

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Summer
Supp.

West Group
Publisher

To amend, on an temporary basis, Title 47 of the District of Columbia Official Code to add provisions of an amendment which were not reflected in the enrollment of Bill 15-1070, to correct a cross-reference, to correct the name of an entity which was given a tax exemption, to clarify the commencement date of the change in a utility tax rate, to amend the Tax Abatement for Housing Priority Area Act of 2004 to make a conforming change, and to amend the Arena Tax Amendment Act of 1994 to clarify the scope of a tax exemption.

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

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

(a) Section 47-857.04 is amended as follows:

(1) Subsection (a) is amended by striking the phrase "December 31, 2004" and inserting the phrase "September 30, 2004" in its place.

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

"(b)(1) For the purposes of this subsection, the term "downtown area" means:

"(A) The area described in section 199 of Title 10 of the District of Columbia Municipal Regulations (10 DCMR § 199) and designated on the District of Columbia Generalized Land Use Policies Map; and

"(B) Eligible area #2.

"(2) If a project eligible for the real property tax abatement under this section breaks ground on or after January 1, 2005 (as certified by the project architect and the Mayor), the tax abatement may be applied, assigned, conveyed, or otherwise transferred ("transferred") by the owner of the real property or project (or by the owner's designee) and the time period at which the tax abatement commences may be delayed until the transfer and shall continue for 10 years after the date of transfer; provided, that:

Note,
§ 47-857.04

“(A) The tax abatement shall be \$0.89 per rentable, or usable, residential FAR square foot of the eligible real property; provided, that if the project known as Quincy Court, located at 1117 10th Street, N.W., requests participation under § 47-857.04(b) by a letter to the Deputy Mayor for Planning and Economic Development, or his or her successor, prior to December 31, 2005, the tax abatement shall be \$0.905 per rentable, or usable, residential FAR square foot of the eligible real property;

“(B) The tax abatement may be transferred by the owner:

“(i) To reduce real property taxes imposed upon any residential project in the downtown area or eligible area #2; or

“(ii) To reduce real property taxes imposed upon any commercial project in the downtown area or eligible area #2; and

“(3) The tax abatement may be transferred within:

“(A) Five years after receipt by the eligible project of a final certificate of occupancy is issued for the entirety of the project;

“(B) Within one year after the final certificate of occupancy is issued for the project to which the abatement is transferred.”.

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

“(c) The Mayor shall be deemed to have certified the groundbreaking if the Deputy Mayor for Planning and Economic Development, or his or her successor, issues a letter certifying the groundbreaking or 20 business days pass after the date of the receipt of a request for the certification by the Deputy Mayor for Planning and Economic Development, or his or her successor, from the project developer; provided, that the request includes a certification by the project architect of the groundbreaking date of the residential project and the Deputy Mayor for Planning and Economic Development, or his or her successor, does not reject the request or request further information.”.

(b) Section 47-857.06(d)(2) is amended as follows:

Note,
§ 47-857.06

(1) The undesignated text is amended by striking the phrase “there shall be allowed an abatement of \$710,000 per year of the real property tax imposed by § 47-811 on the Wax Museum project (to be allocated between the K Street Building and L Street Building as set forth in paragraph (3) of this subsection)” and inserting the phrase “there shall be allowed an abatement of \$664,000 per year of the real property tax imposed by § 47-811 on the Wax Museum project (to be allocated between the K Street Building and L Street Building as set forth in paragraph (4) of this subsection)” in its place.

(2) Subparagraph (A)(iii) is amended by striking the word “and”.

(3) Subparagraph (B)(iii) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(4) A new subparagraph (C) is added to read as follows:

“(C) If the residential project known as Quincy Court, located at 1117 10th Street, N.W., requests participation under § 47-857.04(b) by a letter to the Deputy Mayor

for Planning and Economic Development, or his or her successor, prior to December 31, 2005, the annual amount of the abatement of real property tax imposed by § 47-811 on the Wax Museum project (to be allocated between the K Street Building and L Street Building as set forth in paragraph (4) of this subsection) shall be \$675,000.”.

(c) Section 47-1065(a)(1) is amended by striking the phrase “Golden Rule Place” and inserting the phrase “Golden Rule Plaza” in its place.

Note,
§ 47-1065

(d) Section 47-2501(a) is amended as follows:

Note,
§ 47-2501

(1) Paragraph (3) is amended by striking the phrase “11% of these gross receipts from deliveries made after December 31, 2002, for a person who delivers heating oil to an end-user in the District,”.

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

“(3A) After April 30, 2003, pay to the Mayor 11% of these gross receipts from deliveries made after April 30, 2003, for a person who delivers heating oil to an end-user in the District.”.

Sec. 3. Section 3 of the Tax Abatement Adjustment for Housing Priority Area Act of 2004, signed by the Mayor on January 19, 2005 (D.C. Act 15-738; 52 DCR __), is repealed.

Sec. 4. Section 3(a) of the Arena Tax Amendment Act of 1994, effective September 28, 1994 (D.C. Law 10-189; 41 DCR 5357), is amended by striking the phrase “as a downtown sports arena” and inserting the phrase “as an arena” in its place.

Sec. 5. 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. 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

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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia