

## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 18-327

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 18, 2010Codification  
District of  
Columbia  
Official Code

2001 Edition

2010 Summer  
Supp.West Group  
Publisher

To amend, on an emergency basis, the Rental Housing Conversion and Sale Act of 1980 to clarify that hand delivery or sending by certified mail a tenant's letter of interest preserves the tenant's or tenant group's opportunity to purchase rights under the act, and that actual receipt of the letter by the housing provider or the Mayor within the relevant time frame is not required.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tenant Opportunity to Purchase Preservation Clarification Emergency Amendment Act of 2010".

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

(a) Section 409(1) (D.C. Official Code § 42-3404.09(1)) is amended by striking the phrase "and the Mayor" and inserting the phrase "and the Mayor, by hand or by sending by certified mail," in its place.

Note,  
§ 42-3404.09

(b) Section 410(1) (D.C. Official Code § 42-3404.10(1)) is amended by striking the phrase "and the Mayor" and inserting the phrase "and the Mayor, by hand or by sending by certified mail," in its place.

Note,  
§ 42-3404.10

(c) Section 411(1) (D.C. Official Code § 42-3404.11(1)) is amended by striking the phrase "first class" wherever it appears and inserting the word "certified" in its place.

Note,  
§ 42-3404.11

Sec. 3. Fiscal impact statement.

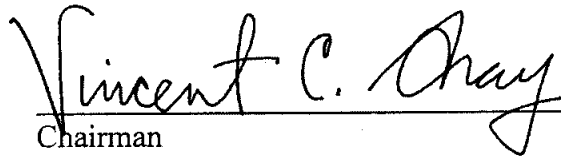
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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

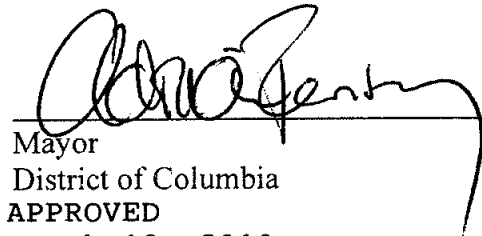
## ENROLLED ORIGINAL

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



Chairman

Council of the District of Columbia



Mayor

District of Columbia

APPROVED

March 18, 2010

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-328

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 18, 2010*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2010 Summer  
Supp.West Group  
Publisher

To amend, on an emergency basis, the Health Maintenance Organization Act of 1996 and the Hospital and Medical Services Corporation Regulatory Act of 1996 to establish that an increase in health insurance fees or rates above 10% of the prior year's rates shall not be allowed without a specific exemption, to provide that the Mayor and the Commissioner of the Department of Insurance, Securities, and Banking may grant an exemption to the 10% cap permitting an increase of up to 15% upon receipt of adequate supporting documentation, to require that a fee or rate increase filing include a clear statement of the increase sought, and to clarify that no increase in fees may be assessed by any health maintenance organization unless it is contained in an approved filing.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Reasonable Health Insurance Premium Increase Emergency Amendment Act of 2010".

Sec. 2. Section 16 of the Health Maintenance Organization Act of 1996, effective April 9, 1997 (D.C. Law 11-235; D.C. Official Code § 31-3415), is amended as follows:

*Note,  
§ 31-3415*

(a) Subsection (a) is amended by striking the phrase "be used until" and inserting the phrase "be used, and no increase in fees may be assessed, until" in its place.

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

"(b)(1) Either a specific schedule of fees, or a methodology for determining fees, shall be established in accordance with actuarial principles for various categories of enrollees; provided, that the enrollment fees applicable to an enrollee shall not be individually determined based on the status of an enrollee's health. However, the fees shall not be excessive, inadequate, or unfairly discriminatory and, except as provided in paragraph (2) of this subsection, shall not represent an increase of more than 10% above the fees charged in the prior year. A statement by a qualified actuary or other qualified person acceptable to the Commissioner as to the appropriateness of the use of the methodology, based on reasonable assumptions, shall accompany the filing along with adequate supporting information, including a clear statement that the proposed fee increase is:

## ENROLLED ORIGINAL

“(A) No greater than 10% above the prior year’s fees;

“(B) More than 10% but no greater than 15% above the prior year’s fees;

or

“(C) Greater than 15% above the prior year’s fees.

“(2) The Commissioner, in his or her discretion, may approve an exemption to the 10% cap established in paragraph (1) of this subsection permitting an increase of up to 15% over the prior year’s rates upon receipt of adequate documentation supporting the requested increase; provided, that the Commissioner shall affirmatively approve any increase over the 10% cap.”.

(c) Subsection (c) is amended by striking the phrase “subsection (b)” and inserting the phrase “subsection (b)(1)” in its place.

Sec. 3. Section 9(e) of the Hospital and Medical Services Corporation Regulatory Act of 1996, effective April 9, 1997 (D.C. Law 11-245; D.C. Official Code § 31-3508(e)), is amended as follows:

Note,  
§ 31-3508

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

“(1) Rate filings shall be inclusive of all rates, rating plans, and other documents utilized by a corporation to determine rates and shall contain a clear statement that any proposed rate increase is:

“(A) No greater than 10% above the prior year’s rates;

“(B) More than 10% but no greater than 15% above the prior year’s

rates; or

“(C) Greater than 15% above the prior year’s rates.”.

(b) Paragraph (3) is amended by striking the phrase “In determining” and inserting the phrase “Except as provided by paragraph (4) of this subsection, in determining” in its place.

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

“(4)(A) Except as provided in subparagraph (B) of this paragraph, the Mayor shall disapprove, or issue an order pursuant to subsection (d) of this section that an approved filing is no longer effective, any rate filing made on or after January 1, 2009, that would increase rates by more than 10% over the prior year’s rates.

“(B) The Mayor, in his or her discretion, may grant an exemption to the 10% cap established in subparagraph (A) of this paragraph permitting an increase of up to 15% over the prior year’s rates upon receipt of adequate documentation supporting the requested increase.”.

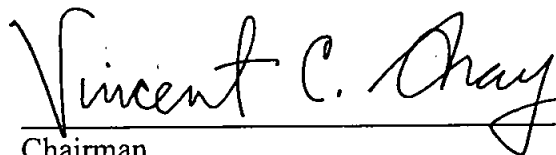
Sec. 4. Fiscal impact statement.

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

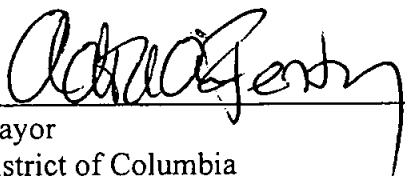
## ENROLLED ORIGINAL

## 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  
March 18, 2010

## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 18-329

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 18, 2010Codification  
District of  
Columbia  
Official Code

2001 Edition

2010 Summer  
Supp.West Group  
Publisher

To amend An Act To enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia to update language related to service animals, and to confer upon a service animal trainer when accompanied by a service animal in training the same access and liability conferred upon a person who is blind or deaf when accompanied by a service animal; and to amend the Office of Administrative Hearings Establishment Act of 2001 to provide the Office of Administrative Hearings with jurisdiction to adjudicate the imposition of civil fines under An Act To enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Service Animal Amendment Act of 2010".

Sec. 2. An Act To enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia, approved October 21, 1972 (86 Stat. 970; D.C. Official Code § 7-1001 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-1002) is amended by adding a new subsection (c) to read as follows:

Amend  
§ 7-1002

"(c) Every service animal trainer who is training an animal to be a service animal shall have the same access and liability conferred upon a person who is blind or deaf pursuant to subsection (b) of this section when accompanied by a service animal in training."

(b) Section 6 (D.C. Official Code § 7-1007) is amended as follows:

Amend  
§ 7-1007

(1) The existing text is designated as subsection (a).

(2) New subsections (b) and (c) added to read as follows:

"(b) A civil fine of \$250 may be imposed as an alternative sanction for any infraction of the provisions of this act pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*) ("Civil Infractions Act"). Adjudication of any infraction of this act shall be pursuant to the Civil Infractions Act.

## ENROLLED ORIGINAL

“(c) 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 increase the fine in subsection (b) of this section.”

(c) Section 8 (D.C. Official Code § 7-1009) is amended by adding new paragraphs (5) and (6) to read as follows:

Amend  
§ 7-1009

“(5) The term “service animal” means an animal, including a guide dog, that is specially trained to assist a person who is blind or has a physical disability and one which a person who is blind or has a physical disability relies on for assistance.

“(6) The term “service animal in training” means an animal that is:

“(A) At least 6 months of age;

“(B) Undergoing special training to assist a person who is blind or has a physical disability;

“(C) Accompanied by an experienced service animal trainer; and

“(D) Designated as a service animal in training by wearing a harness, backpack, or vest that identifies it as a service animal in training.”

Sec. 3. Section 6(b-2) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b-2)), is amended as follows:

Amend  
§ 2-1831.03

(a) Paragraph (2) is amended by striking the word “or” at the end.

(b) Paragraph (3) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(4) The imposition of a civil fine for violations of An Act To enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia, approved October 21, 1972 (86 Stat. 972; D.C. Official Code § 7-1001 *et seq.*) (“Act”), pursuant to section 6 of the Act.”

Sec. 4. Fiscal impact statement.

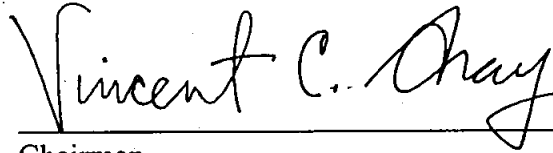
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

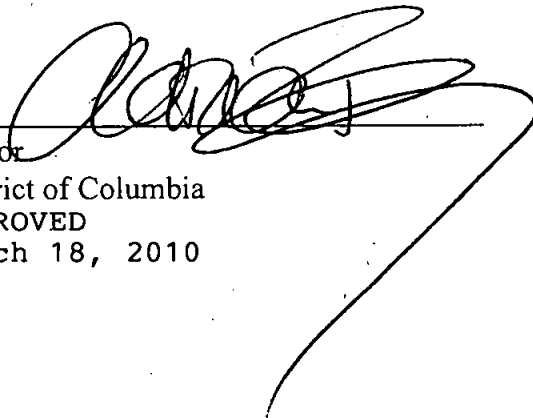
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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  
March 18, 2010



## ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-330

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 18, 2010*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2010 Summer  
Supp.West Group  
Publisher

To amend Title 13 of the District of Columbia Official Code to enact the Uniform Interstate Depositions and Discovery Act and provide procedures for courts in the District of Columbia to issue subpoenas for out-of-state depositions and discovery.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Interstate Depositions and Discovery Act of 2010".

Sec. 2. Title 13 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new chapter designation to read as follows:

"4A. Interstate Depositions and Discovery; Uniform Act . . . 13-441."

(b) A new Chapter 4A is added to read as follows:

"CHAPTER 4A. INTERSTATE DEPOSITIONS AND DISCOVERY; UNIFORM ACT

*New Chapter  
4A, Title 13.*

"Section

"13-441. Short title.

"13-442. Definitions.

"13-443. Issuance of subpoena.

"13-444. Service of subpoena.

"13-445. Deposition, production, and inspection.

"13-446. Application to Superior Court.

"13-447. Uniformity of application and construction.

"13-448. Application to pending actions.

"§ 13-441. Short title.

"This chapter may be cited as the "Uniform Interstate Depositions and Discovery Act".

*New  
§ 13-441*

"§ 13-442. Definitions.

"For the purposes of this chapter, the term:

*New  
§ 13-442*

"(1) "Foreign jurisdiction" means a state other than the District of Columbia.

"(2) "Foreign subpoena" means a subpoena issued under authority of a court of

## ENROLLED ORIGINAL

record of a foreign jurisdiction.

“(3) “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.

“(4) “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.

“(5) “Subpoena” means a document, however denominated, issued under authority of a court of record requiring a person to:

“(A) Attend and give testimony at a deposition;

“(B) Produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible things in the possession, custody, or control of the person; or

“(C) Permit inspection of premises under the control of the person.

“(6) “Superior Court” means the Superior Court of the District of Columbia.

“§ 13-443. Issuance of subpoena.

New  
§ 13-443

“(a) To request issuance of a subpoena under this section, a party shall submit a foreign subpoena to the Clerk of the Superior Court. A request for the issuance of a subpoena under this chapter does not constitute an appearance in the courts of the District of Columbia.

“(b) When a party submits a foreign subpoena to the Clerk of the Superior Court, the clerk, in accordance with the Rules of the Superior Court, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

“(c) A subpoena under subsection (b) of this section shall:

“(A) Incorporate the terms used in the foreign subpoena; and

“(B) Contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

“§ 13-444. Service of subpoena.

New  
§ 13-444

“A subpoena issued by a Clerk of Superior Court under § 13-443 shall be served in compliance with § 11-942 and applicable rules of the Superior Court for the service of subpoenas.

“§ 13-445. Deposition, production, and inspection.

New  
§ 13-445

“The rules of the Superior Court applicable to compliance with subpoenas to attend and give testimony, produce designated books, documents, records, electronically stored information, or tangible things, or permit inspection of premises apply to subpoenas issued under § 13-443.

“§ 13-446. Application to Superior Court.

New  
§ 13-446

“An application to the Superior Court for a protective order or to enforce, quash, or

## ENROLLED ORIGINAL

modify a subpoena issued by a clerk of court under § 13-443 shall comply with the Rules of the Superior Court and laws of the District and shall be submitted to the Superior Court.

“§ 13-447. Uniformity of application and construction.

New  
§ 13-447

“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

“§ 13-448. Application to pending actions.

New  
§ 13-448

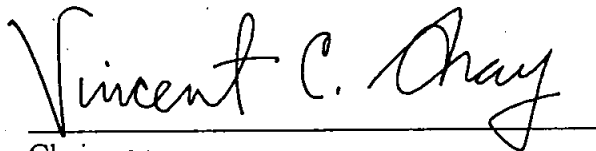
“This chapter applies to requests for discovery in cases pending on the effective date of this chapter.”.

Sec. 3. Fiscal impact statement.

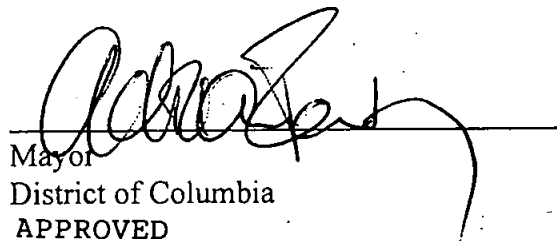
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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  
March 18, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-331

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 18, 2010

To order the closing of a portion of the unimproved public alley in Square 5795, bounded by 15<sup>th</sup> Street, S.E., 16<sup>th</sup> Street, S.E., W Street, S.E., and Galen Street, S.E., in Ward 8.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Portion of an Unimproved Public Alley in Square 5795, S.O. 08-7766, Act of 2010".

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 of the District of Columbia finds that the portion of the unimproved public alley in Square 5795, as shown on the Surveyor's plat filed under S.O. 08-7766, is unnecessary for alley purposes and orders it closed with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all conditions set forth in the official file S.O. 08-7766.

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

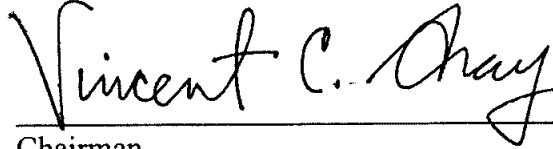
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

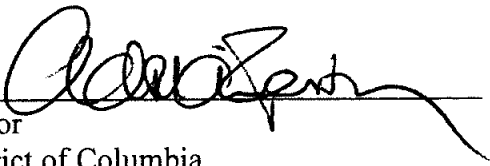
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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  
March 18, 2010

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 18-332IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
MARCH 18, 2010*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2010 Summer  
Supp.West Group  
Publisher

To amend, on a temporary basis, the District of Columbia Latino Community Development Act to authorize the Director of the Office on Latino Affairs to issue grants to organizations serving Latino residents of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office on Latino Affairs Grant-Making Authority Temporary Amendment Act of 2010".

Sec. 2. Section 303 of the District of Columbia Latino Community Development Act, effective September 29, 1976 (D.C. Law 1-86; D.C. Official Code § 2-1313), is amended as follows:

Note,  
§ 2-1313

- (a) Paragraph (8) is amended by striking the word "and" at the end.
- (b) Paragraph (9) is amended by striking the period at the end and inserting the phrase "and" in its place.
- (c) A new paragraph (10) is added to read as follows:
  - "(10)(A) Issue grants not to exceed \$3.7 million in the aggregate to organizations that provide services to Latino residents of the District of Columbia in furtherance of the mission of the Office or the purposes of this act.
  - "(B) Notwithstanding D.C. Official Code § 47-368.06, grants that may be issued pursuant to this paragraph include grants made with funds the Office receives through an intra-District transfer, a memorandum of understanding, or a reprogramming from an agency that does not have grantmaking authority."

## Sec. 3. Fiscal impact statement.

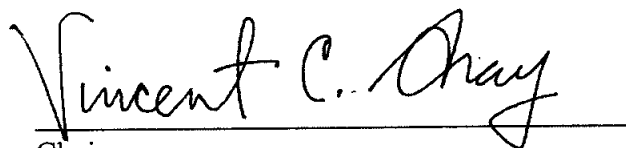
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## ENROLLED ORIGINAL

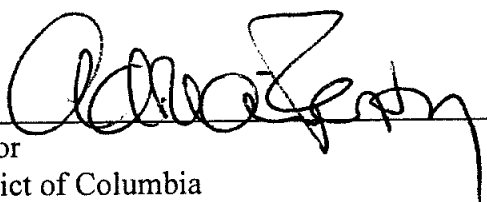
## Sec. 4. Effective date.

(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  
March 18, 2010

## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 18-333

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 23, 2010*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2010 Summer  
Supp.West Group  
Publisher

To require, on a temporary basis, the Mayor to implement a working group consisting of the affected Councilmember, Advisory Neighborhood Commission, and businesses to address the challenge of day laborers congregating at the Rhode Island Place Shopping Center.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rhode Island Place Shopping Center Working Group Temporary Act of 2010".

Sec. 2. (a) The Mayor shall implement a Rhode Island Place Working Group ("working group") within 30 days to collaborate with businesses located in the Rhode Island Place Shopping Center bordered by Rhode Island Avenue, N.E., and Brentwood Road, N.E., in Ward 5 to address the challenge of day laborers congregating at the site.

(b) The working group shall make recommendations for a civil resolution to the day-laborer concern at the Rhode Island Place Shopping Center site.

(c) The working group shall meet at least every 2 weeks. The members of the working group shall include:

- (1) The Ward 5 Councilmember, or his designee;
- (2) The Chairperson of Advisory Neighborhood Commission 5B;
- (3) The Attorney General, or a designated staff attorney;
- (4) The Director of the Office of Latino Affairs, or her designee;
- (5) Representatives from businesses located in the Rhode Island Place Shopping

Center;

- (6) Representatives from other District agencies as determined by the Mayor;

and

(7) Other workers' rights stakeholders as determined by the Ward 5 Councilmember.

(d) The Mayor shall submit a report regarding the District's proposed course of action to resolve the challenge of day laborers in the Rhode Island Place Shopping Center, based on the



## ENROLLED ORIGINAL

working group recommendations, by July 1, 2010.

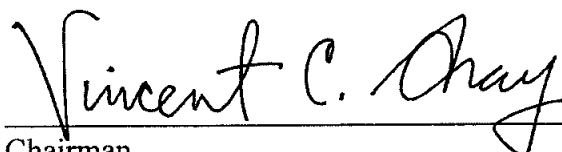
Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

(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

UNSIGNED

Mayor  
District of Columbia  
March 18, 2010

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 18-334

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 18, 2010*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2010 Summer  
Supp.West Group  
Publisher

To amend, on a temporary basis, the Office of Administrative Hearings Establishment Act of 2001 to permit the Rent Administrator, and those persons exercising authority delegated by the Rent Administrator, to retain authority to issue final orders and rule on post-hearing motions in cases in which they have held evidentiary hearings before October 1, 2006, and in cases remanded to the Rent Administrator by the Rental Housing Commission that do not require a new hearing.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rent Administrator Hearing Authority Temporary Amendment Act of 2010".

Sec. 2. Section 6(b-1)(1) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b-1)(1)), is amended as follows:

Note,  
§ 2-1831.03

(a) The existing language is designated as subparagraph (A).

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

"(B) Notwithstanding subparagraph (A) of this paragraph, the Rent Administrator, or any employee or other person to whom authority has been delegated by the Rent Administrator, may issue a final order in any case in which an evidentiary hearing was conducted before October 1, 2006, but in which no final order was issued before that date, and in any case remanded by the Rental Housing Commission that does not require a new hearing to be conducted. The Rent Administrator, or a delegee, may also rule upon any post-hearing motion, including a motion for reconsideration."

Sec. 3. Fiscal impact statement.

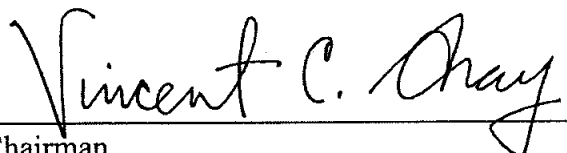
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

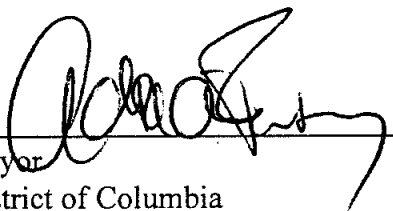
## ENROLLED ORIGINAL

## 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  
March 18, 2010

## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 18-335

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 18, 2010*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2010 Summer  
Supp.West Group  
Publisher

To amend, on a temporary basis, the Legalization of Marijuana for Medical Treatment Initiative of 1999 to delay the applicability of the initiative until the effective date of the Legalization of Marijuana for Medical Treatment Initiative Amendment Act of 2010.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Legalization of Marijuana for Medical Treatment Initiative Applicability Temporary Amendment Act of 2010".

Sec. 2. The Legalization of Marijuana for Medical Treatment Initiative of 1999, enacted on September 20, 1999 (D.C. Act 13-138), is amended by adding a new section 11a to read as follows:

"Sec. 11a. Applicability.

"This act shall apply upon the effective date of the Legalization of Marijuana for Medical Treatment Initiative Amendment Act of 2010, as introduced on January 19, 2010 (D.C. Bill 18-622)."

Sec. 3. Fiscal impact statement.

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

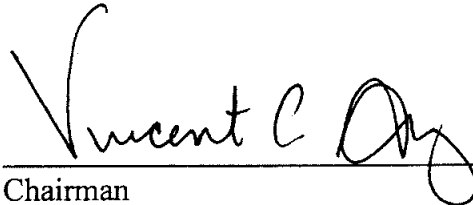
Sec. 4. Effective date.

(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

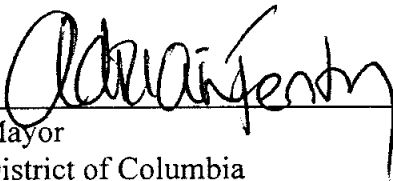
## ENROLLED ORIGINAL

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

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
March 18, 2010

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-336

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 22, 2010Codification  
District of  
Columbia  
Official Code

2001 Edition

2010 Summer  
Supp.West Group  
Publisher

To amend, on a temporary basis, An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes to provide for a definition of blighted buildings, notice of the classification thereof, and appeal of the classification; and to amend section 47-813 of the District of Columbia Official Code to redefine Class 1, 2, and 3 Properties, to tax vacant but not blighted residential property as Class 1 Property, to tax vacant land based on the classification applicable to its zoning, and to tax blighted property as Class 3 Property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Real Property Tax Reform Temporary Amendment Act of 2010".

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. 114; D.C. Official Code § 42-3131.01 *et seq.*), is amended as follows:

(a) Section 5 (D.C. Official Code § 42-3131.05) is amended as follows:

(1) Paragraph (1) is re-designated as paragraph (1A).

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

"(1)(A) "Blighted building" means a vacant building that is determined by the Mayor to be unsafe, insanitary, or which is otherwise determined to threaten the health, safety, or general welfare of the community.

"(B) In making a determination that a building is a blighted building, the Mayor shall consider the following:

"(i) Whether the vacant building is the subject of a condemnation proceeding before the Board of Condemnation and Insanitary Buildings;

"(ii) Whether the structure is boarded up; and

"(iii) Failure to comply with the following vacant building maintenance standards:

"(I) Doors, windows, areaways, and other openings are weather-tight and secured against entry by birds, vermin, and trespassers, and missing or broken

Note,  
§ 42-3131.05

## ENROLLED ORIGINAL

doors, windows, and other openings are covered;

“(II) The exterior walls are free of holes, breaks, graffiti, and loose or rotting materials, and exposed metal and wood surfaces are protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint; or

\_\_\_\_\_(III) All balconies, porches, canopies, marquees, signs, metal awnings, stairways, accessory and appurtenant structures, and similar features are safe and sound, and exposed metal and wood surfaces are protected from the elements by application of weather-coating materials, such as paint.”

(3) Paragraph (5)(A) is amended to read as follows:

“(A) Electrical, gas, or water meter either not running or showing low usage;”.

(b) Section 11 (D.C. Official Code § 42-3131.11) is amended to read as follows:

Note,  
§ 42-3131.11

“Sec. 11. Notice of vacancy designation and right to appeal.

“The Mayor shall identify nonregistered vacant buildings in the District, excluding vacant buildings identified in section 8. The Mayor shall also identify within the District blighted buildings. The owner shall be notified that the owner’s building has been designated as vacant or as vacant and blighted and of the owner’s right to appeal.”.

(c) Section 15(a) (D.C. Official Code § 42-3131.15(a)) is amended to read as follows:

Note,  
§ 42-3131.15

“(a) Within 15 days after the designation of an owner’s building as a vacant building, the determination of delinquency of registration or fee payment, the denial or revocation of registration, or the designation of a vacant building as a blighted building, the owner may petition the Mayor for reconsideration by filing the form prescribed by the Mayor. Within 30 days after receiving the petition, the Mayor shall issue a notice of final determination.”.

(d) Section 16(a) (D.C. Official Code § 42-3131.16(a)) is amended to read as follows:

Note,  
§ 42-3131.16

“(a) Semiannually, the Mayor shall transmit to the Office of Tax and Revenue a list of buildings designated by the Mayor as blighted buildings for which a notice of final determination has been issued under this act and administrative appeals have been exhausted or expired.”.

Sec. 3. Section 47-813 of the District of Columbia Official Code is amended as follows:

Note,  
§ 47-813

(a) Subsection (c-8) is amended as follows:

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

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

“(A) Except as otherwise provided in this paragraph and subject to paragraph (4) of this subsection, Class 1 Property shall be comprised of residential real property that is improved and its legal use (or in the absence of use, its highest and best permitted legal use) is for nontransient residential dwelling purposes.”.

(B) Subparagraph (B) is amended to read as follows:

## ENROLLED ORIGINAL

“(B) Unimproved real property located within a zone designated as residential shall be classified as Class 1 Property.”.

(C) Subparagraph (E) is amended to read as follows:

“(E) Unimproved real property which is separated from Class 1 Property by a public alley less than 30 feet wide shall be classified as Class 1 Property if:

“(i) The real property is less than 1,000 square feet;

“(ii) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the real property as a matter of right; and

“(iii) The real property and the Class 1 Property separated by the alley from the real property have common ownership.”.

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

“(3) Class 2 Property shall be comprised of all real property which is not Class 1 Property or Class 3 Property.”.

(3) Paragraph (4) is amended to read as follows:

“(4)(A) Class 3 Property shall be comprised of all improved real property that appears on the list compiled under § 42-3131.16.

“(B) The Office of Tax and Revenue may request the Mayor to inspect the improved real property to determine whether the property is correctly included on the list compiled under § 42-3131.16.”.

(b) Subsection (d-1) is amended as follows:

(1) Paragraph (3A) is repealed.

(2) Paragraph (4A) is amended by striking the phrase “For improved real property that is not used as a parking lot,” and inserting the word “The” in its place.

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

(A) Subparagraph (A) is repealed.

(B) Subparagraph (A-i) is amended as follows:

(i) Sub-subparagraph (i) is amended by striking the phrase “that is not used as a parking lot and appears on the list compiled under § 42-3131.16”.

(ii) Sub-subparagraph (ii) is amended by striking the phrase “that is not used as a parking lot and”.

(C) Subparagraph (B) is amended by striking the phrase “subparagraphs (A) and” and inserting the word “subparagraph” in its place.

#### Sec. 4. Applicability.

This act shall apply to periods beginning after September 30, 2009.



## ENROLLED ORIGINAL

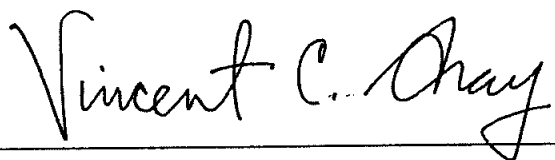
## Sec. 5. Fiscal impact statement.

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)).

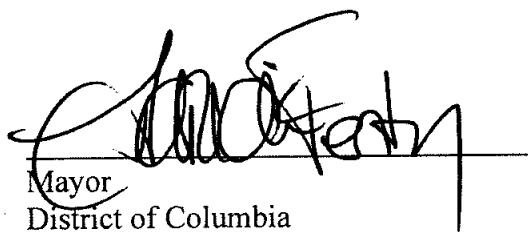
## Sec. 6. Effective date.

(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

March 22, 2010

## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 18-337

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 22, 2010*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2010 Summer  
Supp.West Group  
Publisher

To amend, on a temporary basis, the Hospital and Medical Services Corporation Regulatory Act of 1996 to authorize the Mayor to utilize in fiscal year 2010 up to \$5.9 million from the Healthy DC Fund to support delivery of acute care services to uninsured and under-insured individuals; to amend the Community Access to Health Care Amendment Act of 2006 and the Community Access to Health Care United Medical Center Amendment Act of 2009 to allow the Mayor to withdraw the loan deferment for United Medical Center; and to provide the authority for the appointment of a receiver of a hospital.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Healthy DC Equal Access Fund and Hospital Stabilization Temporary Amendment Act of 2010".

Sec. 2. Section 15b of the Hospital and Medical Services Corporation Regulatory Act of 1996, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 31-3514.02.), is amended as follows:

Note,  
§ 31-3514.02

(a) Subsection (a) is amended by striking the phrase "without regard" and inserting the phrase "and any other purpose as set forth in this section, without regard" in its place.

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

"(c)(1) Notwithstanding subsection (a) of this section, the Mayor is authorized to utilize, in fiscal year 2010, up to \$5.9 million from the Fund to support the delivery of acute care services for uninsured or under-insured individuals at United Medical Center; provided, that:

"(A) An amount of \$3 million be distributed by March 2, 2010; and

"(B) Up to \$2.9 million be distributed, in equal monthly installments, beginning by March 15, 2010, and continuing through to September 30, 2010.

"(2) United Medical Center shall submit a quarterly report to the Mayor providing an accounting of any funds received pursuant to this subsection, including a detailed account of the acute care services that were provided.

## ENROLLED ORIGINAL

“(3)(A) The Mayor shall seek to recoup any funds from United Medical Center that the Mayor determines were expended contrary to the authority granted by this subsection.

“(B) The Mayor may conduct an audit of the uncompensated acute care expenditures, if necessary, to verify that the funds were expended in accordance with this subsection.

“(4) The Department of Health Care Finance shall have grant-making authority for purposes of effectuating this subsection.”.

Sec. 3. Section 102(b)(1) of the Community Access to Health Care Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-288; D.C. Official Code § 7-1932(b)(1)), is amended by striking the phrase “Community Hospital;” and inserting the phrase “Community Hospital; provided, that notwithstanding any agreement regarding the repayment of funds associated with this public-private partnership, beginning in calendar year 2009, repayment by Specialty Hospitals of America, LLC, or certain of its subsidiaries, of the \$20 million working capital loan shall be deferred until December 31, 2015, at which time the originally agreed to repayment schedule shall resume; provided further, that the Mayor may withdraw the deferment and re-establish the loan repayment schedule.” in its place.

Note,  
§ 7-1932

Sec. 4. Section 5161 of the Community Access to Health Care United Medical Center Amendment Act of 2009, signed by the Mayor on December 18, 2009 (D.C. Act 18-255; 57 DCR 181), is amended to read as follows:

Note,  
§ 7-1932

“Sec. 5161. Section 102(b)(1) of the Community Access to Health Care Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-288; D.C. Official Code § 7-1932(b)(1)), is amended by striking the phrase “Community Hospital;” and inserting the phrase “Community Hospital; provided, that notwithstanding any agreement regarding the repayment of funds associated with this public-private partnership, beginning in calendar year 2009, repayment by Specialty Hospitals of America, LLC, or certain of its subsidiaries, of the \$20 million working capital loan shall be deferred until December 31, 2015, at which time the originally agreed to repayment schedule shall resume; provided further, that the Mayor may withdraw the deferment and re-establish the loan repayment schedule.” in its place.”.

Sec. 5. Hospital receivership.

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

(1) “Emergency” means a situation, physical condition, or one or more practices, methods, or operations that presents imminent danger of death or serious physical or mental harm to a patient, including imminent or actual abandonment of an occupied hospital.

(2) “Habitual violation” means a violation of the standards of health, safety, or patient care established under District or federal law that, due to its repetition, presents a reasonable likelihood of serious physical or mental harm to patients.

## ENROLLED ORIGINAL

(3) "Hospital" means a facility that provides 24-hour inpatient care, including diagnostic, therapeutic, and other health-related care for a variety of physical or mental conditions, and may provide outpatient services, such as emergency care.

(4) "Licensee" means a person or other legal entity, other than a receiver appointed pursuant to this section, that is licensed or required to be licensed to operate a hospital.

(5) "Owner" means the holder of the title to the real estate on which the hospital is maintained.

(6) "Patient" means a person living in or receiving care from a hospital.

(7) "Substantial violation" means a violation of the standards of health, safety, or patient care established under District or federal law that presents a reasonable likelihood of serious physical or mental harm to patients.

(b) The Mayor may bring an action in the Superior Court of the District of Columbia requesting the appointment of a receiver to operate a hospital on the following grounds:

(1) A hospital intends to close, but has not arranged for the orderly transfer of patients at least 30 days prior to its closure date;

(2) An emergency exists at the hospital;

(3) A habitual or substantial violation exists at the hospital; or

(4) Insolvency or lack of financial resources of an owner or the licensee has placed the continued operation of the facility in jeopardy.

(c)(1) The court shall hold a hearing no later than 10 days after an action requesting the appointment of a receiver is filed, unless all parties agree to a later date.

(2) Notice of the hearing shall be served on both the owner and the licensee not less than 5 days before the hearing. If either the owner or the licensee cannot be served, the court shall specify the alternative notice to be provided.

(3) The Mayor shall post notice of the hearing, using a court-approved form, in a conspicuous place in the hospital, for not less than 3 days before the hearing.

(4) After the hearing, the court may appoint a receiver if it finds that any one of the grounds for an appointment set forth in subsection (b) of this section has been satisfied.

(d)(1) The court may:

(A) Appoint any person considered appropriate as receiver, except a District employee; and

(B) Remove a receiver for good cause.

(2) The court shall set a reasonable compensation for the receiver, which shall be paid from the revenue of the hospital.

(3) A receiver shall not be considered an agent of the District of Columbia.

(e) A receiver appointed pursuant to this act shall have such powers as the court may direct to:

(1) Operate the hospital;

## ENROLLED ORIGINAL

- (2) Remedy the conditions that constituted the grounds for the receivership;
  - (3) Protect the health, safety, and welfare of the patients;
  - (4) Preserve the assets and property of the patients, owner, and licensee;
  - (5) Remedy violations of District or federal law governing the operation of the hospital;
  - (6) Hire, direct, manage, and discharge any employee, including the administrator of the hospital;
  - (7) Receive and expend, in a reasonable and prudent manner, the revenues of the hospital received by the hospital during the 30-day period preceding the date of his or her appointment and any revenue due thereafter;
  - (8) Continue the operation of the hospital;
  - (9) Continue the care of the patients;
  - (10) Correct and eliminate any deficiency of the hospital that endangers the safety or health of the patients; and
  - (11) Exercise such additional powers and perform such additional duties, including regular accountings, as the court considers appropriate.
- (f)(1) The receiver shall:
- (A) Apply the revenues of the hospital to current operating expenses and, subject to subparagraphs (B) and (C) of this paragraph, to debts incurred by the licensee prior to the appointment of the receiver;
  - (B) Ask the court for direction in the treatment of debts incurred prior to his or her appointment where such debts appear extraordinary, of questionable validity, or unrelated to the normal and expected maintenance and operation of the hospital, or where payment of a debt will interfere with the purposes of the receivership; and
  - (C) Give priority to expenditures needed for current, direct patient care.
- (2)(A) If a receiver does not have sufficient funds to cover expenditures needed to prevent or remove jeopardy to the patients, the receiver may petition the court for permission to borrow non-District funds for this purpose. Notice of the receiver's petition to the court for permission to borrow must be given to the owner, the licensee, and the Mayor.
- (B) The court, after a hearing, may authorize the receiver to borrow money upon specified terms of repayment and pledge security, if necessary, if the court determines:
- (i) That the hospital should not be closed and that the loan is reasonably necessary to prevent or remove jeopardy; or
  - (ii) That the hospital should be closed and that the loan is necessary to prevent or remove jeopardy to patients for the limited period of time they are awaiting transfer to another hospital or other facility.
- (g) A receiver may not close a hospital without leave of the court. In ruling on the issue of closure, the court shall consider:

## ENROLLED ORIGINAL

- (1) The rights and best interests of the patients;
- (2) The availability of suitable alternative placements;
- (3) The rights, interests, and obligations of the owner and licensee;
- (4) The licensure status of the hospital; and
- (5) Any other factors the court considers relevant.

(h) The owner and the licensee shall be divested of possession and control of the hospital during the period of receivership, under the conditions the court specifies.

(i) An order appointing a receiver pursuant to this section shall have the effect of a license of operation for the duration of the receivership. The receiver shall be responsible to the court for the conduct of the hospital during the receivership, and a violation of regulations governing the conduct of the hospital, if not promptly corrected, shall be reported to the court.

(j)(1) The court shall review the continued necessity of a receivership at least semiannually.

(2) The court shall terminate a receivership when it certifies that the conditions that prompted the receivership have been corrected or, in the case of a discontinuance of operation, when the patients have been safely relocated.

(3) The court shall not terminate a receivership in favor of the former licensee or of a new licensee, unless the person, or entity, assumes all obligations incurred by the receiver and provides collateral or other assurances of payment considered sufficient by the court.

(k) No person may bring suit against a receiver appointed pursuant to this section without first securing leave of the court. Except in cases of gross negligence or intentional wrongdoing, a receiver shall be liable only for actions taken in his or her official capacity and any adverse judgment shall be satisfied out of receivership assets.

(l) The District of Columbia shall not be liable for repayment of funds borrowed by a receiver during the course of the receivership or responsible for any financial obligations of the hospital.

#### Sec. 6. First source employment agreement.

The United Medical Center shall enter into a first source employment agreement with the Department of Employment Services with respect to the funds authorized in this act.

#### Sec. 7. Fiscal impact statement.

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

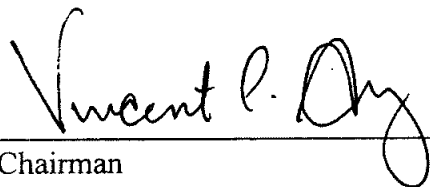
#### Sec. 8. Effective date.

(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

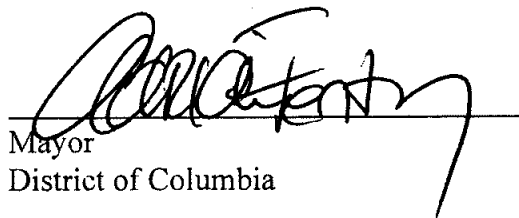
## ENROLLED ORIGINAL

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  
March 22, 2010