

AN ACT
D.C. ACT 16-131

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JULY 14, 2005

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2005 Fall
 Supp.

West Group
 Publisher

To amend the Youth Employment Act of 1979 to authorize the Department of Employment Services to enter into public-private partnerships with District businesses to fund the summer youth jobs program, and to require the District of Columbia to provide employment for 10,000 youth between 14 and 21 years of age.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Summer Youth Employment Act of 2005".

Sec. 2. Section 2(a)(1) of the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241(a)(1)), is amended to read as follows:

Amend
 § 32-241

"(1)(A) Summer youth jobs—A summer youth jobs program to provide for the employment each summer of 10,000 youth between 14 and 21 years of age on the date of enrollment in the program, at a rate at least equal to the federal minimum wage established by section 6 of the Fair Labor Standards Act of 1938, approved June 25, 1938 (52 Stat. 1062; 29 U.S. C. § 206).

"(B) The weekly number of hours of employment under the summer youth jobs program shall be established according to the age of the youth to be employed and the nature and requirements of the job, but shall not be less than 20 nor more than 40 hours per week. Participants in this program shall be employed for a minimum of 6 weeks.

"(C) Employment may include an appropriate number of supervisory positions at a wage not to exceed the federal minimum wage by more than 12%; provided, that these positions shall not be subject to the requirements under this paragraph regarding the number of hours and weeks of employment.

"(D) The Department of Employment Services shall implement the summer youth jobs program subject to the appropriation of funds or availability of funds through public-private partnerships between the District government and a District business that has the ability to employ youth under this program; provided, that these partnerships shall be subject to all federal and District laws, rules, and regulations relating to the procurement and award of contracts, grants, or other government assistance. For purposes of this paragraph, the term "District Business" means a corporation or any entity carrying on any trade or business in the District of Columbia that is subject to taxation under sections 47-1807.02 or 47-1808.03 of the District of Columbia Official Code.

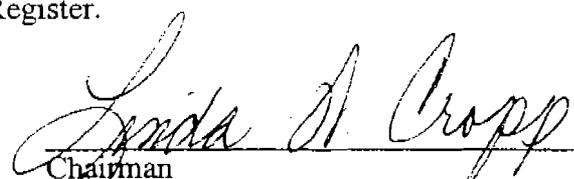
"(E) The Mayor shall issue rules to implement this paragraph. The proposed rules shall be submitted by the Mayor to the Council for review and approval."

Sec. 3. Fiscal impact statement.

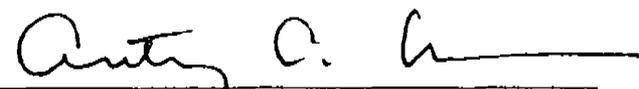
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D. C. Code § 1-206.02(c)(3)).

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 14, 2005

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D.C. ACT 16-132

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend 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 limit the exemption from registering under the vacant properties registry where the owner has a valid building permit for construction, renovation, rehabilitation, or repair, or is actively seeking to rent or sell the property; and to provide for civil fines for failure to comply with the Act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may cited as the "Nuisance Properties Abatement Reform Amendment Act of 2005".

Sec. 2. AN ACT to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 115; D.C. Official Code § 42-3131.01 *et seq.*), is amended as follows:

(a) Section 6 (D.C. Official Code § 42-3131.06) is amended as follows:

Amend
§ 42-3131.06

(1) Subsection (b)(3) is amended by striking the phrase "and if there is a valid building permit that was issued within 60 days of the required registration date;" and inserting the phrase "and if there is a valid building permit that was issued within 60 days of the required registration date; provided, that the scope of the permit is not limited to electrical or plumbing work; provided further, that this exemption shall not exceed one year from the date of issuance of the first building permit for rehabilitation, renovation or repair;" in its place.

(2) Subsection (b)(4) is amended by striking the phrase "the owner or his agent has been actively seeking to rent or sell it;" and inserting the phrase "the owner or his agent has been actively seeking to rent or sell it; provided, that the time period for sale or rent shall not exceed one year from the initial listing, offer, or advertisement of sale, or 90 days from the initial listing, offer, or advertisement to rent;" in its place.

(b) Section 10 (D.C. Official Code § 42-3131.10) is amended as follows:

Amend
§ 42-3131.10

(1) Subsection (a) is amended by adding a new sentence to read as follows:

"The Director of the Department of Consumer and Regulatory Affairs shall provide the Office of the Attorney General with a list of all owners who fail to register and pay the required fee after notice."

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

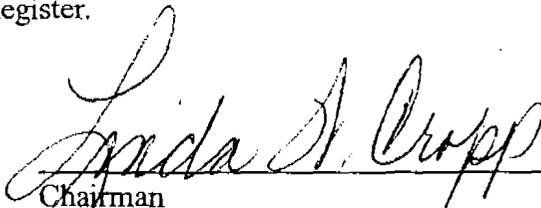
“(c) In addition to the penalties provided in subsection (a) of this section, and other available remedies, the failure of the owner of a vacant building to register and pay all the required fees under section 6(a) or 9 within 10 days after receipt of the mailing of a delinquency and determination notice under section 11 shall be punishable by a civil fine not to exceed \$1,000 for each instance of inclusion of each property in the semiannual list under section 11. The Mayor shall provide for such fines in accordance with 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. Fiscal impact statement.

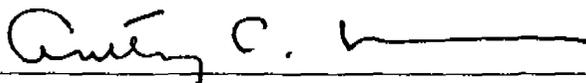
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813 D.C. Official Code § 1-206.02(c)(3)).

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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To amend the Construction Codes Approval and Amendments Act of 1986 to provide for increased penalties for violation of the Construction Codes, to clarify the types of injunctive relief available to prevent illegal construction activity in the District of Columbia, to clarify the standard for injunctive relief for violation of the Construction Codes; to amend section 23-581 of the District of Columbia Official Code to include illegal construction as a probable cause misdemeanor; and to amend 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 alternative sanctions for any infraction of the requirements for building registration, inspection, fees, or maintenance, and to adjust the reporting period for updates to the vacant building list.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Abatement of Nuisance Construction Projects Amendment Act of 2005".

Sec. 2. The Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*), is amended as follows:

(a) Section 7 (D.C. Official Code § 6-1406) is amended as follows:

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

(A) Strike the phrase "\$300" and insert the phrase "\$2000" in its place.

(B) Strike the phrase "10 days" and insert the phrase "90 days" in its

place.

(2) Subsection (b) is amended by striking the phrase "\$300" and inserting the phrase "\$2000" in its place.

(3) Subsection (c) is amended by striking the phrase "may be imposed as alternative sanctions for any infraction " and inserting the phrase "may be imposed, in addition to other available remedies, for any infraction" in its place.

Amend
§ 6-1406

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

“(d) Prosecutions pursuant to subsections (a) and (b) of this section shall be brought in the name of the District of Columbia by the Attorney General for the District of Columbia.”

(b) Section 8 (D.C. Official Code § 6-1407) is amended to read as follows:

Amend
§ 6-1407

“(a) Whenever it appears that any person, association, or business entity has engaged, is engaged, or is about to engage in acts or practices constituting a violation or infraction of any provision or orders issued under the Construction Codes, the Office of the Attorney General for the District of Columbia may bring an action in the Superior Court of the District of Columbia for injunctive relief. Injunctive relief shall be granted on a showing that it will prevent illegal construction activity in the District of Columbia. A plaintiff shall not be required to prove irreparable harm to obtain a preliminary injunction.

“(b) The injunctive relief shall include:

“(1) Ordering the sealing of structures and locations at which construction activity has occurred or is occurring in violation of the Construction Codes;

“(2) Ordering the cessation of all construction and remodeling activity at locations in which, or in structures where, construction activity has occurred or is occurring in violation of the Construction Codes;

“(3) Ordering the removal or correction to structures built or altered in violation of the Construction Codes; or

“(4) Any other equitable relief that prevents illegal construction activity in the District of Columbia.

“(c) In addition, upon a proper showing, an ex parte, interlocutory, or permanent injunction may be granted without bond. The Superior Court of the District of Columbia may also issue a mandatory injunction commanding compliance with any provision or order issued under the Construction Codes.”

(c) A new section 8a is added to read as follows:

“Sec. 8a. Building permit denial.

“An applicant may be denied a building permit by the Mayor for a period of:

“(1) Ten years from the date of final order on a criminal conviction against the applicant for a Construction Code or zoning regulations crime;

“(2) Three years after receipt of 5 or more stop work orders by the applicant in any 12-month period;

“(3) Three years after final administrative adjudication against the applicant for violation of the Construction Code or zoning regulations; or

“(4) Three years from the date of revocation of a building permit or certificate of occupancy issued to the applicant.”

Sec. 3. Section 23-581(a)(2) of the District of Columbia Official Code is amended by adding a new subparagraph (F) to read as follows:

Amend
§ 23-581

“(F) The following offenses specified in section 113.7 of Title 12A of the District of Columbia Municipal Regulations (12A DCMR § 113.7).

Offense: Illegal construction Specified in section 113.7 (12A DCMR § 113.7)”.

Sec. 4. An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01 *et seq.*), is amended as follows:

(a) Section 10 (D.C. Official Code § 42-3131.10) is amended by adding new subsection (d) to read as follows: Amend
§ 42-3131.10

“(d) Criminal prosecutions under sections 5 through 15 shall be brought in the name of the District of Columbia by the Attorney General for the District of Columbia.”

(b) Section 11(a)(2) (D.C. Official Code § 42-3131.11(a)(2)) is amended by striking the word “quarterly” and inserting the word “semiannual” in its place. Amend
§ 42-3131.11

Sec. 5. Inclusion in the budget and financial plan.

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

Sec. 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)). This act is subject to inclusion in an appropriation or an approved financial plan.

Sec. 7. Effective date.

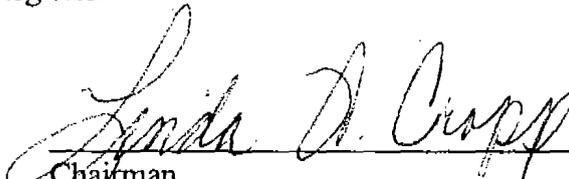
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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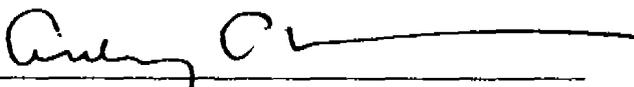
DISTRICT OF COLUMBIA REGISTER

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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
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To allow the validity and acceptance of electronic and digitized documents by the Recorder of Deeds.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Real Property Electronic Recording Act of 2005".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Digitized image" means an electronic document that is created as an electronic copy of a paper document that accurately depicts the information on the paper document and is unalterable.

(2) "Document" means information that is:

(A) Inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

(B) Eligible to be recorded in the land records maintained by the Recorder of Deeds.

(3) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(4) "Electronic document" means a document that is received by the Recorder of Deeds in an electronic form.

(5) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

(6) "Paper document" means a document that is received by the Recorder of Deeds in a form that is not electronic.

(7) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

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(8) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

Sec. 3. Validity of electronic documents and digitized images.

(a) If a law requires, as a condition for recording, that a document be an original, be on paper or other tangible medium, or be in writing, an electronic document or digitized image that satisfies this act satisfies the law.

(b) If a law requires, as a condition for recording, that a document be signed, an electronic signature or digitized image of a wet signature on a paper document satisfies the law.

(c) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal is not required to accompany an electronic signature.

Sec. 4. Recording of documents.

(a) The Recorder of Deeds may receive, index, store, archive, and transmit electronic documents or digitized images.

(b) The Recorder of Deeds may provide for access to, and for search and retrieval of, documents and information by electronic means.

(c) The Recorder of Deeds, in addition to accepting electronic documents or digitized images for recording shall continue to accept paper documents and shall place entries for both types of documents in the same index.

(d) The Recorder of Deeds may convert paper documents accepted for recording into electronic form. The Recorder of Deeds may convert into electronic form information recorded before the Recorder of Deeds began to record electronic documents.

(e) Any fee, surcharge, or tax that the Recorder of Deeds is authorized to collect may be collected electronically.

(f) The Recorder of Deeds and other officials of a state or a political subdivision thereof, or of the United States, may agree on procedures or processes to facilitate the electronic satisfaction of prior approvals and conditions precedent to recording and the electronic payment of fees and taxes.

(g) Any electronic documents or digitized images accepted by the Recorder of Deeds prior to the effective date of this act are deemed to be recorded properly and to impart constructive notice.

(h) Any electronic document or digitized image recorded at the Recorder of Deeds shall be deemed recorded as of the date and time of its delivery to the Recorder of Deeds; provided,

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that the document or digitized image is accepted by the Recorder of Deeds for recordation. The Recorder of Deeds shall maintain a record of time and date of delivery in its index.

Sec. 5. Uniformity of application and construction.

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 6. Relation to electronic signatures in Global and National Commerce Act.

This act modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act approved June 30, 2000 (114 Stat. 464; 15 U.S.C. § 7001 *et seq.*) ("Act"), but does not modify, limit, or supersede section 101(c) or section 104 of the Act, or authorize electronic delivery of any of the notices described in section 103(b) of the Act. The provisions of this act shall be liberally construed as remedial legislation to encourage the use and recording of electronic documents affecting real property in the District of Columbia.

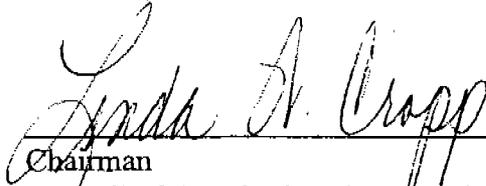
Sec. 7. Fiscal impact statement.

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)).

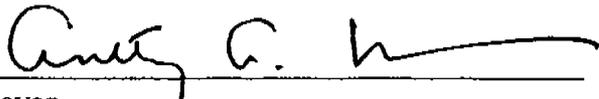
Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), 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 14, 2005

AN ACT

D.C. ACT 16-135

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To order the removal of the paper street alignment of Savannah Street, S.E., from the Plan of the Permanent System of Highways (S.O. 04-8736) and to accept the dedication of land for several minor streets and alleys in Square 5912.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Removal from the Permanent System of Highways, Savannah Street, S.E., and the Dedication of Land for Street Purposes (S.O. 04-8736) Act of 2005".

Sec. 2. Notwithstanding An Act To provide a permanent system of highways in that part of the District of Columbia lying outside of cities, approved March 2, 1893 (27 Stat. 532; D.C. Official Code § 9-103.01 *et seq.*), the Council orders the portion of Savannah Street, S.E., within Square 5912, as shown on the Surveyor's plat in S.O. File 04-8736, to be removed from the Permanent System of Highways, with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. (a) Pursuant to sections 302(c) and 304 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(3) and 9-203.04) ("Street and Alley Closing and Acquisition Procedures Act"), the Council accepts the dedication, in fee simple absolute, of the land necessary for the realignment of streets in Square 5912, as shown on the Surveyor's plat in S.O. File 04-8736.

Note,
§ 9-203.02

(b) Pursuant to section 302(c) of the Street and Alley Closing and Acquisition Procedures Act and notwithstanding the requirement set forth in section 304 that in any one block length, a minor street shall be 75 feet wide, the Council accepts the dedication of land necessary to create several minor streets and alleys in Square 5912, as shown on the Surveyor's plat in S.O. File 04-8736.

(c) Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act, the minor streets created by the dedication of land in subsection (b) of this section shall be designated Tanner Place, S.E., Anderson Place, S.E., and Cook Drive, S.E.

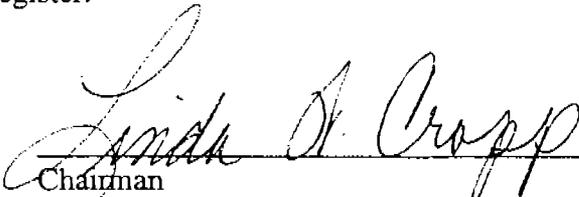
Sec. 4. Fiscal impact statement.

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)).

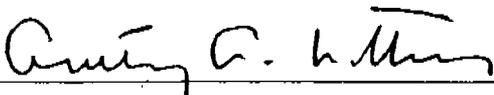
Sec. 5. The Secretary to the Council shall transmit a copy of this act, upon its effective date, each to the Office of the Mayor, the Office of the Surveyor of the District of Columbia, and the District of Columbia Recorder of Deeds.

Sec. 6. Effective date.

This act shall take effect upon its approval by the Mayor (or in the event of a 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 14, 2005

AN ACT

D.C. ACT 16-136

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 14, 2005

To order the closing of Patricia Roberts Harris Drive, N.E., bounded by 31st Place, N.E., Fort Lincoln Drive, N.E., and South Dakota Avenue, N.E. in Ward 5.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of Patricia Roberts Harris Drive, N.E., in Square 4325, S.O. 03-5187, Act of 2005".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that Patricia Roberts Harris Drive, N.E., in Square 4325, as shown on the Surveyor's Plat filed in the S.O. File 03-5187, is unnecessary for street purposes and orders it closed, with title to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all conditions set forth in the S.O. File 03-5187.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and a 30-day period of Congressional review as provided in section 603(c)(1) of the District of Columbia Home Rule Act, approved

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To order the closing of Patricia Roberts Harris Drive, N.E., bounded by 31st Place, N.E., Fort Lincoln Drive, N.E., and South Dakota Avenue, N.E. in Ward 5.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of Patricia Roberts Harris Drive, N.E., in Square 4325, SO 03-5187, Act of 2005".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that Patricia Roberts Harris Drive, N.E., in Square 4325, as shown on the Surveyor's Plat filed in the S.O. File 03-5187, is unnecessary for street purposes and orders it closed, with title to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all conditions set forth in the S.O. File 03-5187.

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

Sec. 5. Effective date.

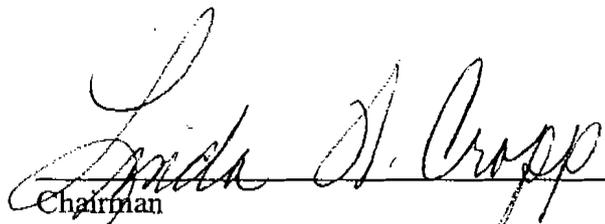
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and a 30-day period of Congressional review as provided in section 603(c)(1) of the District of Columbia Home Rule Act, approved

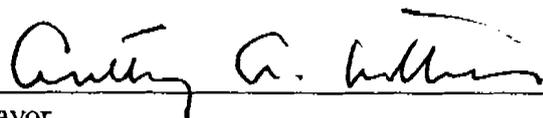
AUG 26 2005

DISTRICT OF COLUMBIA REGISTER

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


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Council of the District of Columbia


Mayor
District of Columbia
APPROVED
July 14, 2005

AN ACT

D.C. ACT 16-137

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 14, 2005

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Publisher

To authorize and provide for the issuance, sale, and delivery of District of Columbia qualified zone academy revenue bonds in one or more series pursuant to a plan of finance for the benefit of the District of Columbia public schools and public charter schools and to secure the payment of the principal on the revenue bonds.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as "Qualified Zone Academy Revenue Bond Project Forward Commitment Approval Act of 2005".

Sec. 2. Definitions.

For the purpose of this act, the term:

Note,
§ 47-340.01

(1) "Authorized Delegate" means the Mayor, the Chief Financial Officer, or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated, or to whom the foregoing individuals have subdelegated, any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act.

(2) "Available Real Property Tax Revenues" means the revenues resulting from the imposition of the tax under Chapter 8 of Title 47 of the District of Columbia Official Code, including any penalties and interest charges thereon, exclusive of revenues that are or will be pledged pursuant to sections 481 and 490 of the Home Rule Act, and payments in lieu of such taxes.

(3) "Bond Counsel" means a firm or firms of attorneys designated as District bond counsel from time to time by the Mayor.

(4) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this act.

(5) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia.

(6) "Closing Documents" means all documents and agreements other than

ENROLLED ORIGINAL

Financing Documents that may be necessary and appropriate to issue, sell, and deliver the bonds, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "Eligible project" means the projects in the area of elementary, secondary, or college and university facilities undertaken at a Qualifying School which are subject to financing pursuant to section 490 of the Home Rule Act as a qualified zone-academy bond within the meaning of section 1397E(d)(1) of the Internal Revenue Code of 1986, approved August 5, 1997 (111 Stat. 821; 26 U.S.C. § 1397E(d)(1)).

(8) "Financing Documents" means the documents other than Closing Documents that relate to the financing, refinancing or reimbursement of the costs of eligible projects to be effected through the issuance, sale, and delivery of the bonds, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the bonds, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the bonds, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees, compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "QZAB Collection Agent" means any bank, trust company, or national banking association with requisite trust powers and with an office in the District designated to serve in this capacity by the Mayor.

(12) "QZAB Collection Agreement" means the collection agreement between the District and the QZAB Collection Agent authorized in section 6.

(13) "QZAB Pledged Account" means one or more accounts created and maintained by the QZAB Collection Agent for the benefit of the owners of a series of the bonds and funded by the deposit of some portion of Available Real Property Tax Revenues and other funds in amounts as determined by the Mayor in the QZAB Collection Agreement.

(14) "Qualifying School" means any public school or public charter school the Council approves, by resolution, for financing, refinancing or reimbursement of the costs of its eligible project pursuant to the provisions of section 490 of the Home Rule Act and this act.

Sec. 3. Bond authorization.

(a) Pursuant to section 490 of the Home Rule Act, the Council authorizes the issuance of bonds.

(b) One or more series of bonds in multiple separate series may be issued for the purpose of assisting in financing, refinancing, and reimbursing the costs of eligible projects. Refunding bonds may be issued to refund bonds. The aggregate principal amount of bonds, other than refunding bonds, shall not exceed the amount authorized under section 1397E of Internal Revenue Code of 1986, approved August 5, 1997 (111 Stat. 821; 26 U.S.C. § 1397E).

(c) The Mayor is authorized to take any action necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds pursuant to section 490 of the Home Rule Act, including:

- (1) Approving the issuance, sale, and delivery of the bonds;
- (2) Making loans, grants or allocating funds, purchasing any mortgage, note, or other security, or purchasing, leasing, or selling of any property for the purpose of financing, refinancing, or reimbursing the costs of an eligible project;
- (3) Entering into any agreement concerning the acquisition, use, or disposition of any available revenues, assets, or property;
- (4) Entering into such Financing Documents as may be necessary or appropriate for the issuance, security, and administration of the bonds, the investment of proceeds and moneys in the accounts provided for in, or pursuant to this act, the application of the proceeds of the bonds and the moneys and investments in such accounts, and for the purposes provided in this act, including Financing Documents with Qualifying Schools;
- (5) Setting forth the requirements for an eligible project to comply with the applicable eligibility requirements pursuant to this act in an agreement between the District and the District of Columbia Board of Education with respect to public schools or each Qualifying School with respect to public charter schools;
- (6) Establishing any fund with respect to the bonds as required by the Financing Documents; and
- (7) Refunding the bonds through the issuance of refunding bonds.

Sec. 4. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including, but not limited to, determinations of:

- (1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book-entry form;
- (2) The principal amount of the bonds to be issued and denominations of the bonds;

(3) The date or dates of issuance, sale, and delivery of the bonds, and the maturity date or dates of the bonds;

(4) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(5) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;

(6) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;

(7) The time and place of payment of the bonds;

(8) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied to one or more Qualifying Schools and used to accomplish the purposes of this act;

(9) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and

(10) The terms and types of credit enhancement under which the bonds may be secured.

(b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary's manual or facsimile signature. The Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

(e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 5. Sale of the bonds.

(a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the bonds.

(c) The Mayor is authorized to deliver the executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds and the eligibility of the bonds to be qualified zone academy bonds within the meaning of section 1397E(d)(1) of the Internal Revenue Code of 1986, approved August 5, 1997 (111 Stat. 821; 26 U.S.C. § 1397E(d)(1)).

(e) 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.*), and the Financial Institutions Deposit and Investment Amendment Act of 1998, effective March 18, 1998 (D.C. Law 12-56; D.C. Official Code § 47-351.01 *et seq.*), shall not apply to whatever contract the Mayor may from time to time enter, or the Mayor may determine to be necessary or appropriate, for purposes of this act.

Sec. 6. Payment and security.

(a) The District is hereby authorized to pledge the funds on deposit in the QZAB Pledged Account as security for the payment of principal of, and premium, if any, on the bonds.

(b) The bonds shall be payable solely from the funds on deposit in the QZAB Pledged Account and income realized from the temporary investment thereof, and other moneys as provided in the Financing Documents.

(c) The funds for the payment of the bonds shall be deposited with the QZAB Collection Agent pursuant to the QZAB Collection Agreement and used only in accordance with the terms of the agreement.

(d) The Mayor may, without regard to any act or resolution of the Council now existing, designate a QZAB Collection Agent under the QZAB Collection Agreement. The Mayor may execute and deliver the QZAB Collection Agreement, on behalf of the District and in the Mayor's official capacity, containing the terms that the Mayor considers necessary or appropriate to carry out the purposes of this act.

(e) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the bonds pursuant to the Financing Documents.

(f) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

Sec. 7. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the bonds. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 8. Determination of eligible projects.

(a) The Mayor is authorized to establish the process and criteria for the determination of which public schools or public charter schools will be presented to the Council for approval as a Qualifying School.

(b) If the Mayor determines to present a public school or public charter school for Council approval as a Qualifying School, the Mayor shall enter into negotiations with the District of Columbia Board of Education with respect to public schools or with the respective public charter school with respect to public charter schools to determine the amount of bond proceeds and Available Real Property Tax Revenues to be allocated and the terms and conditions of the agreement between the District and the District of Columbia Board of Education or the Qualifying School.

(c) The Mayor shall transmit to the Council a proposed resolution approving the issuance of a series of bonds and identifying the Qualifying Schools, the amount of the project or projects eligible to be financed with the bond proceeds, and the amount of Available Real Property Tax Revenues to be allocated to the bonds.

Sec. 9. Allocation of Available Real Property Tax Revenues.

Within 60 days after the approval of a resolution specified in section 8(c), the Chief Financial Officer shall provide for the allocation of Available Real Property Tax Revenues for the series of the bonds. The Chief Financial Officer shall transfer collected Available Real Property Tax Revenues to the appropriate QZAB Pledged Account in the amounts and at the times specified in the QZAB Collection Agreement and the Financing Documents. Monies held or to be held in a QZAB Pledged Account may be used to pay Issuance Costs associated with the bonds, to pay the principal of the series of the bonds, and to pay other amounts authorized by this act. The QZAB Pledged Accounts shall be non-lapsing.

Sec. 10. Bond security.

(a) The bonds issued pursuant to this act are declared to be issued for essential public and governmental purposes.

(b) The District does hereby pledge to and covenant and agree with the holders of any bonds that, subject to the provisions of the Financing Documents, the District will not limit or alter the basis upon which Available Real Property Tax Revenues are allocated, applied, and pledged pursuant to this act; will not impair the contractual obligations of the District to fulfill the terms of any agreement made with the holders of the bonds; will not in any way impair the rights or remedies of the holders of the bonds; and will not modify in any way the exemptions from District taxation provided for in this act, until the bonds, together with interest thereon, are fully met and discharged. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling.

(c) It is the intention of the Council that a pledge made in respect of the bonds shall be valid and binding from the time the Available Real Property Tax Revenues or other funds are deposited in the QZAB Pledged Account; that when deposited in the QZAB Pledge Account, the money or property so pledged and deposited shall immediately be subject to the lien of the pledge without physical delivery or further act; and that the lien of the pledge shall be valid and binding as against all parties having any claim of any kind against the District, whether or not the parties have notice of the lien. This act, any resolution adopted pursuant to this act, any trust agreement, or any other instrument by which a pledge is created do not need to be recorded or filed under any provisions of the Uniform Commercial Code to be valid, binding, and effective against the parties.

Sec. 11. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this act.

Sec. 12. Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) Nothing contained in the bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the bonds from sources other than those listed for that purpose in section 7.

(c) All covenants, obligations, and agreements of the District contained in this act, the bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this act.

(d) No person, including, but not limited to, any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District to perform any covenant, undertaking, or obligation under this act, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 13. District officials.

(a) Except as otherwise provided in section 12(d), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this act, the bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

Sec. 14. Maintenance of documents.

Copies of the specimen bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 15. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 16. Disclaimer.

(a) The issuance of the bonds is in the discretion of the District. Nothing contained in this act, the bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any bonds for the benefit of the Qualifying Schools or to participate in or assist the Qualifying Schools in any way with financing, refinancing, or reimbursing the costs of eligible projects.

(b) The District reserves the right to issue the bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations will be reserved or will be available at the time of the proposed issuance of the bonds.

Sec. 17. Severability.

If any particular provision of this act, or the application thereof to any person or circumstance is held invalid, the remainder of this act and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this act is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuance of the bonds, and the validity of the bonds shall not be adversely affected.

Sec. 18. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its adoption, to the Mayor.

Sec. 19. 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. 788; D.C. Official Code § 1-206.02(c)(3)).

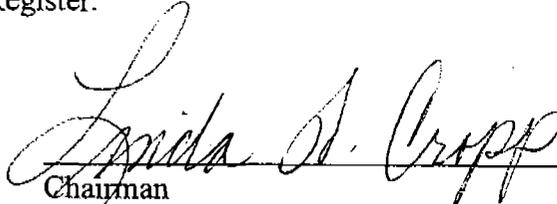
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DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

Sec. 20. 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 14, 2005

AN ACT
D.C. ACT 16-138

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JULY 14, 2005

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2005 Fall
 Supp.

West Group
 Publisher

To amend, on an temporary basis, Title 47 of the District of Columbia Official Code to repeal a provision which would inadvertently repeal a tax increase imposed by the Ballpark Omnibus Financing and Revenue Act of 2004, to correct the designation of the utility taxes to be deposited in the Ballpark Revenue Fund, and to correct the basic tax rate for electricity users, and to correct the applicability date of certain utility taxes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Utility Taxes Technical Corrections Temporary Act of 2005".

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

(a) Section 47-368.03(d) is amended as follows:

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

"(1) The rate of tax imposed under § 47-3902 shall be reduced from 11% to 10%, if the annual revenue estimate made in the 4th quarter of a fiscal year exceeds the annual revenue estimate incorporated in the approved financial plan and budget for that fiscal year by at least \$ 105 million. This paragraph shall apply as of January 1, 2005 and shall expire on April 8, 2005."

(2) Paragraph (2) is amended by adding a new sentence to read as follows:

"This paragraph shall expire on January 1, 2005."

(b) Section 47-2501 is amended as follows:

(1) Subsection (a-1) is amended by adding a new sentence to read as follows:

"This paragraph shall expire on January 1, 2005."

(2) Subsection (a-2) is amended by striking the phrase "One-eleventh of the total tax collected" and inserting the phrase "Beginning, January 1, 2005, one-eleventh of the total tax collected from nonresidential customers" in its place.

(3) Subsection (d-1)(1)(B) is amended as follows:

(A) Sub-subparagraph (i) is amended by striking the phrase "a tax of \$0.0077" and inserting the phrase "a tax of \$0.007, as of January 1, 2005," in its place.

(B) Sub-subparagraph (ii)(I) is amended to read as follows:

Note,
 § 47-368.03

Note,
 § 47-2501

ENROLLED ORIGINAL

“(ii)(I) Pay to the Mayor a tax of \$0.0007, as of January 1, 2005, for each kilowatt-hour of electricity delivered to nonresidential end-users in the District of Columbia for the preceding calendar month.”

(4) Subsection (e) is amended by striking the word “necessary” and inserting the phrase “necessary or appropriate” in its place.

(c) Section 47-3902(d) of the District of Columbia Official Code is amended by striking the phrase “One-eleventh of the total tax collected” and inserting the phrase “Beginning, April 8, 2005, one-eleventh of the total tax collected from nonresidential customers” in its place.

Note,
§ 47-3902

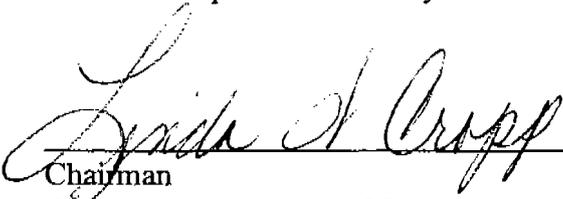
Sec. 3. Fiscal impact statement.

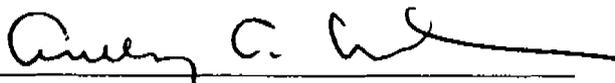
The Council adopts the fiscal impact statement of the Council Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

(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 14, 2005

AN ACT

D.C. ACT 16-139

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 14, 2005

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Fall
Supp.

West Group
Publisher

To amend section 3 of the Tobacco Settlement Model Act of 2000 to modify the circumstances under which funds shall be released from escrow and revert back to a tobacco product manufacturer.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tobacco Settlement Model Amendment Act of 2005".

Sec. 2. Section 3(2)(B)(ii) of the Tobacco Settlement Model Act of 2000, effective July 18, 2000 (D.C. Law 13-139; D.C. Official Code § 7-1801.02(2)(B)(ii)) ("Act"), is amended to read as follows:

Amend
§ 7-1801.02

"(ii) To the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow on account of units sold in the District of Columbia in a particular year was greater than the Master Settlement Agreement payments, as determined pursuant to section IX(i) of the Master Settlement Agreement, including after final determination of all adjustments that the manufacturer would have been required to make on account of such units sold had it been a participating manufacturer, the excess shall be released from escrow and revert back to the tobacco product manufacturer; or".

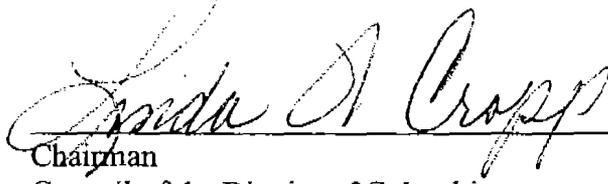
Sec. 3. If this act, or any portion of the amendment to section 3(2)(B)(ii) made by this act, is held by a court of competent jurisdiction to be unconstitutional, then such section 3(2)(B)(ii) shall be deemed to be repealed in its entirety. If section 3(2)(B) shall thereafter be held by a court of competent jurisdiction to be unconstitutional, then this act shall be deemed repealed, and section 3(2)(B)(ii) be restored as if no such amendment had been made. Neither any holding of unconstitutionality nor the repeal of section 3(2)(B)(ii) shall affect, impair, or invalidate any other portion of the Tobacco Settlement Model Act of 2000, or the application of the Act to any other person or circumstance, and such remaining portions of the Act shall at all times continue in full force and effect.

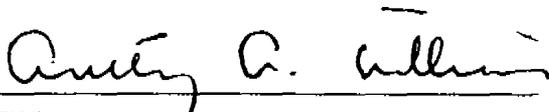
Sec. 4. Fiscal impact statement.

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 a 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 § 1-233(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 14, 2005

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-140

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 14, 2005

To authorize, on an emergency basis, the use of the District's available general fund surplus and reserve funds.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Reserve Funds and Fund Balance Allocation Emergency Act of 2005".

Sec. 2.(a) Pursuant to section 331(3) of the District of Columbia Appropriations Act, 2005, approved October 18, 2004 (Pub. L. No.108-335; 118 Stat. 1345) and section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (Pub. L. No.104-8; D.C. Official Code 47-392.02(j)), the Council authorizes the use of \$53.32 million, of which:

(1) The amount of \$31.22 million shall be from funds identified in the 2004 Comprehensive Annual Financial Report as the District's General Fund Surplus;

(2) An amount of \$15.2 million shall be from the 2005 Operating Cash Reserve fund; and

(3) An amount of \$6.9 million shall be from funds available from the Budget Reserve.

(b) The Council authorizes the funds described in subsection (a) of this section to be allocated for the following purposes:

(1) An amount not to exceed \$5.4 million shall be for the Department of Mental Health, of which:

(A) The amount of \$750,000 shall be to fund capital improvements at Greater Southeast Hospital;

(B) The amount of \$1.9 million shall be to cover the increased costs associated with psychotropic drugs;

(C) The amount of \$2 million shall be to cover the increased cost for staffing and nursing services; and

(D) The amount of \$750,000 shall be to fund prison diversion services;

ENROLLED ORIGINAL

(2) An amount not to exceed \$6 million shall be for the Office of the Chief Financial Officer who shall allocate the funds as necessary to cover anticipated increases in citywide fixed costs;

(3) An amount not to exceed \$100,000 shall be for the Office of Property Management for the relocation of the office of the Statehood Delegation;

(4) An amount not to exceed \$8.3 million shall be for the Office of the Chief Technology Officer, of which:

(A) The amount of \$6 million shall be for the implementation and enhancement of the Administrative Services Modernization Program; and

(B) The amount of \$2.3 million shall be for a Microsoft Licensing Agreement;

(5) An amount not to exceed \$1.2 million shall be for the Washington Metropolitan Area Transit Authority to provide funding for the Metro Matters Program;

(6) An amount not to exceed \$2.8 million shall be for the D.C. Public Library to establish storefront library facilities;

(7) An amount not to exceed \$400,000 shall be for the Office of the Secretary to provide funds for storage and printing;

(8) An amount not to exceed \$100,000 shall be for the Mayor to provide a grant to the Commission on Women;

(9) An amount not to exceed \$2 million shall be for the Department of Youth Rehabilitation Services to fund costs associated with implementation of recommendations from a staffing report by the Special Arbiter;

(10) An amount not to exceed \$10 million shall be for the Anacostia Waterfront Corporation, of which:

(A) The amount of \$2 million shall be for improvements to the canal block park; and

(B) The amount of \$8 million shall be to fund site preparation for a health facility on Reservation 13, of which an amount not to exceed \$2 million shall be for the development of the ER ONE facility at the Washington Hospital Center;

(11) An amount not to exceed \$7.3 million shall be for the Office on Aging to provide funding for three senior wellness centers;

(12) An amount not to exceed \$4 million shall be for the D.C. Housing Authority; provided, that the funds shall be used only to enhance the ability of the Authority to provide housing for low income and very low income residents, of which an amount up to \$200,000 shall be used expressly for the purpose of enhancing monitoring activities to ensure compliance with HCVP rules on family participation and landlord contractual obligations;

(13) An amount not to exceed \$200,000 shall fund a competitive grant from the Child and Family Services Agency to organizations providing court-appointed special advocates for children;

ENROLLED ORIGINAL

(14) An amount not to exceed \$200,000 shall be for the Department of Parks and Recreation, of which:

(A) The amount of \$100,000 is for capital improvements to the Fort Dupont Ice Rink; and

(B) The amount of \$100,000 is to fund the re-opening of the recreation center at Douglas Jr. High School.

(15) An amount not to exceed \$4.3 million shall be for the Deputy Mayor for Planning and Economic Development, of which:

(A) The amount of \$300,000 shall be for a grant for the African American Civil War Memorial;

(B) The amount of \$400,000 shall be for a grant to promote cultural tourism;

(C) The amount of \$700,000 shall be to fund advisory services associated with the conducting a Headquarters' Hotel study;

(D) The amount of \$400,000 shall be to fund advisory services associated with conducting an Old Convention Center study;

(E) The amount of \$500,000 shall be for capital improvements at the Lincoln Theatre;

(F) The amount of \$1.5 million shall be for a grant to the Avalon Theatre Project; and

(G) The amount of \$500,000 shall be for a grant to the National Council of Negro Women's Building to fund historic preservation, restoration, and maintenance;

(16) An amount not to exceed \$200,000 shall be for the Office of Campaign Finance for costs associated with implementing the Office Of Campaign Finance Exploratory Committee Reporting Reform Amendment Act of 2005, as introduced on March 1, 2005 (D.C. Bill 16-179);

(17) An amount not to exceed \$270,000 shall be for the Office of Latino Affairs for the following projects and programs:

(A) The Hispanic Tenant Forum 2005;

(B) The Certified Bilingual Nurse Aide Training Program;

(C) The Anti-Gang Awareness Campaign and Results Showcase;

(D) The D.C. Hispanic Festival (celebrating Hispanic Heritage Month 2005);

(E) The updated research paper on Latinos in the District of Columbia; and

(F) The 2 mural projects celebrating the Latino community;

(18) An amount not to exceed \$250,000 for the University of the District of Columbia to fund a 3.5% salary increase for non-union employees; and

(19) An amount not to exceed \$300,000 for capital improvements for Parks and Recreation.

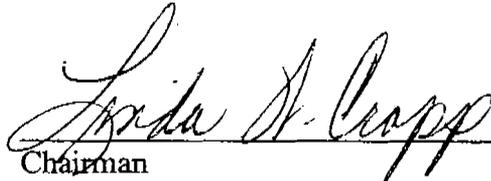
Sec. 3. The Mayor may promulgate any rules necessary to implement the provisions of this act.

Sec. 4. Fiscal impact statement.

The use of the general fund surplus and the reserve fund is already incorporated into the District's budget and financial plan and, therefore, the enactment of this legislation has no fiscal impact.

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 14, 2005

AN ACT

D.C. ACT 16-141

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 14, 2005*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, the District of Columbia Bus Shelter Act of 1979 in order to extend the term of the bus shelter franchise agreement to 20 years.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this Act may be cited as the "District of Columbia Bus Shelter Emergency Amendment Act of 2005".

Sec. 2. Sec. 3(d) of the District of Columbia Bus Shelter Act of 1979, effective May 10, 1980, (D.C. Law 3-67; 27 DCR 1266), is amended by striking the phrase "for a period of 10 years." and inserting the phrase "for a period of 20 years, to expire on December 31, 2025. After December 31, 2025 the term shall be ten years." in its place.

Sec. 3. Fiscal impact statement.

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

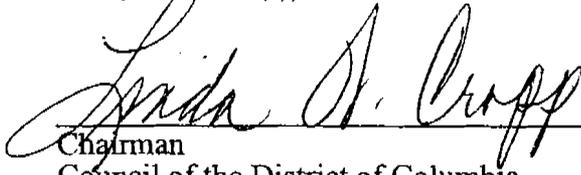
Sec. 4. Effective date.

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

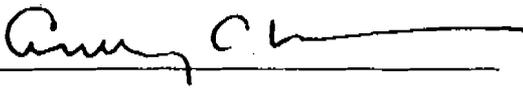
AUG 26 2005

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 14, 2005

AN ACT

D.C. ACT 16-169

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 3, 2005*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Fall
Supp.West Group
Publisher

To reaffirm the District of Columbia's commitment to addressing the problem of homelessness, to establish the Interagency Council on Homelessness and describe its members, powers, and duties, to describe the Continuum of Care for individuals and families who are homeless or at imminent risk of becoming homeless, to codify the rights and responsibilities of clients of homeless services providers, and the standards by which the District of Columbia and homeless services providers must deliver services to clients, and to revise the procedures for resolving disputes between clients and providers of homeless services.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Homeless Services Reform Act of 2005".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Administrative Procedure Act" or "APA" means the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat 1204; D.C. Official Code § 2-501 *et seq.*).
- (2) "Adult" means any individual who:
 - (A) Has reached the age of majority under District law as defined in section 2 of the District of Columbia Age of Majority Act, effective July 22, 1976 (D.C. Law 1-75; D.C. Official Code § 46-101); or
 - (B) Qualifies as an emancipated minor under District law.
- (3) "Apartment style" means a housing unit with:
 - (A) Separate cooking facilities and other basic necessities to enable families to prepare and consume meals;
 - (B) Separate bathroom facilities for the use of the family; and
 - (C) Separate sleeping quarters for adults and minor children in accordance with the occupancy standards of Title 14 of the District of Columbia Municipal Regulations (Housing).
- (4) "Appropriate permanent housing" means permanent housing that does not jeopardize the health, safety, or welfare of its occupants, meets the District's building code requirements, and is affordable for the client.
- (5) "Appropriately trained and qualified" means having received specialized training designed to teach the skills necessary to successfully perform one's job and to work compassionately with individuals and families who are homeless or at imminent risk of becoming homeless.
- (6) "Basic necessities" means a dinette set, refrigerator, stove, exhaust fan or window, storage cabinets, cookware, flatware, and tableware.
- (7) "Client" means an individual or family seeking, receiving, or eligible for

services from a program covered by section 3.

(8) "Continuum of Care" means the comprehensive system of services for individuals and families who are homeless or at imminent risk of becoming homeless and designed to serve clients based on their individual level of need. The Continuum of Care may include crisis intervention, outreach and assessment services, shelter, transitional housing, permanent supportive housing, and supportive services.

(9) "Crisis intervention" means assistance to prevent individuals and families from becoming homeless, which may include, but need not be limited to, cash assistance for security deposits, rent or mortgage payments, credit counseling, mediation with landlords, and supportive services.

(10) "Culturally competent" means the ability of a provider to deliver or ensure access to services in a manner that effectively responds to the languages, values, and practices present in the various cultures of its clients so the provider can respond to the individual needs of each client.

(11) "Day program" means a facility that provides open access to structured activities during set hours of the day to meet the supportive services needs of individuals and families who are homeless or at imminent risk of becoming homeless.

(12) "Department" means the Department of Human Services.

(13) "District" means the District of Columbia government, its agents, or its designees.

(14) "Drop-in center" means a facility that delivers supportive services that may include food, clothing, showers, medical services, and employment services.

(15) "Drug" means a controlled substance as defined in section 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02(4)), or the Controlled Substances Act of 1970, approved October 27, 1970 (84 Stat. 1242; 21 U.S.C. § 801 *et seq.*).

(16) "Family" means:

(A) A group of individuals with at least one minor or dependent child, regardless of blood relationship, age, or marriage, whose history and statements reasonably tend to demonstrate that they intend to remain together as a family unit; or

(B) A pregnant woman in her third trimester.

(17) "Group home" means a housing unit with:

(A) Sleeping quarters that may be shared;

(B) Shared cooking and bathroom facilities; and

(C) Other basic necessities to enable individuals or families to prepare and consume meals.

(18) "Homeless" means:

(A) Lacking a fixed, regular residence that does not jeopardize the health, safety, or welfare of its occupants, and lacking the financial ability to immediately acquire one; or

(B) Having a primary nighttime residence that is:

(i) A supervised publicly or privately operated shelter or

transitional housing facility designed to provide temporary living accommodations; or

(ii) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(19) "Housing First" means a program that provides clients with immediate access to independent permanent housing and supportive services without prerequisites for sobriety or participation in psychiatric treatment. Clients in Housing First programs may choose the frequency and type of supportive services they receive and refusal of services will have no consequence for their access to housing or on continuation of their housing and supportive services.

(20) "Hyperthermia shelter" means a public or private building that the District shall make available, for the purpose of providing shelter to individuals or families who are homeless and cannot access other shelter, whenever the actual or forecasted temperature or heat index rises above 95 degrees Fahrenheit. The term "hyperthermia shelter" does not include overnight shelter.

(21) "Hypothermia shelter" means a public or private building that the District shall make available, for the purpose of providing shelter to individuals or families who are homeless and cannot access other shelter, whenever the actual or forecasted temperature, including the wind chill factor, falls below 32 degrees Fahrenheit.

(22) "Individual with a disability" means a person with a physical or mental impairment that substantially limits the major life activities of the person.

(23) "Imminent risk of becoming homeless" means the likelihood that an individual's or family's circumstances will cause the individual or family to become homeless in the absence of prompt government intervention.

(24) "Imminent threat to the health or safety" means an act or credible threat of violence on the grounds of a shelter or supportive housing facility.

(25) "Interagency Council" means the Interagency Council on Homelessness established pursuant to section 4.

(26) "Low barrier shelter" means an overnight housing accommodation for individuals who are homeless, provided directly by, or through contract with or grant from, the District, for the purpose of providing shelter to individuals without imposition of identification, time limits, or other program requirements;

(27) "Member agency" or "member agencies" means the District agencies or divisions thereof represented on the Interagency Council pursuant to section 4(b).

(28) "Permanent supportive housing" means supportive housing for an unrestricted period of time for individuals and families who were once homeless and continue to be at imminent risk of becoming homeless, including persons with disabilities as defined in 24 C.F.R. § 582.5, for whom self-sufficient living may be unlikely and whose care can be supported through public funds.

(29) "Program Rules" means the set of provider rules, client rights, and complaint and appeal procedures, including those enumerated in this act, proposed by a particular provider for the purpose of governing the behavior and treatment of its clients and approved by the Mayor subject to section 18.

(30) "Provider" means an individual or entity within the Continuum of Care that operates a program covered by section 3.

(31) "Public assistance" means government-funded payments in or by money, medical care, remedial care, shelter, goods or services to, or for the benefit of, needy persons.

(32) "Resident of the District" means an individual or family who is living in the District voluntarily and not for a temporary purpose and who has no intention of presently moving from the District. The term "resident of the District" shall be interpreted and applied in accordance with section 503 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.03).

(33) "Sanction" means an adverse action taken by a provider affecting the delivery of services to a client, and may include loss of privileges or denial, reduction, delay, transfer for inappropriate or punitive reasons, suspension, or termination of services.

(34) "Service plan" means a written plan collaboratively developed and agreed upon by both the provider and the client, consisting of time-specific goals and objectives designed to promote self-sufficiency and attainment of permanent housing and based on the client's individually assessed needs, desires, strengths, resources, and limitations.

(35) "Severe weather conditions" means the outdoor conditions whenever the actual or forecasted temperature, including the wind chill factor or heat index, falls below 32 degrees Fahrenheit or rises above 95 degrees Fahrenheit.

(36) "Severe weather shelter" means hyperthermia shelter or hypothermia shelter.

(37) "Shelter" means severe weather shelter, low barrier shelter, and temporary shelter.

(38) "Supportive housing" means transitional housing and permanent supportive housing.

(39) "Supportive services" means services addressing employment, physical health, mental health, alcohol and other substance abuse recovery, child care, transportation, case management, and other health and social service needs which, if unmet, may be barriers to obtaining or maintaining permanent housing.

(40) "Temporary shelter" means:

(A) A housing accommodation for individuals who are homeless that is open either 24 hours or at least 12 hours each day, other than a severe weather shelter or low barrier shelter, provided directly by, or through contract with or grant from, the District, for the purpose of providing shelter and supportive services; or

(B) A 24-hour apartment-style housing accommodation for individuals or families who are homeless, other than a severe weather shelter, provided directly by, or through contract with or grant from, the District, for the purpose of providing shelter and supportive services.

(41) "Transitional housing" means a 24-hour housing accommodation, provided directly by, or through contract with or grant from, the District, for individuals and families who:

(A) Are homeless;

(B) Require a structured program of supportive services for up to 2 years or as long as necessary in order to prepare for self-sufficient living in permanent housing; and

(C) Consent to a case management plan developed collaboratively with the provider.

(42) "Weapon" means any pistol or other firearm (or imitation thereof), or other dangerous or deadly weapon, including a sawed-off shot gun, shot gun, machine gun, rifle, dirk, bowie knife, butcher knife, switch blade knife, razor, black jack, billy club or metallic or other false knuckles, as referenced in section 2 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 560; D.C. Official Code § 22-4502), and any air gun, air rifle, canon, torpedo, bean shooter, sling, projectile, dart, BB gun, spring gun, blow gun, other dangerous missile or explosive, or other dangerous weapon or ammunition of any character, as referenced in Chapter 23 of Title 24 of the District of Columbia Municipal Regulations.

Sec. 3. Application.

(a) The provisions in sections 9-27 shall apply to:

(1) Each program within the Continuum of Care offered by the District of Columbia or by a provider receiving funding for the program from either the District of Columbia or the federal government, if such funds are administered, whether by grant, contract, or other means, by the Department of Human Services or its designee; and

(2) Clients of programs covered under paragraph (1) of this subsection.

(b) In multi-program agencies, the provisions in sections 9-27 shall only apply to those programs that meet the criteria in subsection (a) of this section and clients of those programs.

(c) This section shall not be construed to expand or limit the requirements of any other provision of this act.

Sec. 4. Establishment of Interagency Council on Homelessness.

(a) There is established in the District the Interagency Council on Homelessness for the purpose of facilitating interagency, cabinet-level leadership in planning, policymaking, program development, provider monitoring, and budgeting for the Continuum of Care of homeless services.

(b) The Interagency Council is composed of:

(1) The City Administrator, who shall serve as chairperson of the Interagency Council;

(2) The administrative head of each of the following entities or divisions thereof:

- (A) Department of Human Services;
- (B) Department of Mental Health;
- (C) Child and Family Services Agency;
- (D) Department of Housing and Community Development;
- (E) Department of Health;

- (F) District of Columbia Housing Authority;
- (G) Department of Corrections;
- (H) Department of Employment Services;
- (I) District of Columbia Public Schools;
- (J) District of Columbia Emergency Management Agency;
- (K) Office of Property Management; and
- (L) Metropolitan Police Department;

(3) A representative of any private entity designated to approve or allocate any grants or contracts, on behalf of the Mayor, for services within the Continuum of Care;

(4) A representative from a minimum of 4 and a maximum of 10 organizations that are providing services within the Continuum of Care;

(5) A minimum of 2 and a maximum of 5 homeless or formerly homeless individuals;

(6) A minimum of 2 and a maximum of 5 advocates for the District of Columbia's homeless population; and

(7) The Chairman of the Council, or his or her designee, and the Chairman of the committee of the Council having purview over homeless services, or his or her designee, both of whom shall be non-voting members.

(c) All non-government members of the Interagency Council described in subsections (b)(4)-(6) of this section shall be nominated for appointment by the Mayor and approved by the Council. The Mayor shall transmit to the Council, within 90 days of the effective date of this act, nominations of each non-government member of the Interagency Council for a 60-day period of review, excluding days of Council recess. If the Council does not approve or disapprove a nomination by resolution within the 60-day review period, the nomination shall be deemed approved.

Sec. 5. Powers and duties of the Interagency Council.

(a) The Interagency Council shall provide leadership in the development of strategies and policies that guide the implementation of the District's policies and programs for meeting the needs of individuals and families who are homeless or at imminent risk of becoming homeless.

(b) In fulfilling the responsibility described in subsection (a) of this section, the Interagency Council shall:

(1) Coordinate an annual, community-wide needs-assessment and planning process to identify, prioritize, and target needs for services within the Continuum of Care. The needs-assessment shall take into account existing data and include input from at least one public hearing, which shall be held at least once each year;

(2) At least every 5 years, prepare and publish a strategic plan for services within the Continuum of Care that takes into account existing data and community input;

(3) Prepare an annual plan detailing how the District intends to provide or arrange for services within the Continuum of Care that takes into account existing data and community input;

(4) Review on a regular basis the efforts of each member of the Interagency Council to fulfill the goals and policies of the annual plan prepared pursuant to paragraph (3) of this subsection, including a review of the number and nature of contracts and grants entered into by each agency to provide services within the Continuum of Care;

(5) Prepare and submit to the Mayor an annual written report evaluating the efforts of each member agency of the Interagency Council to meet the goals and policies of the annual plan prepared pursuant to paragraph (3) of this subsection;

(6) Direct the Office of Property Management to identify vacant public buildings or tax-foreclosed buildings to be used as shelter and supportive housing facilities;

(7) Provide input into the District's planning and application for federal funds for services within the Continuum of Care. All applications for federal funds shall take into account the strategic plan developed by the Interagency Council prepared pursuant to paragraph (2) of this subsection;

(8) Have access to data collected and generated by a computerized information system as set up by the Mayor pursuant to section 8(d). The data may include the number of beds or units available in the District's shelter and supportive housing facilities, the availability of supportive services in the District, and the current usage of and unmet demand for such beds, units, and services;

(9) By September 1 of each year, develop a plan, consistent with the right of clients to shelter in severe weather conditions, describing how member agencies will coordinate to provide hypothermia shelter and identifying the specific sites that will be used as hypothermia shelters; and

(10) Review reports of the fair hearings and administrative reviews requested or received by clients within the Continuum of Care, which shall include the provider party to the appeal, the subject matter of the appeal, and the final disposition of the appeal.

(c) The Mayor shall, no later than February 1 of each year, make available to all Interagency Council members the District's proposed budget breakdown of each agency's appropriations for services within the Continuum of Care. The Interagency Council shall give comments to the Mayor regarding the proposed budget.

(d) Each member agency of the Interagency Council shall:

(1) Conduct or commission an annual audit of any private entity designated by the agency to approve or allocate any grants or contracts, on behalf of the Mayor, for services within the Continuum of Care, and make available a report of the audit to all Interagency Council members;

(2) Offer training and technical assistance to its employees who directly provide services within the Continuum of Care and to any providers with which the member agency or its designee contracts to deliver the services; and

(3) Report to the Interagency Council on a quarterly basis currently available data on the number of individuals and families that applied for homeless services and the number of homeless individual or families that were served by the agency and its contractors.

Sec. 6. Operation of the Interagency Council.

(a) The Interagency Council shall meet not less than quarterly. All meetings of the Interagency Council shall comply with the following requirements:

(1) A quorum of one-third of the appointed representatives of member agencies, one-third of appointed representatives of providers of homeless services, and one-third of the appointed homeless or formerly homeless individuals or advocates must be present in order to conduct the business of the Interagency Council;

(2) The meetings of the Interagency Council, and the meetings of any committees it shall establish pursuant to subsection (c) of this section, shall be subject to the open meeting provisions of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 831; D.C. Official Code § 1-207.42); and

(3) The Interagency Council shall provide a reasonable opportunity at the beginning of each meeting during which members of the public may comment on matters relevant to the work of the Interagency Council.

(b) The Interagency Council shall enact rules of procedure or bylaws to guide the regular operation of the Interagency Council. The rules of procedure or bylaws shall be made available to the public upon request.

(c) The Interagency Council may establish committees to aid in conducting its business. No meeting of a committee of the Interagency Council shall qualify as a meeting of the Interagency Council for purposes of fulfilling the requirements in subsection (a) of this section.

(d) The Mayor shall, within 30 days of the effective date of this act, designate an existing department or agency to provide staff assistance and support to the Interagency Council.

Sec. 7. Continuum of Care for individuals and families who are homeless.

(a) The District's provision of homeless services shall be based on a Continuum of Care that offers a comprehensive range of services through various member agencies and is designed to meet the specific, assessed needs of individuals and families who are homeless or at imminent risk of becoming homeless. The District shall respond to the changing needs of individuals and families by ensuring that transfer between and among services within the Continuum of Care is fluid and allows clients to modify the intensity of services they receive to meet their needs, preferences, and changing circumstances.

(b) The Continuum of Care may include the following range of services:

(1) Crisis intervention for the purpose of preventing homelessness by enabling individuals and families at imminent risk of becoming homeless to remain in or access permanent housing; provided, that the Mayor shall not offer crisis intervention services authorized by this paragraph until the Chief Financial Officer has certified the availability of fiscal year 2006 funding pursuant to section 1016(5) of the Fiscal Year 2006 Budget Support Act of 2005, passed on 2nd reading on July 6, 2005 (Enrolled version of Bill 16-200);

(2) Outreach and assessment, including the operation of a hotline, for the purpose of identifying the housing and supportive service needs of individuals and families who are homeless or at imminent risk of becoming homeless and linking them to appropriate

services;

(3) Shelter to meet the housing needs of individuals and families who are homeless through the provision of:

(A) Severe weather shelter for the purpose of protecting lives in extreme hot and cold weather;

(B) Low barrier shelter for individuals for the purpose of sheltering and engaging individuals who avoid temporary shelter because of identification, time limit, or other program requirements; and

(C) Temporary shelter for individuals and families for the purpose of meeting short-term housing needs and other supportive service needs;

(4) Supportive housing to meet the longer-term housing needs of individuals and families who are homeless through the provision of:

(A) Transitional housing for the purpose of providing eligible individuals and families who are homeless with long-term housing and supportive services in order to prepare them for self-sufficient living in permanent housing; and

(B) Permanent supportive housing for the purpose of providing eligible individuals and families who are homeless or at imminent risk of becoming homeless with housing and supportive services;

(C) Housing First for the purpose of providing eligible individuals and families who are homeless with housing and supportive services;

(5) Supportive services for the purpose of providing individuals and families who are homeless or at imminent risk of becoming homeless with services that address their housing, employment, physical health, mental health, alcohol and other substance abuse recovery, child care, case management, transportation, and other health and social service needs which, if unmet, may be barriers to obtaining or maintaining permanent housing. These services may, but need not, be delivered through day programs, drop-in centers, shelters, and transitional and permanent supportive housing providers, or through referrals to other appropriate service providers.

(c) Whenever the actual or forecasted temperature, including the wind chill factor, falls below 32 degrees Fahrenheit, or whenever the actual or forecasted temperature or heat index rises above 95 degrees Fahrenheit, the District shall make available appropriate space in District of Columbia public or private buildings and facilities for any person in the District who is homeless and cannot access other shelter. In doing so, the District shall not use District of Columbia Public School buildings currently being used for educational purposes without the prior approval of the Board of Education.

(d) The Mayor shall not place homeless families in non-apartment style shelters.

Sec. 8. Eligibility for services within the Continuum of Care.

(a) An individual or family is eligible to receive services within the Continuum of Care if the individual or family:

(1) Is homeless or at imminent risk of becoming homeless;

(2) Is a resident of the District, as defined by section 503 of the District of

Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.03); and

(3) Meets any additional eligibility requirements that have been established pursuant to section 17 by the provider from whom services are sought.

(b) No individual or family may be deemed ineligible for services solely because the individual or family cannot establish proof of homelessness or residency at the time of the individual or family's application for assistance.

(c)(1) The Mayor shall operate at least one central intake center for families for the purposes of:

(A) Assessing the eligibility of families for services within the Continuum of Care and making appropriate referrals for those services; and

(B) Serving as a resource center for families who are seeking information about the availability of services within the Continuum of Care.

(2) Families who are eligible for services within the Continuum of Care shall receive appropriate referrals to the first available provider based on the chronological order in which they apply for assistance, consistent with any additional eligibility requirements established pursuant to section 18 by the provider from whom services are sought.

(3) Any family who is determined to be eligible for services pursuant to subsection (c)(1)(A) of this section, but who is not immediately served due to lack of capacity, shall be placed on one or more waiting lists for the services sought and shall be served in the order in which appropriate referrals become available.

(4) Notwithstanding paragraph (2) of this subsection, in determining what is an "appropriate referral," the Mayor shall consider relevant factors, including prior receipt of services, disability, family size, affordability of housing and age, and may use these factors to prioritize a family's placement in shelter or other service.

(5) The Mayor shall not impose or apply eligibility criteria that exclude or tend to exclude an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any services within the Continuum of Care, unless such criteria are shown to be necessary for the provision of the services.

(d) The Mayor shall operate a computerized information system to collect, maintain, and distribute up-to-date information regarding the number of beds or units available in shelter and supportive housing in the District, the availability of supportive services, and the current usage and unmet demand for such beds, units, and services.

Sec. 9. Client rights.

Clients served within the Continuum of Care shall have the right to:

(1) At all times, be treated by providers and the Department with dignity and respect;

(2) Access services within the Continuum of Care free from discrimination on the basis of race, color, religion, national origin, language, culture, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, and source of income, and in accordance with the Human Rights

Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 328; 42 U.S.C. § 12101 *et seq.*), the Rehabilitation Act of 1973, approved August 7, 1998 (112 Stat. 1095; 29 U.S.C. § 701 *et seq.*), Title II of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat. 243; 42 U.S.C. § 2000a *et seq.*), and the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*);

(3) Receive reasonable modifications to policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the client's provider demonstrates that the modifications would fundamentally alter the nature of the services;

(4) Access services within the Continuum of Care free from verbal, emotional, sexual, financial, and physical abuse and exploitation;

(5) Shelter in severe weather conditions;

(6) At a reasonable time and with reasonable prior notice, view and copy, or have an authorized representative view and copy, all records and information that are related to the client and maintained by the client's provider, including any relevant personal, social, legal, financial, educational, and medical records and information, subject to the provisions of paragraph (7) of this subsection;

(7) Confidential treatment by the Department and providers of personal, social, legal, financial, educational, and medical records and information related to a client or any member of a client's family, whether obtained from the client or from any other source, in a manner consistent with the confidentiality requirements of District and federal law;

(8) Engage in or abstain from the practice of religion, including the religion of a particular provider or other clients;

(9) Upon request, be told the name and job title of any provider staff member delivering services;

(10) Provide input and feedback to providers on their delivery of services;

(11) File complaints with a provider or the Mayor regarding the provider's delivery of services or treatment of the client;

(12) Participate actively in development of any service plan for the client, be told of the progress made toward the goals of that service plan, and receive a review of the service plan upon request;

(13) Be free from testing for drugs or alcohol except when:

(A) Program guidelines prohibit intoxication and a licensed social worker with experience identifying indications of drug or alcohol use or a certified addiction counselor determines that there is reasonable cause to believe that the client is engaging in drug or alcohol use; or

(B) A client consents to drug or alcohol testing as part of the client's case management plan developed in accordance with paragraph (12) of this subsection;

(14) Meet and communicate privately with attorneys, advocates, clergy, physicians, and other professionals;

(15) Timely notice, where required by section 19, of any decision by the

Department or a provider that adversely affects the client's receipt of services within the Continuum of Care;

(16) Appeal, where permitted by sections 26 and 27, of any decision by the Department or a provider that adversely affects the client's receipt of services within the Continuum of Care;

(17) Be free from retaliation, punishment, or sanction for exercising any rights provided under this act; and

(18) Continuation of shelter and supportive housing services without change, other than transfer pursuant to section 20 or emergency transfer, suspension, or termination pursuant to section 24, pending the outcome of any fair hearing requested within 15 calendar days of receipt of written notice of a suspension or termination.

Sec. 10. Additional rights for clients in temporary shelter or supportive housing.

Clients residing in temporary shelter or supportive housing shall have the right to:

(1) Receive visitors in designated areas of the shelter or housing premises during reasonable hours and under such reasonable conditions as specified in the provider's Program Rules established pursuant to section 18;

(2) Leave and return to the shelter or housing premises within reasonable hours as specified by the Program Rules established pursuant to section 18;

(3) Reasonable prior notice specifying the date and time of any inspections of a client's living quarters and of the provider staff member authorized to perform the inspection, except when, in the opinion of the provider's executive or program director, there is reasonable cause to believe that the client is in possession of a substance or object that poses an imminent threat to the health and safety of the client or any other person on the provider's premises and such reasonable cause is documented in the client's record;

(4) Be present or have an adult member of the family present at the time of any inspection unless, in the opinion of the provider's executive or program director, there is reasonable cause to believe that the client is in possession of a substance or object that poses an imminent threat to the health and safety of the client or any other person on the provider's premises and such reasonable cause is documented in the client's record;

(5) Reasonable privacy in caring for personal needs and in maintaining personal living quarters; and

(6) Conduct their own financial affairs, subject to the reasonable requirements of Program Rules established pursuant to section 18 or to a service plan pursuant to section 9(12).

Sec. 11. Client responsibilities.

(a) Clients receiving services within the Continuum of Care shall:

(1) Seek appropriate permanent housing or Housing First, except when the client is residing in severe weather and low barrier shelter;

(2) Seek employment, education, or training when appropriate, except when the client is residing in severe weather and low barrier shelter;

(3) Refrain from the following behaviors while on a provider's premises:

- (A) The use or possession of alcohol or illegal drugs;
 - (B) The use or possession of weapons;
 - (C) Assaulting or battering any individual, or threatening to do so; and
 - (D) Any other acts that endanger the health or safety of the client or any other individual on the premises;
- (4) Ensure that children within the client's family and physical custody are enrolled in school, where required by law;
- (5) Ensure that the client's minor children receive appropriate supervision while on the provider's premises;
- (6) Utilize child care services when necessary to enable the adult client to seek employment or housing or to attend school or training, unless the client meets any of the exemptions of section 519g of the District of Columbia Public Assistance Act of 1982, effective April 20, 1999 (D.C. Law 12-241; D.C. Official Code § 4-205.19g), or section 5809.4(b)-(e) of Title 29 of the District of Columbia Municipal Regulations, including any subsequent revisions.
- (7) Respect the safety, personal rights, and private property of provider staff members and other clients;
- (8) Maintain clean sleeping and living areas, including bathroom and cooking areas;
- (9) Use communal areas appropriately, with attention to cleanliness and respect for the interests of other clients;
- (10) Be responsible for one's own personal property; and
- (11) Follow all Program Rules established by a provider pursuant to section 18.
- (b) Clients residing in temporary shelter and transitional housing shall participate in the provider's assessment and case management services.

Sec. 12. Common standards for all providers.

Providers shall:

- (1) Ensure staff members are appropriately trained, qualified, and supervised;
- (2) Maintain safe, clean, and sanitary facilities that meet all applicable District health, sanitation, fire, building, and zoning codes;
- (3) Assist clients to prepare for living in permanent housing, as deemed appropriate by the provider and the client;
- (4) Collaborate and coordinate with other service providers to meet the client's needs, as deemed appropriate by the provider and the client;
- (5) Receive and utilize client input and feedback for the purpose of evaluating and improving the provider's services;
- (6) Establish procedures for the provider's internal complaint procedures;
- (7) Provide clients with copies of printed information describing the range of services within the Continuum of Care;
- (8) In accordance with section 8(c) and as openings occur, inform all clients of services for which they may be eligible;

(9) Deliver or provide access to culturally competent services and language assistance for clients with limited English proficiency;

(10) Provide services free from discrimination on the basis of race, color, religion, national origin, language, culture, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, and source of income, and in accordance with the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401 *et seq.*), the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 328; 42 U.S.C. § 12101 *et seq.*), the Rehabilitation Act of 1973, approved August 7, 1998 (112 Stat. 1095; 29 U.S.C. § 701 *et seq.*), and Title II of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat. 243; 42 U.S.C. § 2000a *et seq.*);

(11) Provide reasonable modifications to policies, practices, and procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the provider demonstrates that making the modifications would fundamentally alter the nature of the services;

(12) Ensure confidential treatment of the personal, social, legal, financial, and medical records and information related to a client or any member of a client's family, whether obtained from the client or from any other source, consistent with the confidentiality requirements of District and federal law;

(13) Establish Program Rules in accordance with section 18;

(14) Provide notice of its Program Rules in accordance with section 19;

(15) Collect, record, and annually report to the Mayor all complaints, including requests for fair hearings or administrative reviews, made against or related to the provider during the year; and

(16) Establish procedures to revise practices and policies as may be necessary to ensure that clients may access services free from discrimination on the basis of disability.

Sec. 13. Additional standards for providers of severe weather shelter.

In addition to the standards in section 12, providers of severe weather shelter shall provide:

(1) When severe weather conditions continue overnight, a clean bed with clean linens, pad, and blanket for each bed;

(2) Basic needs, such as food and clothing and other supportive services, or information about where to obtain such basic needs and supportive services;

(3) 24-hour, properly functioning toilet facilities;

(4) Cool water, available via water cooler, fountain, or other means; and

(5) Properly functioning heating and cooling systems during the appropriate seasons.

Sec. 14. Additional standards for providers of low barrier shelter.

In addition to the requirements in sections 12 and 13, providers of low barrier shelter shall provide:

- (1) Case management services with an appropriately trained, qualified, and supervised case manager, which shall include the development of a service plan;
- (2) Hot shower facilities; and
- (3) Personal hygiene supplies.

Sec. 15. Additional standards for providers of temporary shelter and supportive housing.

In addition to the requirements in sections 12, 13, and 14, providers of temporary shelter and supportive housing shall provide:

- (1) Assessment by an appropriately trained, qualified, and supervised case manager in order to identify each client's service needs;
- (2) Direct provision of, or referral to, appropriate supportive services to enable the client to fulfill the goals and requirements in the client's service plan;
- (3) Mail and phone services, or procedures for handling mail and phone messages, that enable the client to receive mail and messages without identifying the client as residing in temporary shelter or supportive housing;
- (4) Private, secure space for the temporary storage of personal belongings;
- (5) Access to laundry facilities in the immediate vicinity of the shelter or supportive housing facility when all of the units are in one location;
- (6) Reasonable access to phones during reasonable hours and during emergencies;
- (7) The opportunity to establish a voluntary savings or escrow account; and
- (8) In supportive housing and temporary shelters for families, access to immediate indoor or outdoor areas equipped with basic facilities for exercise and play for use by minor children.

Sec. 16. Additional standards for providers of transitional housing.

In addition to the requirements of sections 12, 13, 14, and 15, all providers of transitional housing shall provide:

- (1) Follow-up supportive services, for a minimum of 6 months, for clients who have transferred to permanent housing from their program, unless the client is receiving such supportive services from another provider;
- (2) An apartment-style or group home housing accommodation; and
- (3) Access to private space and personal time.

Sec. 17. Monitoring and inspections.

(a) The Mayor shall monitor and evaluate the services delivered by all programs covered by section 3.

(b) The Mayor shall inspect the premises of all providers operating programs covered by section 3. Inspections shall be conducted:

- (1) At least once during each calendar year;
- (2) Whenever the Mayor has reason to believe that a provider is not in compliance with the applicable standards established in this act or with other requirements or

agreements; and

(3) In a reasonable manner and during the regular hours of operation of the provider.

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

(d) The Mayor shall not delegate the responsibilities of this section to any agency or entity that serves as a provider of services covered by section 3.

Sec. 18. Program Rules.

(a) Pursuant to the limitations of subsections (b) and (c) of this section, providers may establish Program Rules related to the specific goals of their programs. The Program Rules shall include:

(1) Any applicable special eligibility requirements for the purpose of limiting entry into the program to individuals or families exhibiting the specific challenges that the program is designed to address, except in severe weather shelter and low barrier shelter;

(2) Rules regarding client responsibilities, including those listed in section 11;

(3) A list of client rights, including those listed in section 9, and where appropriate, section 10;

(4) A description of the internal complaint procedures established by the provider for the purpose of providing the client with an opportunity to promptly resolve complaints;

(5) A description of the procedures by which an individual with a disability may request a reasonable modification of policies or practices that have the effect of limiting the right to access services free from discrimination on the basis of disability as established by section 9(2).

(6) A description of the procedures and notice requirements of any internal mediation program established by the provider pursuant to section 25;

(7) A description of any schedule of sanctions that a provider may apply to clients who are in violation of the Program Rules, as authorized by sections 20 through 24; and

(8) A description of a client's right to appeal any decision or action by the provider that adversely affects the client's receipt of services through fair hearing proceedings pursuant to section 26 and administrative review proceedings pursuant to section 27.

(b) Any Program Rules established by a provider shall be submitted to the Mayor for approval in accordance with the following requirements:

(1) Within 90 days of the effective date of this act;

(2) On a yearly basis thereafter, with any proposed changes clearly identified;

and

(3) Whenever a provider seeks approval to change its eligibility criteria, the rules of its internal mediation program or complaint procedures, or its schedule of sanctions.

(c) No provider may enforce any provision within its Program Rules, other than those

requirements or protections specifically enumerated by this act, unless:

- (1) The Program Rules were in existence before the effective date of this act and less than 180 days has passed since the effective date of this act; or
- (2) The Mayor has approved the Program Rules pursuant to subsection (b) of this section.

Sec. 19. Notice.

(a)(1) All providers shall give prompt and effective notice of their Program Rules by:

- (A) Posting a copy of their Program Rules on the provider's premises in a location easily accessible to clients and visitors; and
- (B) Giving every new client written notice of the provider's Program Rules, and reading and explaining the written notice to the client.

(2) The client and the provider staff member delivering the notice pursuant to paragraph (1)(B) of this subsection shall both sign a statement acknowledging the client's receipt of the notice and indicating the client's awareness, understanding, and acceptance of the Program Rules.

(b) All providers shall give to any client to whom they have denied services oral and written notice of the right to appeal the denial, including information about how to request a fair hearing pursuant to section 26 and administrative review pursuant to section 27.

(c) All providers shall give written and oral notice to clients of their transfer to another provider or of their suspension or termination from services at least 15 days prior to the effective date of the transfer, suspension, or termination, except:

- (1) When the sanction results from the client's imminent threat to the health or safety of someone on the premises of the provider in accordance with section 24; or
- (2) When the sanction is a suspension of supportive services for a period shorter than 10 days.

(d) Any notice issued pursuant to subsection (b) or (c) of this section must be mailed or served upon the client and shall include:

- (1) A clear statement of the sanction or denial;
- (2) A clear and detailed statement of the factual basis for the sanction or denial, including the date or dates on which the basis or bases for the sanction or denial occurred;
- (3) A reference to the statute, regulation, policy, or Program Rule pursuant to which the sanction or denial is being implemented;
- (4) A clear and complete statement of the client's right to appeal the sanction or denial through fair hearing proceedings pursuant to section 26 and administrative review proceedings pursuant to section 27, including the appropriate deadlines for instituting the appeal; and

(5) A statement of the client's right, if any, to continuation of benefits pending the outcome of any appeal, pursuant to section 9(18).

(e) Providers shall establish procedures to provide effective notice of rights, rules, sanctions, and denials to clients with special needs, including those who may be mentally impaired or mentally ill, or who may have difficulty reading or have limited English

proficiency.

Sec. 20. Transfer.

(a) A provider may transfer a client to another provider to ensure the client receives the most appropriate services available within the Continuum of Care whenever:

- (1) The client consents to the transfer; or
- (2) The provider identifies and secures for the client a placement with another provider that more appropriately meets the client's medical, mental health, behavioral, or rehabilitative service needs in accordance with the client's service plan.

(b) In addition to the circumstances under which a client may be transferred as described in subsection (a) of this section, a provider may transfer a client when a client fails or refuses to comply with the provider's Program Rules and the client responsibilities listed in section 11, or engages in any of the behaviors listed in section 22(2); provided, that:

- (1) The client has received proper notice of the Program Rules, client responsibilities, and prohibited behaviors, as required by section 19; and
- (2) The provider has made a good-faith effort to enable the client to comply with the Program Rules so that the client is able to continue receiving services without a transfer.

(c) Transfers of clients under this section can be made through direct arrangements with other providers within the Continuum of Care or through coordination with the central intake center established pursuant to section 8(c)(1). Such efforts shall be documented by the provider in the client's records.

Sec. 21. Suspension.

(a) If a client fails or refuses to comply with the provider's Program Rules and the client responsibilities listed in section 11, or engages in any of the behaviors listed in section 22(2), the provider may suspend services to the client for an appropriate period of time in light of the severity of the act or acts leading to the suspension, but in no case for any period longer than 30 days. The suspension may be implemented only when:

- (1) The client has received proper notice of the Program Rules, client responsibilities, and prohibited behaviors, as required by section 19; and
- (2) The provider has made a good-faith effort to enable the client to comply with the Program Rules so that the client is able to continue receiving services without suspension.

(b) Prior to suspension of services, the provider shall make a reasonable effort, given the severity of the situation, to transfer the client to another provider within the Continuum of Care, in accordance with section 20.

(c) A provider may not suspend adult individuals or adult family members in a manner that results in minor children or dependent adults being left unattended in a shelter or supportive housing unit.

Sec. 22. Termination.

A provider may terminate its delivery of services to a client only when:

- (1) The provider documents that it has considered suspending the client in

accordance with section 21 or has made a reasonable effort, in light of the severity of the act or acts leading to the termination, to transfer the client in accordance with section 20;

(2) The client:

- (A) Possesses a weapon on the provider's premises;
- (B) Possesses or sells illegal drugs on the provider's premises;
- (C) Assaults or batters any person on the provider's premises;
- (D) Endangers the client's own safety or the safety of others on the

provider's premises;

(E) Intentionally or maliciously vandalizes, destroys, or steals the property of any person on the provider's premises;

(F) Fails to accept an offer of appropriate permanent housing or supportive housing that better serves the client's needs after having been offered 2 appropriate permanent or supportive housing opportunities; or

(G) Knowingly engages in repeated violations of a provider's Program Rules; and

(3) In the case of terminations pursuant to subparagraphs (2)(F) and (2)(G) of this section, the provider has made reasonable efforts to help the client overcome obstacles to obtaining permanent housing.

Sec. 23. Alternative sanctions.

(a) A provider may employ lesser sanctions as alternatives to the transfer, suspension, or termination of services authorized in sections 20 through 22.

(b) Any alternative sanction applied shall be authorized in the schedule of sanctions included in the provider's Program Rules and may include loss of special privileges and imposition of additional responsibilities.

Sec. 24. Emergency transfers, suspensions, or terminations.

(a) Whenever a client presents an imminent threat to the health or safety of the client or any other person on a provider's premises, the provider, in light of the severity of the act or acts leading to the imminent threat, may immediately transfer, suspend, or terminate the client, without providing prior written notice of the transfer, suspension, or termination as required by section 19(c).

(b) The provider shall endeavor to provide written notice, consistent with the requirements of section 19(d), to any client transferred, suspended, or terminated pursuant to subsection (a) of this section at the time that the action is taken. If it is not possible or safe to provide written notice at the time of the action, a subsequent written notice shall be provided to the client within 15 days, or, if the client's whereabouts are unknown, upon request within 90 days of the transfer, suspension, or termination. The time period during which the client may request fair hearing proceedings to appeal the transfer, suspension, or termination pursuant to section 26 shall not begin until the client has received the subsequent written notice.

(c) No client transferred, suspended, or terminated pursuant to subsection (a) of this section shall have the right to request mediation of the action from the provider pursuant to

section 25 or to continue to receive shelter or supportive housing services without change pending appeal pursuant to section 9(18).

(d) Whenever a provider transfers, suspends, or terminates a client pursuant to subsection (a) of this section, the provider shall immediately notify the Department of the action. The notification shall include the following information:

- (1) The identity of the client who was transferred, suspended, or terminated;
- (2) The nature, date, and time of the action taken by the provider;
- (3) The provider staff member authorizing the transfer, suspension, or termination; and
- (4) The act or acts leading to the transfer, suspension, or termination.

(e) Whenever the Department receives a notification pursuant to subsection (d) of this section, the Department shall issue a written finding of whether the emergency transfer, suspension, or termination order complies with the requirements of this section. The notification shall be issued within 24 hours of receipt of the notification by the Department. If the Department finds that the order was improperly issued, the Department shall reinstate the client's access to the services received prior to the issuance of the order, pending the outcome of a hearing pursuant to sections 26 and 27.

Sec. 25. Mediation.

(a) Providers are strongly encouraged to establish internal mediation programs to resolve disputes with clients.

(b) Any provider who chooses to establish an internal mediation program shall offer mediation services to any client of the provider, or the client's representative, who requests them.

(c) Upon receiving an oral or written request for mediation, the provider shall provide the client or the client's representative with reasonable written notice of:

- (1) The time and place of any mediation proceedings; and
- (2) The client's right to request a fair hearing for formal review of his or her complaint pursuant to section 26 and his or her right to request administrative review pursuant to section 27.

(d) The provider shall allow the client or the client's representative to review its records of the client prior to the mediation proceeding.

(e) The provider shall allow the client to be accompanied by a legal or other representative of the client's choosing in any mediation proceedings.

(f) Upon conclusion of the mediation proceedings, the provider shall notify the client of his or her right to request a fair hearing pursuant to section 26, and the deadline for making such a request, if he or she is not satisfied with the outcome of the mediation.

(g) No member of the provider's staff who was involved in the incident or incidents at issue in the mediation shall serve as a mediator during the proceedings.

Sec. 26. Fair hearings.

(a) The Office of Administrative Hearings shall grant a fair hearing to any client or

client representative who wishes to appeal a decision listed in subsection (b) of this section and who requests such a hearing, orally or in writing, within 90 days of receiving written notice of the adverse action. A request for a fair hearing shall be made to the client's provider, the Department, the Mayor, or the Mayor's designee. If the request is made orally, the individual receiving the request shall promptly acknowledge the request, reduce it to writing, and file the request for a fair hearing with the Office of Administrative Hearings.

(b) A client or client representative may request a fair hearing to:

- (1) Appeal an administrative review decision made pursuant to section 27;
- (2) Review any decision of a provider of services, other than shelter or

supportive housing, to:

- (A) Transfer the client to another provider;
- (B) Suspend provision of services to the client for a period longer than

10 days; or

- (C) Terminate services to the client; or

- (3) Obtain any legally available and practicable remedy for any alleged violation

of:

- (A) The provider standards listed in sections 12-16; or

- (B) The client rights listed in sections 9 and 10, including the denial of a

request by an individual with a disability for a reasonable accommodation or modification of policies or practices.

(c) The Mayor shall treat a fair hearing request made by a client representative in the same manner as it would be treated if it were made directly by the client; provided, that the Mayor subsequently receives written documentation authorizing the client representative to act on behalf of the client in accordance with the requirements of section 1004 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-210.05).

(d) In accordance with section 9(18), any client who requests a fair hearing within 15 days of receipt of written notice of a suspension or termination of shelter or supportive housing shall continue to receive shelter or supportive housing pending a final decision from the fair hearing proceedings. This right to continuation of shelter or supportive housing pending appeal shall not apply in the case of an emergency suspension or termination pursuant to section 24.

(e) Upon receipt of a fair hearing request, the Mayor or the Mayor's designee shall offer the client or client representative an opportunity for an administrative review by the Department of the decision that is the subject of the fair hearing request.

(f) All fair hearings shall be conducted in the following manner:

(1) In accordance with the requirements for the review of contested cases as provided in the Administrative Procedure Act;

(2) In accordance with the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.01 *et seq.*); and

(3) In accordance with the following additional requirements:

(A) The hearing shall be held within a reasonably short time following the request, such time not to exceed 15 days following the initial request for hearing;

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(B) If a party fails to appear, the Administrative Law Judge designated to conduct the hearing may enter a default decision in favor of the party present. The default may be set aside only for good cause shown, and upon equitable terms and conditions; and

(C) The Administrative Law Judge shall issue a final decision within 15 days of the completion of the hearing.

(g) Materials and documents filed with the Office of Administrative Hearings during fair hearing proceedings shall be maintained in compliance with section 16(d) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.13(d)), the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (Pub. L. No. 104-191; 110 Stat. 1936), and any other District or federal law pertaining to confidentiality of records.

(h) The Mayor or the Mayor's designee shall maintain a file of final fair hearing and administrative review decisions, indexed by issue, with identifying information redacted. The file shall be accessible to clients, their representatives, and other persons upon request to the Mayor or the Mayor's designee.

Sec. 27. Administrative review.

(a) The purpose of the administrative review shall be to enable the Department to ascertain the legal validity of the decision that is the subject of the fair hearing request, and, if possible, achieve an informal resolution of the appeal.

(b) Any administrative review conducted pursuant to subsection (a) of this section shall be completed within 15 days of the receipt of the administrative review request, except upon showing of good cause as to why such deadline cannot be met. If good cause is shown, a decision shall be rendered as soon as possible thereafter. If an extension of time for review is required for good cause, written notice of the extension shall be provided to the client or client representative prior to the commencement of the extension.

(c) An administrative review must be completed before the Office of Administrative Hearings shall grant a fair hearing to any client or client representative.

(d) All administrative reviews shall be conducted in the following manner:

(1) In accordance with the administrative review procedures described in section 1007 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-210.07); and

(2) In accordance with the following additional requirements:

(A) The client or client representative shall have the right to submit issues and comments in writing to the Department; and

(B) The client or the client representative shall have the right to review provider's records regarding the client, or the records of other related service providers regarding the client, prior to the administrative review proceeding;

(C) The administrative review shall be conducted by an employee of the Department;

(D) The administrative review decision shall be issued in writing, in a manner readily understood by the client, and shall include:

- (i) A clear and detailed statement of the factual basis supporting the administrative review decision;
- (ii) A clear and detailed statement of the actions proposed to be implemented, including any sanctions, probationary periods, or any denial, transfer, suspension, or termination of services to be imposed;
- (iii) A reference to the statute, regulation, Program Rule, or policy pursuant to which the administrative review decision is made;
- (iv) Notice that the client's request for a hearing shall be considered formally withdrawn upon submission of a signed statement confirming such withdrawal; and
- (v) A statement that if the client is not satisfied with the administrative review decision, the fair hearing shall be held.

Sec. 28. No entitlement to services.

- (a) No provision of this act shall be construed to create an entitlement (either direct or implied) on the part of any individual or family to any services within the Continuum of Care, other than shelter in severe weather conditions as authorized by section 9(5).
- (b) No provision of this act shall be construed to require the District to expend funds for individuals or families who are eligible for services within the Continuum of Care, beyond the level of the District's annual appropriation for services within the Continuum of Care.

Sec. 29. Limitation on use of District monies.

- (a) No public funds shall be used for payment of goods or services from any vendor or organization that engages in discriminatory practices.
- (b) No District funds shall be used to support the delivery of services that are not authorized by this act or by rules issued pursuant to this act.
- (c) All District funds appropriated to fund or support services within the Continuum of Care shall be used in accordance with District contract and procurement regulations and District grant regulations.

Sec. 30. Contracting authority.

The Mayor may execute contracts, grants, and agreements as necessary to implement the provisions of this act.

Sec. 31. Rulemaking authority.

The Mayor, pursuant to Title 1 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 act. 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

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approved.

Sec. 32. Conforming amendments.

(a) Section 603 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-206.03), is repealed.

Repeal
§ 4-206.03

(b) The District of Columbia Right to Overnight Shelter Initiative of 1984, effective March 14, 1985 (D.C. Law 5-146; D.C. Official Code § 4-701 *et seq.*), is repealed.

Repeal
§§ 4-701 -
4-714

(c) The Frigid Temperature Protection Amendment Act of 1988, effective March 16, 1989 (D.C. Law 7-204; D36 DCR 454), is repealed.

(d) The Emergency Shelter Services for Families Reform Amendment Act of 1982, effective April 6, 1982 (D.C. Law 7-86; 35 DCR 140), is repealed.

(e) Section 1 of An Act To establish a District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Official Code § 3-301), is amended by striking the phrase "such other activities as may be in the interest of the District of Columbia," and inserting the phrase "such other activities as may be in the interest of the District of Columbia, including, but not limited to, the provision of emergency protection when the temperature falls below 32 degrees Fahrenheit," in its place.

Repeal
§ 3-301

Sec. 33. Fiscal impact statement.

The Council adopts the fiscal impact statements of the Budget Director and 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. 34. Effective date.

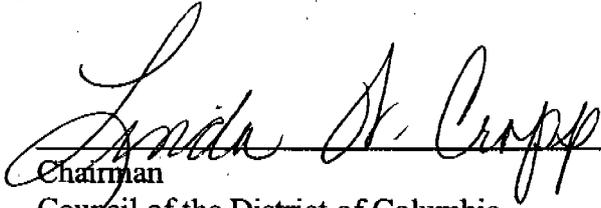
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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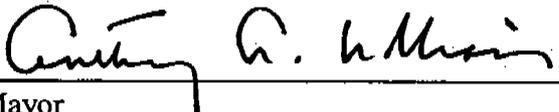
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24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
August 3, 2005