an employer, the security agency or employer shall certify the health of the applicant.
- “2103.4 Each applicant shall be required to pass a drug screening administered by the security agency or employer upon initial application and upon application for certification renewal.
- “2103.5 (a) Security officers shall be subject to reasonable suspicion drug and alcohol testing by the security agency or employer.
- “(b) For the purposes of this section, the term “reasonable suspicion” means the officer is impaired while on duty.
- “2103.6 Security agencies or employers shall immediately notify the Mayor of any unexplained positive tests.
- “2103.7 (a) The certification of a security officer who fails a reasonable suspicion drug or alcohol test shall be summarily revoked.
- “(b) For the purposes of this section, the term “fails” means:

“(1) The officer’s blood contained more than .03%, by weight, of alcohol, or the officer’s urine contained more than .04%, by weight, of alcohol, or that at the time of the test more than .14 micrograms of alcohol were contained in 1 milliliter of his or her breath, consisting of substantially alveolar air; or

“(2) The drug test detected the presence of a controlled substance in the officer’s blood or urine.

“2104

ELIGIBILITY REQUIREMENTS – CRIMINAL CONVICTIONS

“2104.1

(a) A person who is in either of the following categories shall not be eligible for certification as a security officer unless he or she meets the burden of proving to the Office of Administrative Hearings that he or she is not a significant safety risk to the community and meets all other requirements for certification:

“(1) A person who has been released from incarceration for a felony conviction in any jurisdiction in the United States within two (2) years prior to the date of filing an application for certification; or

“(2) A person who has been released from incarceration for a misdemeanor conviction in any jurisdiction in the United States involving larceny or involving the illegal use, carrying, or concealment of a dangerous weapon within one (1) year prior to the date of filing an application for certification.

“(b) The provisions of this section do not preclude a security company from imposing stricter standards or from requiring a longer period of ineligibility for a felony or misdemeanor.

“2104.2

Notwithstanding the provisions of § 2104.1, but subject to the one (1) year limitation in § 2104.3, if the Office of Administrative Hearings does not act upon the application of a person within sixty (60) days after it is filed, the certification shall be made if the applicant meets all other applicable requirements for certification.

“2104.3

Under no circumstances shall a person convicted of a felony be certified or serve as a security officer until one (1) year after release from incarceration resulting directly or indirectly from that conviction.

“2104.4

The Office of Administrative Hearings shall consider the following in determining whether an applicant is a significant safety risk:

“(a) The nature of the crime for which the applicant was convicted and its relationship to the duties and circumstances of employment as a security officer;

“(b) Information pertaining to the degree of rehabilitation of the applicant since the crime, including formal work experience or participation in vocational training, educational attainment, and family support;

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- “(c) The time elapsed since the conviction; and
- “(d) Other evidence of personal motivation, including community volunteer work and character references.

“2105 ELIGIBILITY REQUIREMENTS – CRIMINAL HISTORY

“2105.1 No person shall be certified or employed as a security officer, nor shall an existing security officer have his or her certification renewed, until the Mayor has conducted a criminal history check of the applicant through the record systems of the Federal Bureau of Investigation and the Metropolitan Police Department.

“2105.2 In evaluating an application for a security officer certification, the Mayor shall consider:

- “(a) An applicant’s conviction history;
- “(b) Any court finding of the applicant’s mental incompetence that has not been removed or expunged;
- “(c) An applicant’s history of criminal traffic offenses;
- “(d) The bearing, if any, the criminal offense for which the person was previously convicted will have on his or her fitness or ability to perform one or more duties or responsibilities of a security officer;
- “(e) The time that has elapsed since the occurrence of the criminal offense or court finding of mental incompetence;
- “(f) The age of the applicant at the time of the occurrence of the criminal offense or court finding of mental incompetence;
- “(g) The frequency and seriousness of the criminal offense; and
- “(h) Any information produced by the applicant, or produced on his or her behalf, in regard to his or her rehabilitation and good conduct since the occurrence of the criminal offense or court finding of mental incompetence.

“2105.3 If a security officer is arrested, the security officer shall report the arrest to the Mayor within two (2) business days. The certification of the security officer shall be suspended immediately, and the security agency shall be notified of such suspension immediately, pending further disposition. If a security officer fails to report an arrest as required, the security officer’s certification shall be summarily revoked.

“2105.4 The Mayor shall conduct random criminal history checks of security officers through the record systems of the Metropolitan Police Department. The certification of any security officer whose record indicates an unreported arrest or conviction shall be summarily revoked, and the security agency shall be notified of the revocation immediately. The certification of any security officer whose record indicates an outstanding warrant shall be suspended immediately, and the

- security agency shall be notified of the suspension immediately, pending further disposition.
- “2105.5 Notwithstanding any other law or regulation, the information obtained from criminal history checks conducted pursuant to this chapter considered by the Mayor shall not be limited by the date of the offense nor shall the information obtained and considered be limited to arrests resulting in conviction.
- “2106 PHOTOGRAPHS AND FINGERPRINTS
- “2106.1 Each applicant for certification shall submit with his or her application four (4) recent, identical, full-face photographs of the applicant, one inch by one and one-half inches (1" x 1½ ") in size, taken not more than three (3) months prior to the date of application.
- “2106.2 Each applicant for certification shall furnish the Mayor with three (3) sets of the applicant's fingerprints.
- “2106.3 Fingerprints shall be taken by the Mayor, shall become part of the certification application, and shall be compared and recorded by the Mayor.
- “2106.4 At the time fingerprints are taken by the Mayor, each applicant shall be advised in writing of eligibility requirements pertaining to an applicant's criminal history.
- “2107 INVESTIGATION OF APPLICANTS
- 2107.1 As promptly as possible after an application is submitted, the Mayor shall submit fingerprints of the applicant for comparison and record checks to the Federal Bureau of Investigation and to other authorities that the Mayor may deem advisable.
- “2107.2 The Mayor may make any other investigation of the applicant that the Mayor determines to be relevant.
- “2107.3 The Mayor shall report the results of each investigation to the security agency or employer within one (1) week, excluding weekends and holidays, after the results have been received.
- “2108 EXAMINATION AND TRAINING
- “2108.1 When a person applies for certification, the Mayor shall supply the applicant with a brief synopsis of relevant statutes and regulations, and a clear statement of the powers and limitations of a security officer in the District, including a statement of possible penalties, as set forth in § 2100.6, for noncompliance with relevant regulations.
- “2108.2 Upon satisfactory completion of the investigations and determinations required by this chapter, applicants for certification shall be required to pass an examination given by the Mayor to test their security-related knowledge and their understanding of a security officer's powers, limitations, and duties.

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- “2108.3 The examination fee for the examination required by § 2108.2 shall be established by the Mayor. The fee is not refundable.
- “2108.4 To qualify for certification as a security officer, an individual shall meet the eligibility and training requirements established in this chapter, and be an employee or an applicant for employment with a security firm.
- “2108.5 On receipt from an applicant for certification as a security officer, a security firm shall forward to the Mayor the applicant’s application form, fingerprint cards, and certification that the applicant has completed the training as required in this section. For initial and renewal certifications, the security agency shall also submit a non-refundable application fee established by the Mayor that includes the cost of the fingerprint card and record checks. The application fee, pre-assignment, on-the-job, and in-service training and cost of records check shall be paid in full by the applicant’s employer or prospective employer and in no circumstance shall such costs be deducted from the employee’s pay.
- “2108.6 After receipt of an application, the Mayor shall submit, or cause to have submitted, to the Federal Bureau of Investigation, the fingerprint card submitted by the applicant for the purpose of a criminal background check.
- “2108.7 Security officers shall be required to satisfactorily complete pre-assignment, on-the-job, and in-service training programs which have been prescribed and approved by the Mayor.
- “2108.8 Pre-assignment training shall include at least 24 hours of training generally relating to the security officer’s duties and specifically including:
- “(a) Terrorism awareness, including building evacuation, unattended packages, and unknown substances;
  - “(b) Emergency procedures, including evacuation and first-aid; and
  - “(c) Customer service and interaction with tourists.
- “2108.9 Security officers shall satisfactorily complete a 16-hour, on-the-job training course within ninety (90) working days following employment, and an 8-hour annual in-service training course.
- “2108.10 Upon satisfactory completion of a required training course, a security officer shall receive from his or her employer a certificate evidencing satisfactory completion thereof.
- “2108.11 Nothing herein shall be construed to prohibit a security agency from voluntarily providing training programs and courses which exceed the minimum requirements of this chapter.
- “2108.12 The training requirements established by this section shall not apply until July 1, 2007.
- “2109 TEMPORARY CERTIFICATION

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- "2109.1 Persons eighteen (18) years old or older who meet the requirements set forth in §§ 2102, 2103, and 2106 may be issued a temporary certification card which shall contain on its face an expiration date that is not later than six (6) weeks after the date of issuance.
- "2109.2 Each temporary certification card shall have inscribed conspicuously across its face the word "TEMPORARY."
- "2019.3 If certification is neither granted nor denied by the designated expiration date, the applicant shall be entitled to a new temporary certification card.
- "2110 ADVERTISEMENTS AND DISPLAYS
- "2110.1 Every security agency that advertises its business to the public, and every person, firm, or corporation licensed as a private detective agency under Chapter 20 of this title, that provides private detective services for a fee or other consideration, and that advertises its business to the public, shall include its license number in each advertisement.
- "2110.2 No person shall attach to his or her personal motor vehicle any sign, plate, insignia, or other designation identifying the driver or owner as a security officer. This shall not prevent the placement of this type of identification on any car owned, leased, or otherwise used in the business of any agency or employer.
- "2111 IDENTIFICATION CARDS AND EMPLOYEE LISTS
- "2111.1 Upon certification by the Mayor and payment of a five dollar (\$5) fee, each security officer shall receive an identification card containing a photograph of the security officer, the name and business address of the officer's employer, and a statement that the bearer is not a police officer and only has the powers of an ordinary citizen.
- "2111.2 The identification card shall be carried on the person of the security officer whenever he or she is engaged in his or her duties and shall be exhibited upon request to any person with whom the security officer may come in contact in the performance of his or her duties.
- "2111.3 Each security officer shall take due care to prevent his or her identification card from falling into the possession of any unauthorized person.
- "2111.4 If the identification card is lost or destroyed, a duplicate card shall be issued by the Mayor upon payment of a three dollar (\$3) fee.
- "2111.5 Upon termination of the security officer's service, he or she shall return the identification card to the Mayor within forty-eight (48) hours, excluding weekends and holidays.
- "2111.6 If a security officer takes employment with another security agency or employer, a new identification card shall be issued upon payment of a one dollar (\$1) fee.
- "2111.7 The Mayor shall collect information and maintain, on a current basis, a registry of all security officers and applicants for security officer employment in the

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District of Columbia. The registry shall include:

- “(a) The name, address, and date of birth of each security officer or applicant;
- “(b) Whether an identification card has been issued, denied, suspended, revoked, or expired;
- “(c) The security guard company or companies by whom the security officer is or has been employed or has applied for employment; and
- “(d) Such other information as the Mayor may require; provided, that if the registry or other security officer database includes criminal history information, that criminal history information shall not be made available to the public.

“2111.8 Each security agency which employs security officers shall transmit to the Mayor, no later than the 15<sup>th</sup> day of January following the effective date of the Enhanced Professional Security Amendment Act of 2006 passed on 2<sup>nd</sup> reading on July 11, 2006 (Enrolled version of Bill 16-102), a list that shall include the information required in § 2111.7, and such other information as the Mayor may require; provided, that in no case shall the registry required under § 2111.7 or other security officer database include criminal history information. Following submission of the initial list, each security agency shall submit to the Mayor the name of each security officer employed or who has retired or been resigned or whose employment as a security officer is terminated for any reason, no later than the 15<sup>th</sup> calendar day following such employment, retirement, resignation, or termination, and, in the instance of newly appointed security officers, shall include all the information required to be furnished by this section.

“2111.9 Any person shall have timely access to information contained in the registry, but limited to the following information with respect to security officers or applicants:

- “(a) Name;
- “(b) Date of birth;
- “(c) Employment history; and
- “(d) Status of certification.

“2111.10 The Mayor shall continue to maintain in the registry the information required for each security officer or applicant by this section for a period of no less than 10 years following the security officer’s termination, revocation, resignation, retirement, or failure to be hired or renewed, at which time the Mayor shall destroy the information.

“2112 UNIFORMS

“2112.1 Each security officer certified under this title, including each person commissioned as a special police officer under the second paragraph of the section entitled “FOR METROPOLITAN POLICE” in An Act Making

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- appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes, approved March 3; 1899 (30 Stat. 1057; D.C. Official Code § 5-129.02), shall wear a uniform approved by the Mayor which is distinctly different from the uniform of the Metropolitan Police Department.
- “2112.2 Minimum requirements for the uniform are a white uniform cap or a cap covered with a white cap cover and a uniform outer garment, such as a shirt, blouse, jacket, or overcoat. The outer garment shall have the patches and badges required under § 2113 clearly visible at all times.
- “2112.3 White caps or caps covered by white cap covers shall be worn at all times by security officers during performance of duties involving crowd control at special events.
- “2112.4 Each security officer shall take due care to prevent his'or her uniform from falling into the possession of any unauthorized person.
- “2113 BADGES, PATCHES, AND EMBLEMS
- “2113.1 No security officer shall wear or carry a metal or metallic-appearing badge.
- “2113.2 A distinctive cloth badge worn on a security officer's left breast is permitted if the prior written permission of the Mayor is obtained.
- “2113.3 Notwithstanding the corporate name of the security agency, the words “police,” “United States,” and “District of Columbia,” or abbreviations of those words, and the seals or insignias of the United States and the District of Columbia shall not be used on any badge, patch, emblem, or uniform.
- “2113.4 Uniforms bearing emblems and patches that meet the following requirements and restrictions shall be approved by the Mayor and shall be worn by security officers:
- “(a) Shoulder shall be red in color, bear the name of the employer or security agency, and shall have white, clearly legible lettering;
  - “(b) The name of the security agency or employer shall be spelled out in full on the patches;
  - “(c) Initials shall not be allowed, and abbreviations are permissible only with the prior written permission of the Mayor;
  - “(d) Patches may bear a security agency or employer design insignia which has been approved in writing by the Mayor;
  - “(e) Patches shall be of half-moon design;
  - “(f) Patches shall be three inches (3") high by five inches (5") wide;
  - “(g) A patch shall be worn on each shoulder of a shirt, blouse, jacket, or overcoat; and
  - “(h) A patch bearing the words “Security Officer” shall be worn on the right breast. This patch shall be four and one-half inches

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- (4½") long and one inch (1") high. This patch shall be red with white lettering.
- "2113.5 An employee may wear an appropriate designation of his or her rank (such as sergeant) on either or both sleeves. Chevrons shall be red in color with white piping. If the employee is of officer rank, he or she may wear the appropriate emblem on the collar or shoulders of the uniform shirt, jacket, or blouse.
- "2113.6 The word "INSPECTOR," or an abbreviation of that word, shall not appear on any badge, patch, emblem, or uniform.
- "2113.7 A non-metal cap ornament that does not have a metallic appearance may be worn. It may carry the rank of the employee and shall bear the name of the security agency or employer.
- "2113.8 Any deviation from the requirements of §§ 2113.4, 2113.5, 2113.6, or 2113.7 shall require the prior written approval of the Mayor.
- "2113.9 The provisions of §§ 2113.4, 2113.5, 2113.6, and 2113.7 apply only to security officers. No other uniformed security personnel licensed, commissioned, or certified by the District shall wear badges, patches, or emblems that are red with white lettering, or that are not readily discernible from those badges, patches, and emblems.
- "2113.10 Each security officer shall take due care to prevent his or her badges, patches, and emblems from falling into the possession of any unauthorized person.
- "2114 CERTIFICATION RENEWAL.
- "2114.1 A security officer shall be required to apply for a renewal certification of his or her license biannually.
- "2114.2 A security officer shall not be required to repeat the examination under § 2108.2 for license renewal.
- "2114.3 For each license renewal, the Mayor shall update all background checks, especially the investigations for criminal convictions.
- "2114.4 A security officer may continue to work while awaiting notification of acceptance or denial of renewal certification.
- "2114.5 When granted, a renewal certification shall be dated as of the expiration date of the previously existing certification.
- "2120 DENIAL, SUSPENSION, AND REVOCATION OF CERTIFICATION
- "2120.1 Certification of a security officer shall be subject to denial, suspension, or revocation for any of the following reasons:
- "(a) Material misstatement in the license application;
  - "(b) Violation of requirements pertaining to identifications cards, uniforms, badges, advertising, and displays as set forth in §§ 2110, 2111, 2112, and 2113;
  - "(c) Failure or refusal to comply with any statute or regulation governing

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security officers, or the willful and fraudulent circumvention of any statute or regulation;

“(d) Conviction of a felony while employed as a security officer; provided, that denial, suspension, or revocation for this reason shall not prevent a person from reapplying for certification;

“(e) Conviction for a misdemeanor involving theft, fraudulent conduct, assault, or false arrest or imprisonment;

“(f) Conviction of any offense arising out of or based on employment as a security officer which involved a breach of trust or an invasion of privacy; or

“(g) Carrying a deadly weapon, handcuffs, or an aerosol chemical dispenser in the course of employment. This does not prohibit the carrying of a night stick constructed solely of wood.

“2120.2 Whenever the Mayor proposes to deny, suspend, or revoke a certification under this chapter, notice shall be given to the applicant or security officer.

“2120.3 Each notice issued under § 2120.2 shall be in writing and shall be signed by the Mayor.

“2120.4 Each notice shall state or contain the following:

“(a) The facts constituting each violation or other basis for the action proposed;

“(b) Where applicable, each statutory provision or regulation violated or not complied with;

“(c) The nature of the adverse action proposed in the matter;

“(d) A statement advising the applicant or security officer that he or she is entitled to a full hearing, if requested, in which the Mayor’s action may be reversed; and

“(e) Information about the time and manner in which an appeal must be filed.

“2121 SERVICE OF NOTICE

“2121.1 Each notice issued under § 2120 shall be served upon the applicant or security officer in the manner prescribed in this section.

“2121.2 Notice shall be deemed to have been served upon the person to whom it is directed when a copy of it has been served by one of the following means:

“(a) Personally delivering a copy to the person named in the notice;

“(b) Leaving a copy at the address stated on the certification or application with a person over sixteen (16) years of age who is employed at or is a resident of that address; or

“(c) Mailing a copy by certified mail, postage prepaid, to the address stated on the certification or application, which is not returned undelivered by the postal authorities, except as provided in § 2121.3.

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- “2121.3 If a notice mailed as authorized by § 2121.2(c) is returned by the postal authorities because the addressee refused to accept delivery, it shall be deemed to have been served on the addressee on the date of that refusal.
- “2122 HEARINGS
- “2122.1 A person on whom notice has been served pursuant to § 2120 and § 2121 may file a written demand for a hearing with the Office of Administrative Hearings.
- “2122.2 If notice was served personally, the demand for hearing shall be filed within twenty (20) calendar days from the date on which the notice was served.
- “2122.3 If the notice was served other than personally, the demand for hearing shall be filed within twenty-four (24) calendar days from the date on which it was served (including the date it was mailed, if served in accordance with § 2121.2(c)).
- “2122.4 Filing the demand for hearing shall not in itself stay enforcement of the action of the Mayor.
- “2122.5 The Mayor may grant, or the Office of Administrative Hearings may order, a stay upon appropriate terms.
- “2122.6 Each applicant or security officer shall be entitled to a hearing within twenty-one (21) days of demand.
- “2122.7 Each hearing shall provide full procedural safeguards to the officer or applicant, including the right to be represented by his or her own legal counsel and the right to confront and cross-examine witnesses.
- “2122.8 A record shall be kept of the proceedings of each hearing.
- “2123 APPEALS
- “2123.1 If the Office of Administrative Hearings upholds the denial, suspension, or revocation of certification, the applicant or security officer may seek review of the order by filing an appeal with the District of Columbia Court of Appeals.
- “2123.2 The appeal shall be filed with the Court of Appeals within the time limit prescribed by court rules.
- “2123.3 Filing of the appeal shall not in itself stay enforcement of the action of the Mayor or the order of the Office of Administrative Hearings.
- “2123.4 The Mayor may grant, or the Office of Administrative Hearings or the Court of Appeals may order, a stay upon appropriate terms.
- “2124 SECURITY AGENCY LICENSE
- “2124.1 Except as otherwise provided in this chapter, an individual or a firm shall be licensed by the Mayor as a security agency before the individual or firm may conduct or solicit to engage in a business that provides security services in the District of Columbia.
- “2124.2 An individual or a firm may qualify for a license as a security agency. If the applicant is a firm, the firm shall appoint a firm member as the representative member to make the application on behalf of the firm.

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- "2124.3 No applicant shall be licensed as a security agency unless the Chief of Police of the Metropolitan Police Department, or his or her designee, certifies to the Mayor that the Chief of Police approves of the issuance of the license.
- "2124.4 Each individual or firm applying for a license shall submit to the Mayor, under oath, any information that the Mayor may require to assist in determining whether granting the license will be in the public interest.
- "2124.5 Application for a license to engage in business as a security agency shall be made to the Mayor on a form prescribed by the Mayor, to include the documents required by this chapter, and shall be accompanied by the license fee required by law.
- "2124.6 An applicant for a security agency license shall pay to the District an application fee of \$500, if the applicant is an individual, or \$1,000, if the applicant is a firm.
- "2124.7 If the applicant is an individual, the application form provided by the Mayor shall require the name of the applicant, the age of the applicant, the address of the applicant, and the current and previous employment of the applicant.
- "2124.8 If the applicant is a firm, the application form provided by the Mayor shall require a list of all of the firm members, and for each firm member, the same information required regarding an individual applicant under § 2124.7.
- "2124.9 For all applicants, the application form shall require:
- "(a) The address of the applicant's proposed principal place of business and of each proposed branch office;
  - "(b) Any trade or fictitious name that the applicant intends to use while conducting the business of the security agency;
  - "(c) The submission of a facsimile of any trademark that the applicant intends to use while conducting the business of the security agency; and
  - "(d) As the Mayor considers appropriate, any other information to assist in the evaluation of an individual applicant, or if the applicant is a firm, any firm member.
- "2124.10 If the applicant is an individual, the application form shall be signed, under oath, by the individual. If the applicant is a firm, the application form shall be signed, under oath, by the representative member, as the representative member, and by all the other firm members.
- "2124.11 An applicant for a license shall submit with the application form a bond in accordance with the requirements of this chapter.
- "2124.12 An applicant for a license who intends to employ at least five (5) individuals as security guards shall submit with the application proof of liability insurance, as required under this chapter.

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“2125 ISSUANCE, RENEWAL, AND DISPLAY OF LICENSES FOR SECURITY AGENCIES

“2125.1 The Mayor shall issue a 2-year license to each applicant for a security agency license who meets the requirements of this chapter.

“2125.2 Each security agency license shall include:

- “(a) A certificate stating the full name of the licensee;
- “(b) The location of the principal office and of each branch office of the licensed security agency;
- “(c) The date of issuance of the license;
- “(d) The date on which the license expires; and
- “(e) The name and address of the representative member, if the licensee is a firm.

“2125.3 While a security agency license is in effect, it authorizes the licensee to:

- “(a) Conduct a business that provides security officer services for compensation or for hire;
- “(b) Maintain an office for the conduct of business at each location stated in the security agency license certificate;
- “(c) Employ certified individuals as security personnel to provide security officer services to the public on behalf of the licensee; and
- “(d) Represent the licensee to the public as a licensed security agency.

“2125.4 Unless a security agency license is renewed for a 2-year term as provided in this section, the license expires on the date the Mayor sets.

“2125.5 At least one month before a security agency license expires, the Mayor shall mail to the licensee, at the last known address of the licensee, a renewal application form, and a notice that states:

- “(a) The date on which the current license expires;
- “(b) That the Mayor must receive the renewal application and the statements required under this chapter at least fifteen (15) days before the license expiration date for the renewal to be issued and mailed before the license expires;
- “(c) The amount of the renewal fee;
- “(d) That, if the statements required under this chapter are not received at least 15 days before the license expiration date, a fee of \$10 per day shall be charged against the licensee until the statements are received; and
- “(e) That the submission of a false statement in the renewal application or in the annual statements is cause for revocation of the license.

“2125.6 A security agency licensee periodically may renew the license for an additional 2-year term, if the licensee:

- “(a) Otherwise is entitled to be licensed;

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- “(b) Pays to the District a renewal fee of \$250, if the licensee is an individual, or \$500, if the licensee is a firm, along with any late fee required under this chapter; and
  - “(c) Submits to the Mayor a renewal application on a form that the Mayor provides, along with the statements required under this chapter.
- “2125.7 The Mayor shall renew the security agency license of each licensee who meets the requirements of this section.
- “2125.8 If the Mayor does not receive the documents required under this section at least fifteen (15) days before the license expiration date, the Mayor shall charge the licensee a late fee of \$10 per day until the documents are received.
- “2126 DENIAL, SUSPENSION, AND REVOCATION OF SECURITY AGENCY LICENSE
- “2126.1 The Mayor may deny a security agency license to any individual or firm, reprimand any licensed security agency, fine any licensed security agency, or suspend or revoke a security agency’s license if the applicant or licensee engages in any of the following:
- “(a) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
  - “(b) Fraudulently or deceptively uses a license;
  - “(c) Aids an individual to obtain or to attempt to obtain fraudulently or deceptively certification under this title as a security officer;
  - “(d) While not licensed, solicits to engage in or willfully engages in a business providing security officer services in the District;
  - “(e) While not licensed, willfully advertises as a security agency or of the provision of security officer services;
  - “(f) Willfully makes a false statement or misrepresentation that an individual is or was in the employ of the applicant or licensee;
  - “(g) Willfully makes a false statement or misrepresentation in any renewal application, in any annual statement, or in any other report or document required to be submitted;
  - “(h) Fails to notify the Mayor about any change among the security agency members or in the address of the principal office or any branch office of a licensee;
  - “(i) Fails to maintain a bond as required by this chapter;
  - “(j) Fails to maintain the liability insurance required under this chapter;
  - “(k) Fails to adequately supervise and train its security officer employees to the extent that the public health or safety is at risk or in violation of the training required by this chapter; or
  - “(l) Commits any other violation under this chapter.

- "2126.2 For purposes of this section, an act or omission of any principal, agent, or employee of an applicant or licensee may be construed to be the act or omission of the applicant or licensee, as well as of the principal, agent, or employee.
- "2126.3 When the Mayor finds any violation specified in this section, he or she may do one or more of the following:
- "(a) Deny an initial or renewal application;
  - "(b) Issue a reprimand;
  - "(c) Impose an administrative fine not to exceed \$1,000 for every count or separate offense;
  - "(d) Place the licensee on probation for a period of time and subject to such conditions as the Mayor may specify; or
  - "(e) Suspend or revoke the license.
- "2126.4 Whenever the Mayor proposes to deny, suspend, or revoke a license, or impose an administrative fine under this chapter, notice shall be given to the applicant or security agency in accordance with the procedures set forth in §§ 2120 and 2121 for an applicant for certification as a security officer or a security officer, and the applicant for a security agency license or a security agency shall be afforded the opportunity for an administrative hearing and the right to appeal in accordance with the procedures set forth in §§ 2122 and 2123 for an applicant for certification as a security officer or a security officer.
- "2126.5 In addition to, or in lieu of, the penalties and sanctions provided in this chapter, the Mayor may issue an order to any person or firm engaged in any activity, conduct, or practice constituting a violation of any provision of this chapter, directing such person or firm to forthwith cease and desist from such activity, conduct, or practice.
- "2126.6 If the person or firm to whom the Mayor directs a cease and desist order does not cease and desist within three (3) working days from service of the order, the District may seek, in any court of competent jurisdiction and proper venue, a writ of injunction enjoining such a person or firm from engaging in any activity, conduct, or practice prohibited by this chapter.
- "2126.7 Upon a proper showing by the Mayor that such a person or firm has engaged in any activity, conduct, or practice prohibited by this chapter, the court shall issue a temporary restraining order restraining the person or firm from engaging in unlawful activity, pending a hearing on a preliminary injunction, and in due course a permanent injunction shall be issued after a hearing, commanding the cessation of the unlawful activity.
- "2127 SECURITY AGENCY BOND AND LIABILITY INSURANCE
- "2127.1 Subject to this section, an applicant for a security agency license shall execute a bond that is conditioned on the faithful and honest conduct of the applicant and

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runs to the District for the benefit of any person injured by any wrongful act of the applicant that is willful or malicious.

“2127.2 The applicant shall submit the bond to the Mayor with the security agency license application.

“2127.3 The amount of the bond required by this section shall be at least \$50,000 if the applicant is an individual, or \$100,000 if the applicant is a firm. The total liability of the surety to all insured persons under the bond may not exceed the penal sum of the bond.

“2127.4 A security agency licensee shall keep in effect at all times a bond that meets the requirements of this section.

“2127.5 If a security agency licensee’s bond is canceled, forfeited, or terminated by the surety, the surety immediately shall notify the Mayor. If a surety fails to notify the Mayor as required by this section, the bond shall continue in effect until the notice is given to the Mayor.

“2127.6 A security agency that employs five (5) or more individuals as security officers shall maintain general liability insurance in an amount not less than \$250,000 per occurrence and \$600,000 in the aggregate, and submit proof of the required insurance to the Mayor.

“2127.7 No security agency license may be issued to an applicant, nor may a security agency license be renewed unless the applicant or security agency has submitted proof that the insurance requirements of this section have been met.

“2199 DEFINITIONS

“2199.1 The following definitions shall apply to terms used in this chapter:

“Campus security department - A division of a university campus that provides security services for the protection of students, faculty, staff, and visitors while they are on campus.

“Certification - The permission that must be granted by the Mayor before a person can lawfully be employed as a security officer in the District of Columbia.

“Certification card - A card issued by the Mayor to an individual certified as a security officer.

“Chief of Police - The Chief of the Metropolitan Police Department of the District of Columbia or his or her designated agent.

“Employer - Unless the context implies otherwise, a person, firm, corporation, or other private organization providing security services exclusively in connection with the affairs of the one business organization that employs them.

“Firm - A partnership, corporation, or other private entity employing security personnel.

“Firm member - A partner of a partnership, or an officer or secretary of a corporation, or a director of a private entity employing security personnel.

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“License - Unless the context requires otherwise, a license issued by the Mayor to conduct a business to provide security services.

“Licensed security agency - A person or entity that is licensed by the Mayor to conduct a business that provides security services.

“Mayor - The Mayor of the District of Columbia or the Mayor's agent or designee.

“Private detective agency - A person, firm, or corporation which is licensed as a private detective agency under D.C. Official Code § 47-2839 and Chapter 20 of this title to provide private detective services for a fee or other consideration.

“Security agency - A person or entity who conducts a business that provides security services.

“Security services - Any activity that is performed for compensation by a security officer or special police officer to protect an individual or property, except as otherwise provided in this chapter.

“Supervision – Release from incarceration, and the conclusion of any court-ordered parole, probation, or supervision.

Sec. 205. The Manual of the Metropolitan Police Department of the District of Columbia, issued January 14, 1972 (Reg. 72-2; 6A DCMR § 1100 *et seq.*), is amended as follows:

(a) Section 11.5 (6A DCMR § 1100.7) is amended by striking the phrase “and shall be approved for appointment by the Chief of Police” and inserting the phrase “shall be approved for appointment by the Chief of Police, shall possess a high school diploma or a general equivalency diploma, or one year of experience as a special police officer in the District of Columbia, shall be able to read, write, and speak the English language, and shall be certified by a licensed physician as physically and psychologically fit to perform the duties of a special police officer” in its place.

(b) New sections 11.5:1 through 11.5:6 are added to read as follows:

“11.5:1 An applicant who has been dishonorably discharged from the military shall be ineligible to be commissioned as a special police officer.

“11.5:2 Special police officers shall be required to satisfactorily complete pre-assignment, on-the-job, and in-service training programs which have been prescribed and approved by the Mayor.

“11.5:3 Pre-assignment training shall include at least sixteen (16) hours of training on arrest powers, search and seizure laws, the District of Columbia Official Code, and the use of force. Pre-assignment training shall include an additional twenty-four (24) hours of training generally relating to the special police officer's duties and specifically including:

“(a) Terrorism awareness, including building evacuation, unattended packages, and unknown substances;

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“(b) Emergency procedures, including evacuation and first-aid; and

“(c) Customer service and interaction with tourists.

“11.5:4 Special police officers shall satisfactorily complete a 16-hour, on-the-job training course within ninety (90) working days following employment, and an 8-hour annual in-service training course.

“11.5:5 Special police officers shall also satisfy all additional initial and re-qualification training standards for firearms and other equipment, as applicable.

“11.5:6 Nothing herein shall be construed to prohibit a security agency from voluntarily providing training programs and courses which exceed the minimum requirements of this chapter. Upon satisfactory completion of a required training course, a special police officer shall receive from his or her employer a certificate evidencing satisfactory completion thereof.”

(c) New sections 11.11:1 through 11.11:8 are added to read as follows:

“11.11:1 No person shall be commissioned or employed as a special police officer, nor shall an existing special police officer have a commission renewed, until the Mayor has conducted a criminal history check of the applicant through the record systems of the Federal Bureau of Investigation and the Metropolitan Police Department

“11.11:2 An applicant shall be ineligible to be commissioned as a special police officer if that applicant has ever been convicted of, pled guilty or nolo contendere to, or been given probation before judgment for any offense in any jurisdiction that would be a crime of violence, as defined in D.C. Official Code § 23-1331(4), if committed in the District of Columbia.

“11.11:3 If an applicant has ever been convicted of, pled guilty or nolo contendere to, or been given probation before judgment for any offense, other than a crime of violence, as defined in D.C. Official Code § 23-1331(4), in any jurisdiction that would be a felony if committed in the District of Columbia, the applicant shall be ineligible to be commissioned as a special police officer for 10 years following the applicant’s release from incarceration and the conclusion of any court-ordered parole, probation, or supervision relating to that offense.

“11.11:4 If an applicant has ever been convicted of, pled guilty or nolo contendere to, or been given probation before judgment for any offense, other than a crime of violence, as defined in D.C. Official Code § 23-1331(4), or traffic offense, in any jurisdiction that would be a misdemeanor if committed in the District of Columbia, the applicant shall be ineligible to be commissioned as a special police officer for 5 years following the applicant’s release from incarceration and the conclusion of any court-ordered parole, probation, or supervision relating to that offense.

“11.11:5 In evaluating an application for a special police officer commission, the Mayor shall also consider:

“(a) An applicant’s arrest history;

“(b) An applicant’s conviction history;

“(c) Any court finding of an applicant’s mental incompetence that has not been removed or expunged;

“(d) An applicant’s history of criminal traffic offenses;

“(e) The bearing, if any, the criminal offense for which the person was previously convicted will have on his or her fitness or ability to perform one or more duties or responsibilities of a special police officer;

“(f) The time that has elapsed since the occurrence of the criminal offense or court finding of mental incompetence;

“(g) The age of the applicant at the time of the occurrence of the criminal offense or court finding of mental incompetence;

“(h) The frequency and seriousness of the criminal offense; and

“(i) Any information produced by the applicant, or produced on his or her behalf, in regard to his or her rehabilitation and good conduct since the occurrence of the criminal offense or court finding of mental incompetence.

“11.11:6 If a special police officer is arrested, the special police officer shall report the arrest to the Mayor within two (2) business days. The commission of such special police officer shall be suspended immediately, and the security agency shall be notified of such suspension immediately, pending further disposition. If a special police officer fails to report an arrest as required, the special police officer’s commission shall be summarily revoked.

“11.11:7 The Mayor shall conduct random criminal history checks of special police officers through the record systems of the Metropolitan Police Department. The commission of any special police officer whose record indicates an unreported arrest or conviction shall be summarily revoked, and the security agency shall be notified of such revocation immediately. The commission of any special police officer whose record indicates an outstanding warrant shall be suspended immediately, and the security agency shall be notified of such suspension immediately, pending further disposition.

“11.11:8 Notwithstanding any other law or regulation, the information obtained from criminal history checks conducted pursuant to this chapter and considered by the Mayor shall not be limited by the date of the offense nor shall the information obtained and considered be limited to arrests resulting in conviction.”

(d) New sections 11.15:1 through 11.1:8 are added to read as follows:

“11.15:1 No investigation or commission under this chapter shall relieve any security agency or other employer of the duty to investigate and make its own determination of an applicant's suitability for employment as a special police officer.

“11.15:2 All security agencies and employers have an affirmative duty to supervise special police officers in their employ, and any attempt at a contractual limitation of liability shall be null and void.

“11.15:3 In all cases, the liability of the security agency or other employer for the acts of its employees shall be limited to those times when the employee is on duty and to those acts within the scope of the employee's assignment or employment.

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“11.15:4 Failure of a private detective agency or security agency to properly supervise the activities of its employees is grounds for denial or suspension of the agency's license.

“11.15:5 Each special police officer applicant shall be required to pass a drug screening administered by the security agency or employer upon initial application and upon application for commission renewal.

“11.15:6 Special police officers shall be subject to reasonable suspicion drug and alcohol testing by the security agency or employer.

“11.15:7 Security officer agencies or employers shall immediately notify the Mayor of any unexplained positive tests.

“11.15:8 The commission of a special police officer who fails a reasonable suspicion drug or alcohol test shall be summarily revoked.”.

(e) Special police officers subject to regulation under The Manual of the Metropolitan Police Department of the District of Columbia, issued January 14, 1972 (Reg. 72-2; 6A DCMR § 1100 *et seq.*), as amended by the College and University Campus Security Amendment Act of 1995, effective October 18, 1995 (D.C. Law 11-63; 6A DCMR § 1200 *et seq.*), shall be exempt from the provisions of this section.

Part B

Sec. 221. Section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)), is amended as follows:

Amend § 1-523.01

- (a) Paragraph (43) is amended by striking the word “and” at the end.
- (b) Paragraph (44) is amended by striking the period and inserting the phrase “; and” in its place.
- (c) A new paragraph (45) is added to read as follows:  
“(45) Security Officer Advisory Commission.”.

TITLE III

Sec. 301. This act shall be subject to the availability of appropriations.

Sec. 302. 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)).

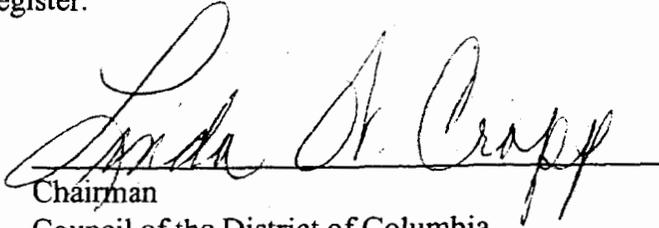
Sec. 303. Effective date.

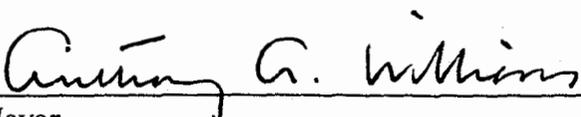
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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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  
JULY 25, 2006

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AN ACT

D.C. ACT 16-466

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 25, 2006

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Fall  
Supp.

West Group  
Publisher

To approve the Northwest One Redevelopment Plan and authorize the Mayor to exercise eminent domain authority in the area bounded by North Capitol Street, N.E., K Street, N.E., New Jersey Avenue, N.E., and New York Avenue, N.E.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Northwest One / Sursum Corda Affordable Housing Protection, Preservation and Production Act of 2006".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Human Capital Plan" means the planning and budget estimates in the NW1 Redevelopment Plan for the 6 programmatic priorities emphasized by community stakeholders, including economic opportunity, education and recreation for all ages, safety and security, physical and mental health, senior programming, and community-based technology.

(2) "Master Plan" means the proposed improvements in the NW1 Redevelopment Plan for housing, public facilities, urban design, parks and open space, and transportation, including creation of a mixed-income community of more than 1,600 housing units, construction of a new consolidated public school to replace Walker Jones Elementary School and Terrell Junior High School, construction of a new community recreation center, plans for a new 5,000 square foot library, and a new health clinic to replace the existing Walker Jones Health Clinic.

(3) "Northwest One New Communities Project Area" ("NOCPA") means the area bounded by North Capitol Street, N.E., K Street, N.W., New Jersey Avenue, N.W., and New York Avenue, N.W. in Washington, D.C.

(4) "Northwest One Redevelopment Plan" ("NW1 Redevelopment Plan") means the redevelopment plan for the NOCPA that includes a Master Plan for the physical redevelopment of the NOCPA and a Human Capital Plan.

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Sec. 3. Findings.

The Council finds that:

(1) The Northwest One New Communities Project Area ("NOCPA") is an area that suffers certain community-wide structural problems that have inhibited private sector attempts to revitalize properties in the NOCPA such as defective or inadequate street layout, and aging and inadequate infrastructure that is insufficient to service the property uses in the NOCPA, including:

- (A) Faulty storm and sewer drainage facilities and deteriorated roads;
- (B) Property lot configurations and sizes that limit the adequacy, accessibility, and usefulness of common areas, parks, open spaces, and other green spaces; and
- (C) Inadequate integration of public and private property usage in the area;

(2) Along with a failure to coordinate the spatial arrangement of improvements and open spaces, these problems have produced a community characterized by structures of obsolete design with open spaces that facilitate illegal activity rather than community interaction and increased security;

(3) These factors, among others, have contributed to physical and economic conditions conducive to the development or transmission of disease, ill health, infant mortality, juvenile delinquency, poverty, and crime, and individually and in combination, have substantially impaired the provision or expansion of safe and sanitary affordable housing accommodations in the NOCPA;

(4) In addition to community-wide impediments to revitalization, there are buildings and improvements within the NOCPA that are obsolete, dilapidated, and deteriorated to the point of being uninhabitable and nuisances to the community, which also contribute to the development or transmission of disease, ill health, infant mortality, juvenile delinquency, poverty, and crime and have impeded the provision or expansion of safe and sanitary affordable housing accommodations in the NOCPA;

(5) The provision of safe, sanitary affordable housing, particularly in the context of thriving, mixed-income neighborhoods, is an urgent need and high priority of the District of Columbia;

(6) In the NW1 Redevelopment Plan, the Mayor has proposed a redevelopment of the NOCPA that will create over 1,000 new units of affordable housing for low- and moderate-income of the District, coordinate housing redevelopment activities with the construction of a new public facilities, carefully integrate supportive human capital services with the new housing units, attract businesses that are desired by the citizens of the NOCPA, and improve the safety and quality of life for the current residents of the NOCPA;

(7) The assemblage of properties within the NOCPA is necessary to allow for the redevelopment activities contemplated by the NW1 Redevelopment Plan;

(8) The assemblage of the properties comprising the NOCPA and the

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construction of a substantial number of new, safe, and sanitary affordable housing units in the NOCPA, guided by the policies and requirements of the District government, will further many important public purposes, including:

- (A) Removal of unsafe and unsanitary conditions due to dilapidation, deterioration, age, and obsolescence of buildings or improvements;
- (B) Removal of inadequate or defective street layouts, faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (C) Removal of inadequate provision for ventilation, light, air, sanitation, open spaces, high density of population, or overcrowding;
- (D) Reduction of the incidence of crime, transmission of disease, ill health, infant mortality, juvenile delinquency, poverty, and endangerment of life or property by fire or other means;
- (E) Reorganization and reorientation of improvements to make the improvements safer and more attractive;
- (F) Preservation and expansion of affordable housing for the citizens of the District; and
- (G) Revitalization of a distressed community;

(9) The proposed redevelopment will significantly contribute to the preservation and enhancement of safe and sanitary affordable housing within the District of Columbia; and

(10) The assemblage of properties in the Northwest One New Communities Project Area and the redevelopment of the NOCPA pursuant to the NW1 Redevelopment Plan is a municipal use that serves many public purposes and is in the interest of, and for the benefit of, the citizens of the District of Columbia.

Sec. 4. Approval of plan.

The Council hereby approves the NW1 Redevelopment Plan.

Sec. 5. Condemnation by eminent domain.

(a) The Mayor is authorized to exercise eminent domain under this act to acquire properties in the Northwest One New Communities Project Area in accordance with the NW1 Redevelopment Plan. Any taking of property by eminent domain under the authority granted in this act, shall follow the procedures set forth in subchapter II of chapter 13 of title 16 of the District of Columbia Official Code.

(b) If eminent domain is exercised, the City Administrator shall deliver to the Council, within 30 days after service of a notice of intent to take the property, a detailed plan regarding the housing accommodations made for the persons affected. The City Administrator shall include the amount offered for the property pursuant to the use of eminent domain.

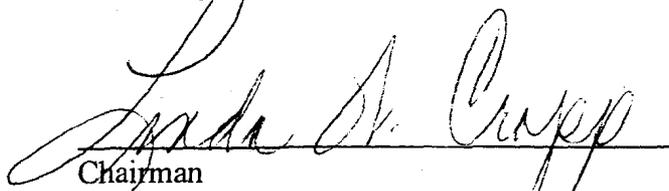
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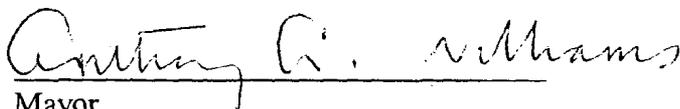
## Sec. 6. Fiscal impact statement.

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. 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 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  
July 25, 2006

## AN ACT

D.C. ACT 16-467

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 25, 2006*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Fall  
Supp.West Group  
Publisher

To authorize, on an emergency basis, the Mayor to enter into one or more franchise agreements to allow telecommunications carriers to attach wireless network antennae to District-owned buildings and poles and utilize District internet-related telecommunications assets in return for services to digitally-disadvantaged residents of the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Digital Inclusion Emergency Act of 2006".

## Sec. 2. Findings and purpose.

## (a) The Council finds that:

(1) Low-income residents and residents in economically-disadvantaged areas of the District of Columbia are also likely to be digitally disadvantaged in that they cannot afford access to the Internet or may lack the computer equipment and training necessary to benefit meaningfully from Internet access.

(2) Certain assets of the District, including light poles and buildings, may provide value to telecommunications carriers for the attachment of wireless network antennae and the deployment of broadband Internet services.

(3) The District of Columbia government does not have the funds to provide to digitally-disadvantaged residents the range of services necessary to afford Internet access and permit them to benefit meaningfully from that access.

(4) By awarding one or more franchises that permit telecommunications carriers to use District-owned assets on a non-exclusive basis in return for the provision of certain services to digitally disadvantaged residents, the District of Columbia government can meet the Internet access needs of these residents without additional cost or risk to the District.

## (b) The purposes of this act are to:

(1) Obtain value for the District through the awarding of rights to use poles, buildings, and other assets of the District for telecommunications purposes; and

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(2) Provide for the furnishing of benefits to digitally-disadvantaged residents of the District in exchange for a franchise to use poles, buildings, and other assets of the District for Internet-related telecommunications purposes.

(c) Nothing in this act shall be construed as comprising a franchise agreement.

### Sec. 3. Definitions.

For purposes of this act, the term:

(1) "Backhaul" means the transmission of voice and data traffic from the wireless network to a wireline network infrastructure.

(2) "Census tracts" means geographical areas defined by median household income according to the most recent census for the District of Columbia published by the United States Bureau of the Census.

(3) "Connectivity" means connection from a home to a telecommunications provider's network.

(4) "DC-Net" means the District government's telecommunications service network and information technology infrastructure.

(5) "Digitally-disadvantaged areas" means census tracts in the District of Columbia with median income below the median income of the District as a whole.

(6) "Digitally-disadvantaged population" means low-income residents of the District of Columbia.

(7) "Digitally-disadvantaged residents" means residents of digitally-disadvantaged areas.

(8) "Digitally-disadvantaged resident household" means all digitally-disadvantaged residents residing at a fixed single-family address in the District of Columbia that define themselves as a familial unit.

(9) "Low-income resident" means any District of Columbia resident whose income meets the eligibility standards for reduced price meals according to the eligibility guidelines for free and reduced price meals for the National School Lunch Program, as established annually pursuant to sections 9(b)(1) and 17(c)(4) of the Richard B. Russell National School Lunch Act, approved June 4, 1946 (60 Stat. 233; 42 U.S.C. §§1758(b)(1) and 1766(c)(4) and sections 3(a)(6) and 4(e)(1)(A) of the Child Nutrition Act of 1966, approved October 11, 1966 (80 Stat. 855; 42 U.S.C. §§1772(a)(6) and 1773(e)(1)(A)).

(10) "District" means the District of Columbia government.

(11) "District telecommunications assets" means non-exclusive access to District-owned pole-mounted street light fixtures and buildings, and backhaul on DC-Net from selected District locations to a carrier hotel at 1275 K Street N.W., Washington, D.C. for Internet-related services.

(12) "Package of services for digitally-disadvantaged residents" means some combination of connectivity, computers, software, computer training, support, and Internet service provider ("ISP") services.

Sec. 4. Franchise agreement.

(a) The Mayor is directed, within 30 days of the effective date of this act, to issue a request for information ("RFI") to be followed by a request for proposals ("RFP") pursuant to 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.*), for a franchise agreement for the use of District telecommunications assets for telecommunications purposes in exchange for the furnishing of a package of services for digitally-disadvantaged residents. Upon an award to the successful bidder ("Franchisee"), the Mayor shall enter into a franchise agreement with the Franchisee.

(b) The franchise agreement shall, for its term, be a non-exclusive agreement in the District for private use of District telecommunications assets for telecommunications purposes in furtherance of the purposes of this act for internet-related telecommunications.

(c) The franchise agreement shall be for a period of up to 5 years. One year prior to the termination of any franchise agreement, each party shall notify the other in writing as to whether it wants to renegotiate the franchise agreement for an additional period of time. Absent satisfactory renegotiation for a renewal period, the Mayor is directed, based upon an evaluation of the bids received following the issuance of an RFP, to enter into a new franchise agreement for the use of District telecommunications assets in exchange for the furnishing of a package of services for digitally-disadvantaged residents. The terms each new franchise agreement shall not be inconsistent with the provisions of this act.

(d) Under the terms of each franchise agreement the Franchisee shall:

(1) Offer to each digitally-disadvantaged household ("household") specified in the franchise agreement the complete package of services for digitally-disadvantaged residents ("package of services") at no cost to the household;

(2) Provide to each household that accepts the offer the complete package of services at no cost to the household;

(3) Provide the package of services for digitally-disadvantaged residents according to a time schedule established in the franchise agreement;

(4) Report to the Mayor, no less often than quarterly, the number households to which the Franchisee has offered the package of services, the number of households that have accepted the Franchisee's offer of that package, and the number of households to which the Franchisee has provided the package of services by the dates specified in the schedule described in subsection (d)(3) of this section;

(5) Maintain records, which shall be available to the Mayor on request, sufficient to identify:

- (A) All households to which the Franchise has offered the package of services;
- (B) All households that have accepted the Franchisee's offer of the package of services;
- (C) All households to which the Franchisee has provided the package of services and the date on which each household received that package of services; and
- (D) All complaints received by the Franchisee in connection with offering and providing the package of services, and the manner and date of resolution of each complaint;
- (6) All costs and expenses of the activities described in paragraphs (1) through (4) of this subsection; and
- (7) All costs and expenses incident to the Franchisee's use of District telecommunications assets.
- (e) The franchise agreement shall establish:
  - (1) The specific population of digitally-disadvantaged residents either by income level or residence in digitally-disadvantaged areas, or both, to which the Franchisee agrees to offer the package of services to each household;
  - (2) The schedule according to which the Franchisee will provide the package of services to the households to be served pursuant to the franchise agreement;
  - (3) Procedures for periodically upgrading hardware provided as part of any package of services to digitally-disadvantaged resident households during the course of the franchise agreement;
  - (4) That the Franchisee shall be subject to fees, payable to the Treasurer of the District of Columbia, for failure to adhere to the schedule described in subsection (d)(3) and paragraph (2) of this subsection; and
  - (5) That prior to signing the franchise agreement, the Mayor and the Franchisee shall define the Franchisee's specific use of District telecommunications assets.
- (f) The Mayor shall include in the franchise agreement the requirements of this act and any other provisions that the Mayor deems appropriate to carry out the purposes of this act.
- (g) Pursuant to the requirements of section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.51), the franchise agreement shall be subject to approval by the Council.

Sec. 5. Insurance and bonds; liability.

- (a) The Franchisee shall assume all legal responsibility for and hold the District harmless from any costs or liability that arise because of injury to persons or property caused by or in relation to the provision of the package of services for digitally-disadvantaged residents, and the Franchisee's use of District telecommunications assets, pursuant to this act and the franchise agreement.

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(b) The Mayor shall require the Franchisee to obtain liability insurance sufficient to insure against all liability or costs that arise because of injury to persons or property caused by or in relation to the provision of the package of services for digitally-disadvantaged residents, and the Franchisee's use of District telecommunications assets pursuant to this act and the franchise agreement.

(c) The Mayor shall require the Franchisee to obtain a performance bond sufficient to guarantee the provision of the package of services for digitally-disadvantaged residents pursuant to this act and the franchise agreement.

(d) No person aggrieved or damaged in any way by any act or omission of the Franchisee related to the offering or provision of the package of services for digitally-disadvantaged residents or the Franchisee's use of District telecommunications assets pursuant to this act and the franchise agreement shall have any cause of action against the District.

#### Sec. 6. Selection of the Franchisee.

(a) In evaluating and awarding the franchise agreement, the Mayor shall give priority to entities that have the technical and financial ability to successfully provide the package of services for digitally disadvantaged residents included in each proposal, and provide written evidence that they meet the following criteria, in the order of priority in which they appear:

(1) A proposal to provide a package of services for the largest number of digitally-disadvantaged residents either by income level or residence in digitally-disadvantaged areas, or both, proposed by all bidding entities;

(2) A proposal to provide a package of services for the largest number of digitally-disadvantaged residents either by income level or residence in digitally-disadvantaged areas, or both, proposed by all bidding entities;

(3) A proposal to serve digitally-disadvantaged residents according to the fastest schedule among all bidding entities;

(4) A proposal that includes provisions to periodically upgrade hardware provided as part of any package of services to digitally-disadvantaged residents;

(5) The technical and financial ability to successfully provide the package of services to all households in all areas covered by the proposal; and

(6) Such other factors as the Mayor may identify in the best interests of the District to further the purposes of this act.

#### Sec. 7. Termination of the franchise agreement.

(a) The Mayor shall notify the Franchisee in writing of any violations of the franchise agreement and shall establish a compliance schedule for correcting the violations. In the event the compliance schedule is not met, the Mayor may terminate the franchise agreement after 60 days' written notice is served on the Franchisee of the intent to terminate, setting forth the reasons for the termination.

(b) In the event of bankruptcy of the Franchisee the Mayor shall terminate the franchise agreement and provide the Franchisees with a written notice of this action.

(c) In addition to the grounds for termination of the franchise agreement under subsections (a) and (b) of this section, the Mayor may include in the franchise agreement any other terms and conditions that shall constitute the basis for cancellation that are in the best interests of the District.

Sec. 8. Franchisee selection procedure.

(a) The Mayor shall implement the following selection procedure in awarding one or more franchises pursuant to this act:

(1) Issuance of a request for information ("RFI");

(2) Evaluation of the RFI received and preparation of a request for proposals ("RFP"); and

(3) Issuance of an RFP and an evaluation of the proposals received.

(b) The Mayor shall submit an executive summary of the proposed agreement to the Council for review and approval. The summary shall include findings and a determination that selection of one or more franchisees will provide the greatest benefit to the largest population of digitally-disadvantaged residents of the District of Columbia, including a rationale for limiting the franchise award to one entity or extending franchises to more than one entity.

(c) Upon Council review and approval of the proposed franchise agreement, the Mayor shall execute the agreement.

Sec. 9. Delegation of authority.

The Mayor is authorized to delegate the powers established by this act to the Director of the Office of the Chief Technology Officer ("OCTO"). In exercising this authority, OCTO may consult with such other agencies as it considers appropriate in the best interests of the District.

Sec. 10. Human Rights Act.

Each franchise agreement shall comply with the section 267 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.67).

Sec. 11. Fiscal impact statement.

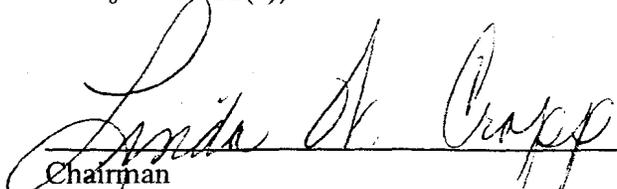
The Council adopts the attached fiscal impact statement, dated July 6, 2006, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

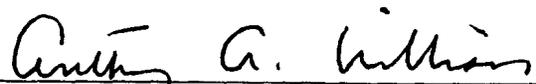
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Sec. 12. Effective date.

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  
JULY 25, 2006

AUG 18 2006

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 16-468

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JULY 31, 2006

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2006 Fall  
Supp.

West Group  
Publisher

To amend, on an emergency basis, the Neighborhood Investment Act of 2004 to clarify its purposes, to authorize the Office of the Deputy Mayor for Planning and Economic Development to make grants and loans from the Neighborhood Investment Fund, to expand the commercial area in the Deanwood Heights target area, and to establish goals for certain target areas.

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

Sec. 2. The Neighborhood Investment Act of 2004, effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code § 6-1071 *et seq.*), is amended to read as follows:

(a) Section 2 (D.C. Official Code § 6-1071) is amended as follows:

Note,  
§ 6-1071

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

"(a) There is established, as a nonlapsing, revolving fund outside the General Fund of the District of Columbia, a fund designated as the Neighborhood Investment Fund to finance economic development in certain District neighborhoods, to develop a Neighborhood Investment Program for designated target areas, and to designate 12 District neighborhoods as the initial target areas."

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

"(b) The Mayor shall submit to the Council, as part of the annual budget, a request for an appropriation for expenditures from the Neighborhood Investment Fund to facilitate the revitalization activities in the target areas."

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

"(g) The Office of the Deputy Mayor for Planning and Economic Development is authorized to make loans and grants from the Neighborhood Investment Fund to facilitate the revitalization activities in the target areas."

(b) Section 4 (D.C. Official Code § 6-1073) is amended as follows:

Note,  
§ 6-1073

(1) The lead-in language is amended to read as follows: "There are established the following Neighborhood Investment Program target areas for revitalization activities to be supported by the appropriated funds from the Neighborhood Investment Fund:"

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

“(3)(A) Target Area #3 – Deanwood Heights. The Deanwood Heights target area is defined as starting at the corner of 50<sup>th</sup> Street, N.W., east along Hayes Street, N.E., south along 54<sup>th</sup> Place N.E., east along Nannie Helen Burroughs Avenue, N.E., southeast along Eastern Avenue, N.E., southwest along Southern Avenue, N.E., west along East Capitol Street, north along Division Avenue, N.E., west along Marvin Gaye Park, and north along 50<sup>th</sup> Street, N.E.”.

(3) Paragraph (10) is amended as follows:

(A) The existing text is designated as subparagraph (A).

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

“(B) Among the goals for this target area are improving connectivity and transit use, creating mixed-use housing opportunities, enhancing neighborhood retail, building on cultural assets, and creating a dynamic destination.”.

(4) Paragraph (11) is amended as follows:

(A) The existing text is designated as subparagraph (A).

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

“(B) Among the goals for this target area are economic development, increasing home ownership opportunities, and improving the condition of housing stock in the area.”.

(5) Paragraph (12) is amended as follows:

(A) The existing text is designated as subparagraph (A).

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

“(B) Among the goals for this target area are improving public facilities, increasing homeownership opportunities, enhancing neighborhood retail.”.

### 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(c)(3)).

### Sec. 4. Effective date.

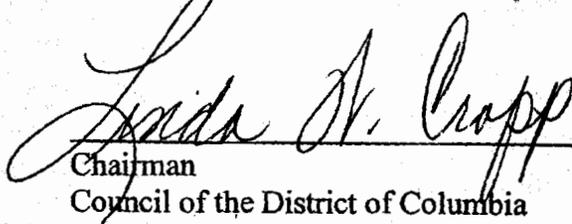
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

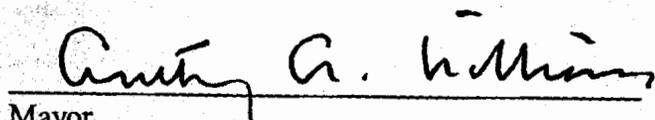
AUG 18 2006

DISTRICT OF COLUMBIA REGISTER

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  
July 31, 2006