OFFICE OF THE CITY ADMINISTRATOR

CONCEALED PISTOL LICENSING REVIEW BOARD

SECOND NOTICE OF EMERGENCY RULEMAKING

The City Administrator, on behalf of the Mayor, and pursuant to the authority under Section 908(d) of the Firearms Regulations Control Act of 1975 (Act), effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.08(d) (2018 Repl.)), Mayor's Order 2015-036, dated January 9, 2015, the Coronavirus Support Second Congressional Review Emergency Amendment Act of 2020, effective August 19, 2020 (D.C. Act 23-405; 67 DCR 10235 (August 28, 2020)), and Mayor's Order 2020-052, dated March 23, 2020, hereby gives notice of the adoption of emergency amendments to Chapter 12 (Concealed Pistol Licensing Review Board) of Title 1 (Mayor and Executive Agencies) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking modifies the Concealed Pistol Licensing Review Board (Board) deadlines for receiving and deciding appeals, and holding summary suspension hearings during and after the public emergency and public health emergency declared by the Mayor in Mayor's Order 2020-045, dated March 11, 2020, and Mayor's Order 2020-046, dated March 11, 2020, and any extensions thereof. This emergency rulemaking is necessary to protect the health, safety, and well-being of the District of Columbia as it responds to the effects of COVID-19 by amending Board appeals deadlines to ensure appellants' procedural due process rights.

An initial emergency rulemaking was adopted on April 23, 2020, and was published in the *D.C. Register* on May 8, 2020 at 67 DCR 4915. It became effective on April 23, 2020, and expired one hundred twenty (120) days thereafter. This second emergency rulemaking was adopted on September 24, 2020, and became effective immediately. This second emergency rulemaking shall remain in effect for one hundred twenty (120) days after the date of its adoption (until January 22, 2021), pursuant to Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2019 Repl.)), unless superseded by a further emergency or final rulemaking.

Chapter 12, CONCEALED PISTOL LICENSING REVIEW BOARD, of Title 1 DCMR, MAYOR AND EXECUTIVE AGENCIES, is amended as follows:

Section 1202, APPEALS, is amended as follows:

A new Subsection 1202.8 is added to read as follows:

1202.8

(a) Notwithstanding Subsection 1202.2 and Sections 902(g) and 903(c) of the Act (D.C. Official Code §§ 7-2509.02(g) and 7-2509.03(c)) (as authorized by Section 312 of the Coronavirus Support Second Congressional Review Emergency Amendment Act of 2020, effective August 19, 2020 (D.C. Act 23-405; 67 DCR 10235 (August 28, 2020)), Mayor's Order 2020-052,

dated March 23, 2020, and any subsequent emergency, temporary, or permanent legislation or Mayor's Order providing similar authority), the deadline for filing an appeal of the denial of an initial application shall be tolled during the public emergency and public health emergency declared pursuant to Mayor's Order 2020-045, dated March 11, 2020, and Mayor's Order 2020-046, dated March 11, 2020, and any extensions thereof (collectively, the "emergency"), and during the ninety (90) days after the end of the emergency. The deadline for filing an appeal of the denial of a renewal application or an appeal of a limitation or revocation of a license shall not be tolled during the emergency.

(b) The Board may, as practicable, proceed with appeals during the emergency.

(c) During the emergency, appellants of the denial of an initial application are strongly encouraged to submit any filings to the Board via email at cplrb@dc.gov and to consent to service by email. Filings mailed to the Board's street address will not be considered filed until the day after the end of the emergency and will not be reviewed by the Board until after the end of the emergency; provided, that the Board may, in its sole discretion, review the filing before the day after the end of the emergency if the Board is in actual receipt of the filing (and such a filing may, in the Board's sole discretion, be considered filed on the date the Board is in actual receipt).

(d) During the emergency, appellants of the denial of a renewal application or a limitation or revocation of a license must submit their filings to the Board via email at cplrb@dc.gov and consent to service by email in order for the filings to be eligible for review by the Board during the emergency. An appeal of the denial of a renewal application or a limitation or revocation of a license that is submitted by postal mail during the emergency shall not be considered filed with the Board until the day after the end of the emergency and will not be reviewed by the Board until after the end of the emergency; provided, that the Board may, in its sole discretion, review the filing before the day after the end of the emergency if the Board is in actual receipt of the filing (and such a filing may, in the Board's sole discretion, be considered filed on the date the Board is in actual receipt).

(e) Each appeal filed with the Board during the emergency, or thereafter, must include the information described in §§ 1202.3(a)-(f).

Section 1226, SUMMARY SUSPENSION HEARINGS, is amended as follows:

Subsections 1226.1 and 1226.2 are amended to read as follows:

1226.1 A person subject to a summary suspension or summary limitation of a license issued pursuant to the Act shall have the right to request a hearing to the Board, in the manner described in § 1202.3(a)-(f), within seventy-two (72) hours after service of notice of the summary suspension or limitation of the license on the Board. The request for a hearing must be submitted to the Board via email at cplrb@dc.gov.

1226.2 (a) The Board shall hold a hearing within seventy-two (72) hours after receipt of a timely request for hearing; provided, that if the request is filed during the emergency, as defined in § 1202.8(a), the Board may, notwithstanding Section 905(b) of the Act (D.C. Official Code § 7-2509.05(b)) (as authorized by Section 312 of the Coronavirus Support Second Congressional Review Emergency Amendment Act of 2020, effective August 19, 2020 (D.C. Act 23-405; 67 DCR 10235 (August 28, 2020)), Mayor's Order 2020-052, dated March 23, 2020, and any subsequent emergency, temporary, or permanent legislation or Mayor's Order providing similar authority), hold the hearing up to twenty-one (21) days after the request is filed.

(b) The Board shall issue a written decision within seventy-two (72) hours after the conclusion of the hearing; provided, that if the hearing is held during the emergency, as defined in § 1202.8(a), the Board may, notwithstanding Section 905(b) of the Act (D.C. Official Code § 7-2509.05(b)) (as authorized by Section 312 of the Coronavirus Support Second Congressional Review Emergency Amendment Act of 2020, effective August 19, 2020 (D.C. Act 23-405; 67 DCR 10235 (August 28, 2020)), Mayor's Order 2020-052, dated March 23, 2020, and any subsequent emergency, temporary, or permanent legislation or Mayor's Order providing similar authority), issue the written decision up to seven (7) days after the conclusion of the hearing.

Subsection 1226.6 is amended by striking the phrase "thirty (30) days" and inserting the phrase "sixty (60) days" in its place.