

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority (DCHA) hereby gives notice of the following amendments to selected provisions of Title 14 of the District of Columbia Municipal Regulations. The DCHA's rulemaking authority is found in the District of Columbia Housing Authority Act of 1999 at D.C. Code, § 6-202. A Notice of Proposed Rulemaking was published in the *D.C. Register* on May 16, 2008 at 55 DCR 5754.

The amendments are to Chapter 60, Low Rent Housing: General Provisions; Chapter 61, Admissions and Recertification; and Chapter 62, Low Rent Housing: Rent and Lease. The amendments enhance DCHA's Client Placement Division operations by allowing documents submitted by applicants to be considered valid for longer periods of time. Additionally, the floor is increased for reported assets. Finally, clarification has been provided on imputed income, net income and annual income. The rulemaking amends 14 DCMR 6200.1(a) – Income Based Rent – and does not amend 14 DCMR 6200.1(b), (c), or (d). These final rules will be effective upon publication of this notice in the *D.C. Register*.

AMENDMENT: SECTION 6099, DEFINITIONS, TO READ AS FOLLOWS:

Annual Income -- the anticipated total income from all sources received by the head of household and spouse (even if temporarily absent) and by each additional member of the family, including all net income derived from assets, for the twelve (12) month period following the effective date of initial determination or reexamination of income, exclusive of income that is temporary, nonrecurring or sporadic, and exclusive of certain other types of income specified in paragraphs (b) and (c) of this definition.

- (a) Annual Income includes, but is not limited to, the following:
- (1) The full amount, before any payroll deduction, of wages and salaries, overtime pay, commissions, fees, tips, and bonuses, and other compensation for personal services;
 - (2) The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;

- (3) Interest, dividends, and other net income of any kind from real or personal property greater than \$1,000 per year. Expenditures for amortization of capital indebtedness shall be used as deduction in determining net income. All allowance for depreciation is permitted only as authorized in paragraph (a)(2) of this definition. Net income from assets will be included in Annual Income for the purposes of this title if net income from assets exceeds \$1,000. Notwithstanding this threshold, all assets with a value greater than \$15,000 must be reported annually. Regardless of the value of the assets, imputed income from assets will not be included in Annual Income.

AMENDMENT: SECTION 6106, ELIGIBILITY, TO READ AS FOLLOWS:

6106.6 During the eligibility interview, the Client Placement Division shall assist the applicant in completing any forms necessary. The following forms are to be completed or signed by the applicant:

* * * * *

- (b) Asset Certification Form - only assets with a value greater than \$15,000 or which generate a net income of greater than \$1,000 per year must be reported and documented. DCHA will rely on applicants certification as to value of assets and whether net income from assets exceeds the threshold established above;

AMENDMENT: NEW SUBSECTION IN SECTION 6106, ELIGIBILITY, TO READ AS FOLLOWS:

6106.13 Notwithstanding the time extensions provided to an applicant in this chapter to provide information, applicant may be required to provide updated information when information that is subject to change is greater than 60 days old if an eligibility determination has not been completed.

AMENDMENT: NEW SUBSECTION IN SECTION 6107, ELIGIBILITY DETERMINATION, TO READ AS FOLLOWS:

6107.10 Notwithstanding provisions which may appear elsewhere in this subtitle, a determination of eligibility for both public housing and HCVP under this chapter shall be valid for a period of 180 days from the date of said determination.

AMENDMENT: SECTION 6111, PUBLIC HOUSING TENANT ASSIGNMENT, TO READ AS FOLLOWS:

6111.1 When an applicant reaches the top of the waiting list, DCHA shall review the applicant's file to determine whether the information is current and correct. Information shall be considered current if it was verified by DCHA within no

more than one hundred eighty (180) days prior to tenant assignment.

AMENDMENT: SECTION 6200, RENT CALCULATIONS, TO READ AS FOLLOWS:

- 6200.1 Notwithstanding provisions which may appear elsewhere in this subtitle, each tenant shall pay, as tenant rent, one of the following:
- (a) Income-based rent as the greater of one twelfth (1/12) of thirty percent (30%) of adjusted income or one twelfth (1/12) of ten percent (10%) of annual income. The value of any assets or imputed income from assets will not be used in the calculation of income based rent. Actual net income from assets greater than the threshold described above will be included in the determination of adjusted income;

D.C. DEPARTMENT OF HUMAN RESOURCES**NOTICE OF FINAL RULEMAKING**

The Director, D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to Mayor's Order 2008-92, dated June 26, 2008, and in accordance with Title IX of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-609.01 *et seq.*) (2006 Repl. and 2008 Supp.), hereby gives notice that final rulemaking action was taken to adopt the following rules. **The rules amend section 910 of Chapter 9, Excepted Service, of Title 6 of the District of Columbia Municipal Regulations (DCMR)**, on the provisions for special consideration for advancement and advancement afforded to graduates of the District government's Certified Public Manager Program and the Mayor's Capital City Fellows Program. No comments were received and no changes were made under the Notice of Proposed Rulemaking published on February 27, 2009 (56 DCR 001824). Final rulemaking action was taken on March 31, 2009.

CHAPTER 9**EXCEPTED SERVICE**

Chapter 9 of the D.C. Personnel Regulations is amended as follows:

Section 910 is amended to read as follows:

910 SPECIAL CONSIDERATION FOR PLACEMENT AND ADVANCEMENT

- 910.1 The following employees shall be referred to selecting officials in subordinate agencies for interview by management and special consideration for placement and advancement for Excepted Service positions they apply for:
- (a) Graduates of the District government's Certified Public Manager Program; and
 - (b) Persons appointed as Capital City Fellows.
- 910.2 As applicable, if appointed, any employee as described in section 910.1 above shall be required to comply with the residency and domicile requirements for the Excepted Service pursuant to section 906 of the CMPA (D.C. Official Code § 1-609.06) (2006 Repl.).
- 910.3 The Director, D.C. Department of Human Resources, shall issue procedures for the implementation of this section.

D.C. DEPARTMENT OF HUMAN RESOURCES

NOTICE OF FINAL RULEMAKING

The Director, D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to Mayor's Order 2008-92, dated June 26, 2008, and in accordance with sections 951 through 958 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-609.51 *et seq.*) (2006 Repl.), hereby gives notice that final rulemaking action was taken to adopt the following rules. **The rules amend subsection 3803.3 of Chapter 38, Management Supervisory Service, of Title 6 of the District of Columbia Municipal Regulations (DCMR)**, on the provisions for special consideration for advancement afforded to graduates of the District government's Certified Public Manager Program and the Mayor's Capital City Fellows Program. No comments were received and no changes were made under the Notice of Proposed Rulemaking published on February 27, 2009 (56 DCR 001826). Final rulemaking action was taken on March 31, 2009.

CHAPTER 38

MANAGEMENT SUPERVISORY SERVICE

Chapter 38 of the D.C. Personnel Regulations is amended as follows:

Subsection 3808.3 is amended to read as follows:

- 3808.3 The following employees shall be referred to selecting officials in subordinate agencies along with other qualified candidates, for interview by management and special consideration for placement and advancement for Management Supervisory Service positions they apply for; provided that no person referred for such special consideration shall be selected ahead of a candidate claiming the residency preference pursuant to section 957 of the CMPA (D.C. Official Code § 1-609.57) (2006 Repl.), if any:
- (a) Graduates of the District government's Certified Public Manager Program; and
 - (b) Persons appointed as Capital City Fellows.
- 3808.4 The Director, D.C. Department of Human Resources (DCHR), may issue procedures for the implementation of section 3808.3 of this section.

**DISTRICT OF COLUMBIA
DEPARTMENT OF MOTOR VEHICLES**

NOTICE OF FINAL RULEMAKING

The Director of the Department of Motor Vehicles, pursuant to the authority set forth in section 1825 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 50-904); section 6 of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; DC Official Code § 50-2201.03) (“the Traffic Act”); and Mayor’s Order 07-168, effective July 10, 2007, hereby gives notice of the intent to adopt the following rulemaking that will amend Chapter 1 of Title 18 of the District of Columbia Municipal Regulations (DCMR) (Vehicles and Traffic).

The amended rule would conform the regulation’s driver’s permit photograph requirement to a recent amendment made to section 7(a)(1) of the Traffic Act; D.C. Official Code § 50-1401.01(a)(1), which increased the maximum term of a driver’s license from five to eight years and to 18 DCMR § 110.9 which allows for the renewal of an individual’s driver’s license by mail or the internet once every other renewal period. The amended rule would increase from six years to seventeen years the period in which an individual would be required to obtain a new photograph for their driver’s license.

In addition, the rule would eliminate the requirement that the photograph of a licensee under 21 years of age be in profile. No comments were received and no changes were made to the text of the proposed rule, as published with a notice of proposed rulemaking in the *D.C. Register* at 56 DCR 1994 on March 6, 2009. The final rule will be effective upon publication of this notice in the *D.C. Register*.

Title 18 DCMR Chapter 1 is amended as follows:

Chapter 1, ISSUANCE OF DRIVER’S LICENSES, subsection 107.3, is amended as follows

- 107.3 Each license shall also include a full face imprinted photograph of the licensee that is not more than seventeen (17) years old from the date of issuance. However, the Director may waive the requirement for a photograph_in cases where the Director finds the requirement impractical; Provided, that when the reason for the waiver ceases to exist, the licensee shall make application for a new license which shall bear a photograph.

DEPARTMENT OF MOTOR VEHICLES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Motor Vehicles, pursuant to the authority set forth in section 1825 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 50-904 (2008 Supp.)), sections 6 and 8 of the District of Columbia Traffic Act of 1925, effective March 3, 1925 (43 Stat. 1121, 1123; D.C. Official Code §§ 50-2201.03 and 50-1401.02 (2008 Supp.)), section 2 of Title IV of the District of Columbia Revenue Act of 1937, approved September 8, 1950 (64 Stat. 792; D.C. Official Code § 50-1501.02 (2008 Supp.)), and Mayor's Order 07-168, effective July 10, 2007, hereby gives notice of the adoption of an amendment to Chapter 4 (Motor Vehicle Title and Registration) of Title 18 of the District of Columbia Municipal Regulations ("DCMR"). The new subsection will exempt members of the Judicial Branch of the Federal government and their spouses from the requirement of surrendering out-of-state operator's permits when registering a motor vehicle. No comments were received and no changes were made to the text of the emergency and proposed rule, as published together with a notice of proposed rulemaking in the *D.C. Register* at 56 DCR 857 on January 23, 2009. The final rule will be effective upon publication of this notice in the *D.C. Register*.

18 DCMR CHAPTER 4

Subsection 412.1(l) is amended to read as follows:

- 412.1 The Director shall refuse registration and shall withhold issuance of any application for re-registration on any of the following grounds:
- (l) If a person holds an out-of-state operator's permit and fails to surrender that permit to the Department unless the person is a member, or a spouse of a member of the Judicial Branch of the Federal government.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKINGFORMAL CASE NO. 945, IN THE MATTER OF THE INVESTIGATION INTO ELECTRIC SERVICES MARKET COMPETITION AND REGULATORY PRACTICES

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to Section 2-505(a) of the District of Columbia Official Code, of final rulemaking action, amending Chapter 29 of Title 15 of the District of Columbia Municipal Regulations and adopting the Affidavit of Environmental Compliance and the Electricity Supplier Annual Compliance Report Form. The Notice of Proposed Rulemaking (“NOPR”) to amend these rules and act upon the Affidavit and the Annual Compliance Report Form was published in the *D.C. Register* on January 2, 2009 at 56 *D.C. Reg.* 120-130. The Office of the People’s Counsel filed comments in response to the NOPR. The final version of the attached Annual Report Form contains editorial modifications to the version that appeared in the NOPR. The final versions of the amendment and Affidavit contain no modification from the NOPR.

2. Final action adopting the amendment, the Affidavit, and the Annual Report Form was taken on April 7, 2009, by Commission Order No. 15233. The amendment, the Affidavit, and the Annual Report Form will become effective upon publication of this Notice in the *D.C. Register*. Copies of the amendment, the Affidavit, and the Annual Report Form may be obtained by contacting Dorothy Wideman, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., 2nd Floor, West Tower, Washington, D.C. 20005. Copies may also be obtained from the Commission’s website at www.dcpsc.org.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Directors of the District of Columbia Water and Sewer Authority ("the Board"), pursuant to the authority set forth in Section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Code §§ 34-2202.03(3), (11) and 34-2202.16, Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Code § 2-505(a), and in accordance with 21 DCMR Chapter 40, at its regularly scheduled meeting on April 2, 2009 took final action to amend Title 21 of the District of Columbia Municipal Regulations (DCMR) Chapter 41, Retail Water and Sewer Rates by revising Section 4101.1, to the existing Section 4101, Rates for Sewer Service.

The Board expressed its intention to amend the DCMR through the addition of these Sections at its regularly scheduled Board meeting held January 8, 2009 pursuant to Board Resolution # 09-23.

The Authority's proposed rulemaking was originally published in the February 6, 2009 edition of the *D.C. Register* (56 DCR 001305). A public hearing was held on February 18, 2009. The Retail Rates Committee at its meeting on March 18, 2009 considered the comments offered at the February 18, 2009 public hearing as no further written comments had been received at that time. The Retail Rates Committee at its March 18, 2009 meeting recommended that the Board adopt the unbundling of the FY 2009 retail sewer rate, by implementing a new Impervious Surface Area Charge and reducing the volumetric charge. The Board after consideration of all comments received at the public hearing and the recommendation of the Retail Rates Committee voted to proceed with the amendment of Title 21 of the DCMR, Chapter 41 to reflect this amendment.

No changes have been made to the substance of the proposed regulations. Clarifying changes were made to the regulations, which do not substantially alter or change the intent, meaning, or application of the proposed rules.

This final rulemaking will be effective May 1, 2009.

Title 21 DCMR, CHAPTER 41 RETAIL WATER AND SEWER RATES, Section 4101 RATES FOR SEWER SERVICE, Subsection 4101.1 is amended to read as follows:

4101 RATES FOR SEWER SERVICE

- 4101.1 The retail rate for sanitary sewer service of Three Dollars and Forty-Seven Cents (\$3.47) for each One Hundred Cubic Feet (Ccf) of water used shall be:
- (a) Effective May 1, 2009, decreased to Three Dollars and Thirty-One Cents (\$3.31) for each One Hundred Cubic Feet per Ccf; and
 - (b) Effective May 1, 2009 an Impervious Surface Area Charge of One Dollar and Twenty-Four Cents (\$1.24) per month per Equivalent Residential Unit (ERU) shall be implemented.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Directors of the District of Columbia Water and Sewer Authority ("the Board"), pursuant to the authority set forth in Section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Code §§ 34-2202.03(3), (11) and 34-2202.16, Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Code § 2-505(a), and in accordance with 21 DCMR Chapter 40, hereby gives notice of its intention to amend Title 21 of the District of Columbia Municipal Regulations (DCMR) Chapter 41, Retail Water and Sewer Rates by adding new Sections 4101.2 - 4101.5 to the existing Section 4101, Rates for Sewer Service, and adding a new Section 4104 , Customer Classifications for Water and Sewer Rates and to amend Chapter 4, Contested Water and Sewer Bills by adding Sections 402.7 and 402.8 to the existing Section 402.

The Board expressed its intention to amend the DCMR through the addition of these Sections at its regularly scheduled Board meeting held February 5, 2009 pursuant to Board Resolution # 09 - 38.

The Authority's proposed rulemaking was originally published in the February 27, 2009 edition of the *D.C. Register* (56 DCR 001852) which allowed for the submittal of written comments no later than thirty (30) days from the date of publication. The Retail Rates Committee at its meeting on March 18, 2009 recommended the advancement of the referenced amendment of Title 21 to final rulemaking. The Board after consideration of all the comments received and the recommendation of the Retail Rates Committee voted to proceed with the amendments to Title 21 of the DCMR, Chapters 4 and 41 to reflect these amendments.

No changes have been made to the substance of the proposed regulations. Clarifying changes were made to the regulations, which do not substantially alter or change the intent, meaning, or application of the proposed rules.

The final rulemaking will be effective May 1, 2009.

Title 21 DCMR, Chapter 41, RETAIL WATER AND SEWER RATES, Section 4101 RATES FOR SEWER SERVICE, is amended by adding new subsections 4101.2-4101.5 to read as follows:

4101.2 The Impervious Surface Area Charge shall be based upon the Equivalent Residential Unit (ERU). An ERU is defined as one-thousand (1,000) square feet of impervious surface area, taking account of a statistical median of residential properties.

4101.3 All residential customers shall be assessed one (1) ERU.

- 4101.4 All non-residential customers shall be assessed ERU(s) based upon the total amount of impervious surface area on each lot. This total amount of impervious surface shall be converted into ERU(s), truncated to the nearest one-hundred (100) square feet.
- 4101.5 Impervious Only Properties are properties that do not currently have metered water/sewer service (e.g. parking lots) and require the creation of new accounts. Impervious Only Properties with more than twenty-five (25) ERU's shall be billed monthly; those with less than twenty-five (25) ERU's shall be billed every six (6) months.

Title 21 DCMR, Chapter 41, RETAIL WATER AND SEWER RATES, is amended by adding a new section 4104, CUSTOMER CLASSIFICATION FOR WATER AND SEWER RATES, to read as follows:

4104 CUSTOMER CLASSIFICATIONS FOR WATER AND SEWER RATES

- 4104.1 The customer classifications for water and sewer rates shall consist of a residential class and a non-residential class:
- (a) Residential – a single-family dwelling used for domestic purposes; a condominium or apartment unit where each unit is served by a separate service line and is individually metered and the unit is used for domestic purposes; or a multifamily structure of less than four apartment units where all the units are served by a single service line that is master metered.
 - (b) Non-residential – all customers not within the residential class.

TITLE 21 DCMR Chapter 4, CONTESTED WATER AND SEWER BILLS, Section 402, INITIATING A CHALLENGE, is amended by adding new subsections 402.7 and 402.8 to read as follows:

- 402.7 Non-residential owners or their agents may seek an impervious surface area charge adjustment if the owner or agent can establish that the property has been assigned to the wrong rate class, the impervious service area used in the computation of the charge is incorrect or if the ownership information is incorrect.
- 402.8 Non-residential owners or their agents shall submit a site survey, prepared by a registered professional land surveyor, showing impervious surfaces on the site and other information that may be requested by WASA.