

AN ACT

D.C. ACT 15-411

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 21, 2004

Codification
District of
Columbia
Official Code

2001 Edition

2004 Summer
Supp.

West Group
Publisher

To amend, on an emergency basis, the Lead-Based Paint Abatement and Control Act of 1996 to change exemptions and increase criminal and civil penalties and fines for violations to match federal standards; to amend the Housing Regulations of the District of Columbia to require notice to the Department of Health of peeling paint in older housing businesses; and to amend section 806 of Title 20 of the District of Columbia Municipal Regulations to make technical amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Lead-Based Paint Abatement and Control Emergency Amendment Act of 2004".

Sec. 2. The Lead-Based Paint Abatement and Control Act of 1996, effective April 9, 1997 (D.C. Law 11-221; D.C. Official Code § 8-115.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 8-115.01) is amended as follows:

Note,
§ 8-115.01

(1) Paragraph (2) is amended by striking the number "8" and inserting the number "6" in its place.

(2) Paragraph (8) is amended by striking the phrase "seven-tenths of a milligram per square centimeter (0.7 mg/cm²)" and inserting the phrase "one milligram per square centimeter (1.0 mg/cm²)" in its place.

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

"(12) "0-bedroom unit" means any residential unit in which the living areas are not separated from the sleeping areas."

(b) Section 5 (D.C. Official Code § 8-115.04) is amended as follows:

Note,
§ 8-115.04

(1) Paragraph (1) is amended by striking the number "8" and inserting the number "6" in its place.

(2) Paragraph (2) is amended by striking the number "8" and inserting the number "6" in its place.

(c) Section 8(a) (D.C. Official Code § 8-115.07(a)) is amended by striking the phrase "individuals, except governmental agencies." and inserting the phrase "individuals." in its place.

Note,
§ 8-115.07

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(d) Section 13(a) (D.C. Official Code § 8-115.12(a)) is amended to read as follows:

"(a) Notwithstanding any other provision of this act, any person who knowingly or willfully violates sections 4, 6, 7, or 8, or the implementing rules and regulations, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than \$25,000, imprisonment of not more than one year, or both."

(e) Section 14(a) (D.C. Official Code § 8-115.13(a)) is amended by striking the phrase "\$500" and inserting the phrase "\$25,000" in its place.

Note,
§ 8-115.12

Sec. 3. The Housing Regulations of the District of Columbia, issued August 11, 1955 (C.O. 55-1503; 14 DCMR Chapters 1-13), are amended as follows:

DCMR

(a) Section 1102 (14 DCMR § 199.1) is amended by amending the definition for the term "exterior surface" by striking the number "8" and inserting the phrase "six (6)" in its place.

(b) Section 2605.2 (14 DCMR §§ 707.8-707.12) is amended by striking the number "8" and inserting the phrase "six (6)" in its place.

(c) Section 2605.3 (14 DCMR §§ 707.13-707.14) is amended as follows:

(1) Strike the phrase "0.5 of 1 percent or more of the total weight of the materials or 0.7 milligrams or more per square centimeter (0.7 mg/cm²)" and insert the phrase "five-tenths of one percent (0.5%) or more of the total weight of the materials or one milligram per square centimeter (1.0 mg/cm²)" in its place.

(2) Strike the number "8" wherever it appears and insert the phrase "six (6)" in its place.

(d) Section 2605.4 (14 DCMR §§ 707.3-707.4) is amended as follows:

(1) Strike the number "8" wherever it appears and insert the phrase "six (6)" in its place.

(2) Strike the phrase "0.5 of 1 percent of the total weight of the material or more than 0.7 milligrams per square centimeter (0.7 mg/cm²)" wherever it appears and insert the phrase "five-tenths of one percent (0.5 %) of the total weight of the material or more than one milligram per square centimeter (1.0 mg/cm²)" in its place.

(e) Section 2605a(a) (14 DCMR §§ 707.15-707.16) is amended by striking the number "8" wherever it appears and inserting the phrase "six (6)" in its place.

(f) A new section 3103.6 (14 DCMR § 201.6) is added to read as follows:
"3103.6 The Director of the District agency responsible for enforcement of the housing regulations shall report to the Director of the District agency responsible for health regulations the presence of peeling paint on the interior or exterior surfaces of any housing business built before 1978, and licensed under this chapter, excluding hotels and motels."

DCMR

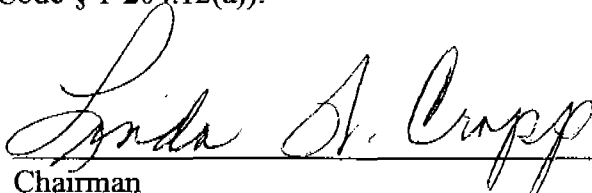
Sec. 4. Section 806.1(e)(3) of Title 20 of the District of Columbia Municipal Regulations (February 1997) (20 DCMR § 806.1(e)(3)) is amended by striking the phrase "If performing clearance tests, the" and inserting the word "The" in its place.

Sec. 5. Fiscal impact statement.

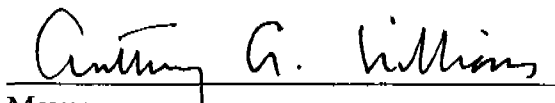
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
APRIL 21, 2004

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Chief Financial OfficerNatwar M. Gandhi
Chief Financial OfficerMEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer

DATE: November 13, 2003

SUBJECT: Fiscal Impact Statement: "Lead-Based Paint Abatement and Control Amendment Act of 2003"

REFERENCE: Draft Legislation - Bill Number Not Available

Conclusion

Funds are sufficient in the FY 2004 through FY 2007 budget and financial plan because implementation of the proposed legislation would not require any additional funds or resources. The proposed legislation would have a potential, minimal positive impact on general fund revenue.

Background

The proposed legislation would increase fines to match federal limits and would align District regulations with federal lead-based paint regulations. These changes are necessary to demonstrate that the District program is at least as protective of human health as the federal program and provides adequate enforcement. Enactment of the proposed legislation would enable the District to obtain final delegation of enforcement of the lead-based paint provisions of the Toxic Substances Control Act (Pub. L. 94-469; Oct. 11, 1976, 90 Stat. 2003; 15 U.S.C. § 2601 *et seq.*). These regulations define the manner in which lead-based paint in occupied buildings must be treated to reduce the exposure of children to lead poisoning.

Failure to implement the proposed changes may result in denial of the application to obtain final delegation of the federal lead-based paint regulations and the potential loss of approximately \$190,000 in federal grant funds that the District now receives.

The Honorable Linda W. Cropp
FIS: Bill 15-149, "Veterinary Practice Amendment Act of 2003"
Page 2 of 2

Financial Plan Impact

Funds are sufficient in the FY 2004 through FY 2007 budget and financial plan because the District is not expected to incur any additional expenditures as a result of the proposed legislation. The proposed legislation is expected to generate revenue from increased fines ranging between \$23,700 and \$57,500 in FY 2004 through FY 2007. The exact amount of revenue cannot be determined because the fine assessed ranges from the proposed statutory minimums of \$250 and \$500 to a high of \$25,000.

AN ACT
D.C. ACT 15-412

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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To amend, on an emergency basis, section 47-902 of the District of Columbia Official Code to grant a waiver of the obligation to pay transfer taxes in connection with the donation to the Washington Metropolitan Transit Authority of certain land to be occupied by and used for and in connection with the New York Avenue Metrorail Station.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Metropolitan Area Transit Authority Property Dedication Transfer Tax Exemption Emergency Act of 2004".

Sec. 2. Section 47-902 of the District of Columbia Official Code is amended as follows:

Note,
§ 47-902

(1) Paragraph (20) is amended by striking the phrase "; and" at the end of the paragraph and inserting a semi-colon in its place.

(2) Paragraph (21) is amended by striking the period at the end of the paragraph and inserting the phrase "; and" in its place.

(3) A new paragraph (22) is added to read as follows:

"(22) Transfers to the District of Columbia, or any instrumentality thereof, for nominal consideration, and for use in connection with the New York Avenue Metrorail Station of property described for tax purposes as square 712, lot 112, or any portion thereof."

Sec. 3. Fiscal impact statement.

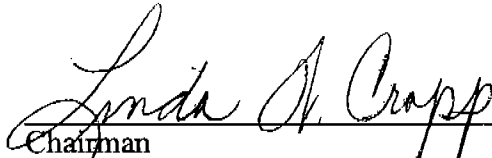
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

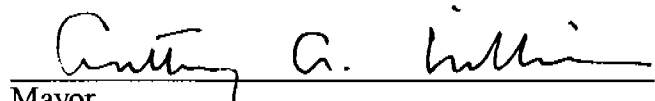
Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED
April 21, 2004

Government of the District of Columbia
Office of the Chief Financial Officer



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer

DATE: MAR 16 2004

SUBJECT: Fiscal Impact Statement: "Washington Metropolitan Area Transit Authority Property Dedication Transfer Tax Exemption Emergency Act of 2004"

REFERENCE: Draft Resolution

Conclusion

Funds are sufficient in the proposed FY 2004 through FY 2007 budget and financial plan to enact the "Washington Metropolitan Area Transit Authority (WMATA) Property Dedication Transfer Tax Exemption Emergency Act of 2004".

Background

The proposed resolution would waive the transfer tax on a parcel of land donated to WMATA. This parcel, square 0712 lot 0112, is 238,087 square feet, owned by Union Station Associates, LTD and assessed at \$44,998,500 for tax year 2005. Ten percent (23,826 sq ft) of the site would be donated for the New York Avenue Metro Station and 6 percent (13,401 sq ft) of the site would be donated for the Metropolitan Bike Trail. Union Station Associates would retain the remainder of the parcel.

Financial Plan Impact

The value of the land being donated to WMATA is approximately \$7.2 million. Waiving the transfer tax on this parcel of land would result in a reduction of \$108,000 (or 1.5% of its fair market value) in deed transfer taxes that would otherwise be collected by the District. Because

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The Honorable Linda W. Cropp

FIS: "Washington Metropolitan Area Transit Authority, Property Dedication Transfer Tax Exemption Emergency Act of 2004"

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the value of the land being transferred to the District instrumentality is far greater than the amount of forgone taxes, funds are sufficient in the proposed FY 2004 through FY 2007 budget and financial plan to enact the proposed legislation.

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To amend, on an emergency basis, the District of Columbia Campaign Finance Reform and Conflict of Interest Act to allow members of the Board of Education to receive honoraria without restriction.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Honoraria Emergency Amendment Act of 2004".

Sec. 2. Section 801(a) of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, effective October 18, 1989 (D.C. Law 8-41; D.C. Official Code § 1-1108.01(a)), is amended by striking the phrases "or of the Board of Education" and "or a member of the Board of Education".

Note,
§ 1-1108.01

Sec. 3. Fiscal impact statement.

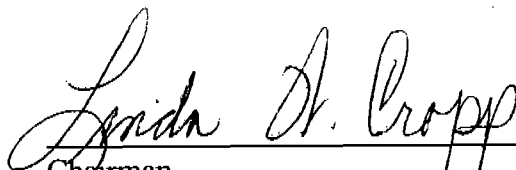
This act will have no fiscal impact. It amends a limitation as to honoraria received by members of the Board of Education. It does not amend the requirement to report to the Office of Campaign Finance pursuant to section 602(a) of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 467; D.C. Official Code § 1-1106.02(a)), and therefore has no effect on the Office's workload.

Sec. 4. Effective date.


This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
April 21, 2004

AN ACT
D.C. ACT 15-414

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 21, 2004

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To provide greater access and participation in public services, programs, and activities for residents of the District of Columbia with limited or no-English proficiency by requiring that District government programs, departments, and services assess the need for, and offer, oral language services; provide written translations of documents into any non-English language spoken by a limited or no-English proficient population that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered, or likely to be served or encountered; to ensure that District government programs, departments, and services with major public contact establish and implement a language access plan and designate a language access coordinator; to require that the Office of Human Rights coordinate and supervise District government programs, departments, and services in complying with the provisions of this act and establish the position of Language Access Director for this purpose; and to amend the District of Columbia Latino Community Development Act and to repeal the Bilingual Services Translation Act of 1977 to repeal redundant provisions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Language Access Act of 2004".

Sec. 2. Definitions.

For purposes of this act, the term:

(1) "Access or participate" means to be informed of, participate in, and benefit from public services, programs, and activities offered by a covered entity at a level equal to English proficient individuals.

(2) "Covered entity" means any District government agency, department, or program that furnishes information or renders services, programs, or activities directly to the public or contracts with other entities, either directly or indirectly, to conduct programs, services, or activities. The term "covered entity" shall not include the Advisory Neighborhood Commissions.

(3)(A) "Covered entity with major public contact" means a covered entity whose primary responsibility consists of meeting, contracting, and dealing with the public.

(B) Covered entities with major public contact are:

- (i) Alcoholic Beverage Regulation Administration;
- (ii) Department of Health;
- (iii) Department of Mental Health;
- (iv) Department of Human Services;
- (v) Department of Employment Services;
- (vi) Fire and Emergency Medical Services;
- (vii) District of Columbia Housing Authority;
- (viii) District of Columbia general ambulatory and emergency

care centers;

- (ix) Emergency Management Agency;
- (x) Metropolitan Police Department;
- (xi) District of Columbia Public Schools;
- (xii) Department of Motor Vehicles;
- (xiii) Department of Housing and Community Development;
- (xiv) Department of Public Works;
- (xv) Department of Corrections;
- (xvi) Office on Aging;
- (xvii) District of Columbia Public Library;
- (xviii) Department of Parks and Recreation ;
- (xix) Department of Consumer and Regulatory Affairs ;
- (xx) Child and Family Services Agency;
- (xxi) Office of Human Rights;
- (xxii) Office of Personnel;
- (xxiii) Office of Planning;
- (xxiv) Office of Contracting and Procurement;
- (xxv) Office of Tax and Revenue; and
- (xxvi) Office of the People's Counsel.

(C) Other covered entities with major public contact may be designated by the Language Access Director through the Mayor, by regulation, after consultation with the D. C. Language Access Coalition in accordance with section 6(b)(6).

(4) "Language Access Director" means the official in the Office of Human Rights who, pursuant to section 6, coordinates and supervises the activities of District agencies, departments, and programs undertaken to comply with the provisions of this act.

(5) "Limited or no-English proficiency" means the inability to adequately understand or to express oneself in the spoken or written English language.

(6) "Oral language services" means the provision of oral information necessary

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to enable limited or no-English proficiency residents to access or participate in programs or services offered by a covered entity. The term "oral language services" shall include placement of bilingual staff in public contact positions; the provision of experienced and trained staff interpreters; contracting with telephone interpreter programs; contracting with private interpreter services; and using interpreters made available through community service organizations that are publicly funded for that purpose.

(7) "Vital documents" means applications, notices, complaint forms, legal contracts, and outreach materials published by a covered entity in a tangible format that inform individuals about their rights or eligibility requirements for benefits and participation. The term "vital documents" shall include tax-related educational and outreach materials produced by the Office of Tax and Revenue, but shall not include tax forms and instructions.

Sec. 3. Oral language services provided by covered entities.

(a) A covered entity shall provide oral language services to a person with limited or no-English proficiency who seeks to access or participate in the services, programs, or activities offered by the covered entity.

(b) A covered entity shall, at least annually, determine the type of oral language services needed based upon:

(1) The number or proportion of limited or no-English proficient persons of the population served or encountered, or likely to be served or encountered by the covered entity, in the District of Columbia;

(2) The frequency with which limited or no-English proficient individuals come into contact with the covered entity;

(3) The importance of the service provided by the covered entity; and

(4) The resources available to the covered entity.

(c)(1) In making the determination under subsection (b) of this section of the type of oral language services needed, the covered entity shall consult the following sources of data to determine the languages spoken and the number or proportion of limited or no-English proficient persons of the population that are served or encountered, or likely to be served or encountered, by the covered entity in the District of Columbia:

(A) The United States Census Bureau's most current report entitled "Language Use and English Ability, Linguistic Isolation" (or any other successor report);

(B) Any other language-related information;

(C) Census data on language ability indicating that individuals speak English "less than very well";

(D) Local census data relating to language use and English language ability;

(E) Other governmental data, including intake data collected by covered entities; data collected by the District of Columbia Public Schools; and data collected by and

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made available by District government offices that conduct outreach to communities with limited-English proficient populations and that serve as a liaison between the District government and limited-English proficient populations, such as the Office of Latino Affairs and the Office of Asian and Pacific Islander Affairs; and

(F) Data collected and made available by the D.C. Language Access Coalition.

(2) A covered entity shall annually collect data about the languages spoken and the number or proportion of limited or no-English proficient persons speaking a given language in the population that is served or encountered, or likely to be served or encountered, by the covered entity. A covered entity's databases and tracking applications shall contain fields that will capture this information during the fiscal year that this act takes effect with respect to the covered entity pursuant to section 7. If it is demonstrated to the Office of Human Rights that this is not feasible due to budgetary constraints, a covered entity shall make all due efforts to comply with this paragraph by the beginning of the next fiscal year. All information collected under this section shall be provided to the Language Access Director and made available to the public, upon request, within a reasonable time.

(d) To the extent that a covered entity requires additional personnel to meet its requirement to provide oral language services based on the determination set forth in this section, the covered entity shall hire bilingual personnel into existing budgeted vacant public contact positions.

Sec. 4. Written language services by covered entity.

(a) A covered entity shall provide translations of vital documents into any non-English language spoken by a limited or no-English proficient population that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered, or likely to be served or encountered, by the covered entity in the District of Columbia.

(b) If the provisions of this act are contractually imposed on a non-covered entity, subsection (a) of this section shall apply.

Sec. 5. Additional obligations of covered entities with major public contact.

(a)(1) A covered entity with major public contact shall establish a language access plan, by regulation.

(2) Each language access plan shall be established in consultation with the Language Access Director, the D.C. Language Access Coalition, the entity's language access coordinator, and agency directors that conduct outreach to limited or no-English populations. Each language access plan shall be updated every 2 years and shall set forth, at minimum, the following:

(A) The types of oral language services that the entity will provide and how the determination was reached;

ENROLLED ORIGINAL

(B) The titles of translated documents that the entity will provide and how the determination was reached;

(C) The number of public contact positions in the entity and the number of bilingual employees in public contact positions;

(D) An evaluation and assessment of the adequacy of the services to be provided; and

(E) A description of the funding and budgetary sources upon which the covered entity intends to rely to implement its language access plan.

(3) In establishing and updating the language access plan, the entity shall consult with the sources of data set forth in section 3(c)(1).

(b) A covered entity with major public contact shall designate a language access coordinator who shall report directly to the director of the entity and shall:

(1) Establish and implement the entity's language access plan in consultation with the Language Access Director, the D.C. Language Access Coalition, and the agency directors of government offices that conduct outreach to communities with limited or no-English proficient populations; and

(2) Conduct periodic public meetings with appropriate advance notice to the public.

(c) A covered entity with major public contact shall develop a plan to conduct outreach to communities with limited or no-English proficient populations about their language access plans and about the benefits and services to be offered under this act.

Sec. 6. Language access oversight; duties of Language Access Director.

(a) The Office of Human Rights shall provide oversight, central coordination, and technical assistance to covered entities in their implementation of the provisions of this act and ensure that the provision of services by covered entities meets acceptable standards of translation or interpretation.

(b) There shall be within the Office of Human Rights a Language Access Director to coordinate activities under this act. The Language Access Director shall:

(1) Review and monitor each covered entity's language access plan for compliance with this act and Title VI of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat. 252; 42 U.S.C. §§ 2000d through 2000d-7);

(2) Track, monitor, and investigate public complaints regarding language access violations at covered entities, and where necessary, issue written findings of noncompliance to the covered entities regarding failures to provide language access; provided, that this responsibility shall not supersede or preclude the existing individual complaint process and mechanism under the jurisdiction of the Office of Human Rights;

(3) Review and monitor the language access coordinators with respect to their performance of responsibilities under this act;

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(4) Consult with language access coordinators, the D.C. Language Access Coalition, and the heads of government offices that conduct outreach to communities with limited or no-English proficient populations;

(5) Serve as the language access coordinator for the Office of Human Rights;

and

(6) Through the Mayor, by regulation, after consultation with the D.C. Language Access Coalition, designate additional covered entities with major public contact.

Sec. 7. Phased implementation.

(a) This act shall apply on its effective date to:

- (1) Department of Health;
- (2) Department of Human Services;
- (3) Department of Employment Services;
- (4) Metropolitan Police Department;
- (5) District of Columbia Public School System;
- (6) Office of Planning;
- (7) Fire and Emergency Medical Services; and
- (8) Office of Human Rights.

(b) This act shall apply as of October 1, 2004 to:

- (1) Department of Housing and Community Development;
- (2) Department of Mental Health;
- (3) Department of Motor Vehicles;
- (4) Child and Family Services Agency;
- (5) Alcoholic Beverage Regulation Administration; and
- (6) Department of Consumer and Regulatory Affairs.

(c) This act shall apply as of October 1, 2005, to:

- (1) Department of Parks and Recreation;
- (2) Office on Aging;
- (3) District of Columbia Public Library;
- (4) Office of Personnel;
- (5) Office of Contracting and Procurement;
- (6) Department of Corrections;
- (7) Department of Public Works; and
- (8) Office of Tax and Revenue.

(d) This act shall apply as of October 1, 2006 to all covered entities.

Sec. 8. Conforming amendments.

(a) Section 304 of the District of Columbia Latino Community Development Act, effective September 29, 1976 (D.C. Law 1-86; D.C. Official Code § 2-1314), is repealed.

ENROLLED ORIGINAL

(b) The Bilingual Translation Services Act of 1977, effective October 26, 1977 (D.C. Law 2-31; D.C. Official Code § 2-1342 *et seq.*), is repealed.

Sec. 9. Inclusion in the budget and financial plan.

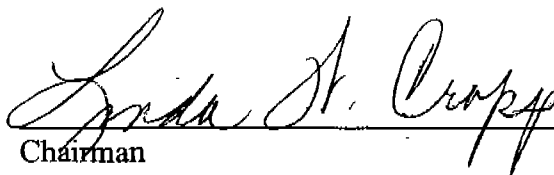
This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan. This act is subject to appropriations.

Sec. 10. Fiscal impact statement.

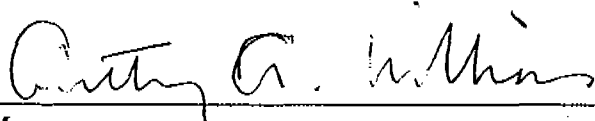
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 11. 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. 831; 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
April 21, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-415

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
APRIL 21, 2004

To designate the alley bound by Potomac Avenue, S.E., Kentucky Avenue, S.E., 15th Street, S.E., and Pennsylvania Avenue, S.E., in Ward 6, as Freedom Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Freedom Way Designation Act of 2004".

Sec. 2. Pursuant to sections 401 and 403 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03), the Council designates the alley bound by Potomac Avenue, S.E., Kentucky Avenue, S.E., 15th Street, S.E., and Pennsylvania Avenue, S.E., in Ward 6, as "Freedom Way".

Sec. 3. The Secretary to the Council shall transmit a copy of this act, upon its effectiveness, each to the District of Columbia Surveyor, District of Columbia Department of Transportation, Fire and Emergency Medical Services Department, and the Metropolitan Police Department.

Sec. 4. Fiscal impact statement.

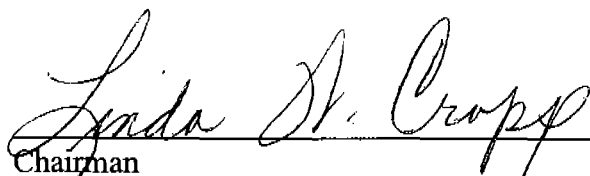
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 5. Effective date.

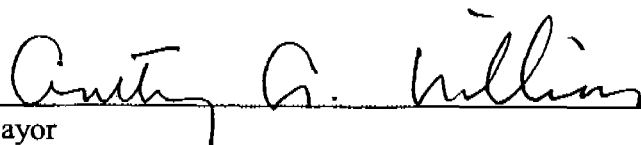
This act shall take effect upon its approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
April 21, 2004

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-416

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
APRIL 21, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Fall
Supp.

West Group
Publisher

To amend, on a temporary basis, the District of Columbia Employee Non-Liability Act and the Office of Administrative Hearings Establishment Act of 2001 to provide members of the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings with protection from liability in the case of a lawsuit filed in connection with the performance of their official duties.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Commission on Selection and Tenure of Administrative Law Judges Non-Liability Temporary Amendment Act of 2004".

Sec. 2. Section 6 of the District of Columbia Employee Non-Liability Act, approved July 14, 1960 (74 Stat. 520; D.C. Official Code § 2-415), is amended by adding a new subsection (b-1) to read as follows:

Note,
§ 2-415

"(b-1) The District of Columbia will defend and indemnify members of the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings from claims and suits in law or equity arising from acts or omissions in the course and scope of their official duties, other than willful or bad faith misconduct."

Sec. 3. Section 9 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.06), is amended by adding a new subsection (d) to read as follows:

Note,
§ 2-1831.06

"(d) Commission members shall have protection from liability as provided in section 6(b-1) of the District of Columbia Employee Non-Liability Act, approved July 14, 1960 (74 Stat. 520; D.C. Official Code § 2-415(b-1))."

Sec. 4. Fiscal impact statement.

This legislation will not have an adverse fiscal impact because under current law the members of the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings would be entitled to representation by the Corporation Counsel for the District of Columbia, and to indemnification through the Settlements and Judgments Fund, in almost all cases. The only possible exception is the highly unlikely case in which there was a conflict of interest that prevented the Corporation Counsel from representing the Commission members and indemnifying them through the Settlements and Judgments Fund. This legislation provides for the Commission members' representation and indemnification in that very unlikely circumstance and permits them to access the Settlements and Judgments Fund created for the payment of legal settlements or judgments against the District of Columbia government. Section 403 of the District of Columbia's Fiscal Year 2004 appropriation act also allows the District of Columbia to use other local funds to pay legal settlements or judgments,

so it seems clear that the funds exist to cover the very low probability that this legislation would require a payout of District of Columbia funds.

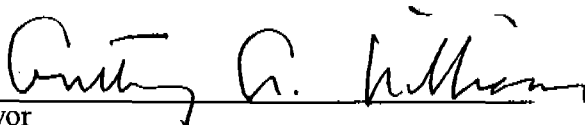
Sec. 5. Effective date.

(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
April 21, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-417

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 21, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Fall
Supp.West Group
Publisher

To amend, on a temporary basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, to establish a new time period in which the Mayor may dispose of the property located in Ward 8 in accordance with the Request for Proposals for the Disposition of Camp Simms Approval Resolution of 2000.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Disposal of District-Owned Surplus Real Property in Ward 8 Temporary Amendment Act of 2004".

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended by adding a new subsection (d-3) to read as follows:

Note,
§ 10-801

"(d-3)(1) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of a 25-acre site legally described as Lot 804, Square 5912, in Ward 8 in accordance with the Request for Proposals for the Disposition of Camp Simms Approval Resolution of 2000, effective December 5, 2000 (Res. 13-715; 47 DCR 9984), is extended to March 2, 2006.

"(2) This subsection shall apply as of December 5, 2002."

Sec. 3. Fiscal impact statement.

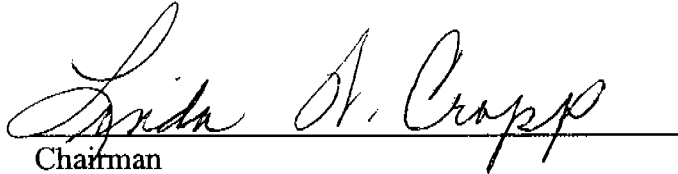
This act will have a positive fiscal impact by resulting in the transfer of property owned by the District of Columbia ("District"), thus exempt from District property taxes, to ownership by a private-sector development subject to District property taxes. The resulting new property tax revenue was estimated at \$600,000 annually in 2000. Creation of new jobs for District residents, estimated at 350-400 in 2000, will generate additional sums in District income, sales, payroll, and business tax revenue. This section constitutes the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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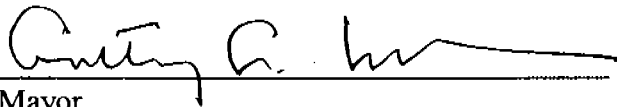
Sec. 4. Effective date.

(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
April 21, 2004

AN ACT
 D.C. ACT 15-418

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 21, 2004

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2004 Fall
 Supp.

West Group
 Publisher

To amend the District of Columbia Unemployment Compensation Act to provide for unemployment compensation for eligible individuals who voluntarily or involuntarily leave work due to domestic violence, to require documentary proof to establish that a claimant's separation from employment was due to domestic violence, to provide that benefits payable to a claimant are not chargeable to an employer, to require a training program for employees who handle unemployment compensation claims to develop an awareness of domestic violence as it relates to unemployment compensation claims and to learn the procedure for validating a domestic violence claim, to require the Director to report annually to the Mayor the number of individuals who received unemployment benefits based on a domestic violence claim, and to provide additional safeguards on the disclosure of information pertaining to a domestic violence claimant.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unemployment Compensation and Domestic Violence Amendment Act of 2004".

Sec. 2. The District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101 *et seq.*), is amended as follows:

- (a) Designate the existing text as Title I.
- (b) Add a new Title II to read as follows:

"Title II. Domestic Violence.

"Sec. 31. Separation from employment due to domestic violence.

"Notwithstanding any other provision of this act, no otherwise eligible individual shall be denied benefits for any week because the individual was separated from employment by discharge or voluntary or involuntary resignation due to domestic violence. For the purposes of this title, the term "domestic violence" means an intrafamily offense as defined in D.C. Official Code § 16-1001(5).

"Sec. 32. Supporting evidence required to support payment of benefits due to domestic violence.

"A claimant may be eligible to receive benefits for separation from employment due to domestic violence provided that one of the following is submitted to support the claim of

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domestic violence:

"(1) A police report or record;

"(2) A governmental agency or court record, such as a court order, a Petition for a Civil Protection Order, or a record or report from Child Services; or

"(3) A written statement, which affirms that the claimant has sought assistance for domestic violence from the signatory, from a:

"(i) Shelter official;

"(ii) Social worker;

"(iii) Counselor;

"(iv) Therapist;

"(v) Attorney;

"(vi) Medical doctor; or

"(vii) Cleric.

"Sec. 33. Employer liability.

"Benefits paid pursuant to this title shall not be charged to the experience rating accounts of employers, except that this section shall not apply to employers who have elected to make payments in lieu of contributions under section 3(f) and (h).

"Sec. 34. Employee awareness training.

"(a) Within 180 days of the effectiveness of the Unemployment Compensation and Domestic Violence Amendment Act of 2004, passed on 2nd reading on April 6, 2004 (Enrolled version of Bill 15-436), and pursuant to section 13, the Director shall institute a program for the training and development of employees who have been designated by the Director to make the initial determination whether benefits may be payable to a claimant. The training shall focus on the nature of domestic violence, with the goal of increasing employee awareness of its ramifications on unemployment, and on the procedure for handling claims based on domestic violence. The training shall seek to ensure that employees who interact with claimants have the knowledge necessary to handle domestic violence claims and the skills to provide equitable treatment to all claimants.

"(b) The training shall be offered annually. Persons newly hired or assigned to make the initial determination whether benefits may be payable shall attend the next available training subsequent to their hire or assignment.

"Sec. 35. Reporting requirement.

"The Director shall each year submit to the Mayor, for inclusion in the Mayor's report to the Council, as required by section 13(c), the number of individuals who received benefits for separation from employment due to domestic violence.

"Sec. 36. Disclosure of information pertaining to domestic violence claimant.

"The release of information pertaining to a domestic violence claimant, in addition to the requirements of section 13, shall require that:

"(1) The Director notify the claimant prior to the release of any information;

"(2) The Director shall take reasonable actions to prevent the unnecessary

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disclosure of personal identifiers, such as the claimant's address, from information otherwise required to be disclosed by law; and

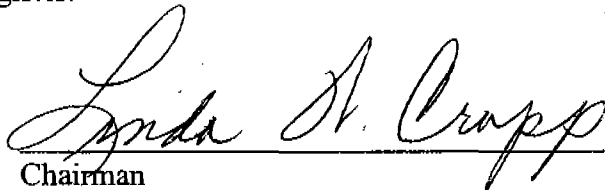
"(3) Further dissemination of the information released shall be prohibited."

Sec. 3. Fiscal impact statement.

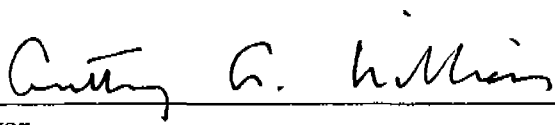
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 21, 2004