

AN ACT

Bill 20-451

Emergency
Declaration
Res. 20-277
20 DCStat 2666Codification
District of
Columbia
Official Code
2001 Edition

To amend, on an emergency basis, the Fiscal Year 2014 Budget Support Act of 2013 and the Fiscal Year 2014 Budget Support Emergency Act of 2013 to clarify the priority to be given to homeless families for tenant-based housing assistance and to improve the administrability of the tax abatement financial analysis process; to amend the District of Columbia Public Assistance Act of 1982 to provide the Mayor with authority to establish the review and redetermination schedule for persons receiving POWER benefits; and to amend section 47-2005 of the District of Columbia Official Code to clarify the scope of the processing exemption from the sales tax.

Fiscal Year
2014 Budget
Support
Technical
Clarification
Emergency
Amendment
Act of 2013

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fiscal Year 2014 Budget Support Technical Clarification Emergency Amendment Act of 2013”.

Sec. 2. The Fiscal Year 2014 Budget Support Act of 2013, signed by the Mayor on August 28, 2013 (D.C. Act 20-157; 60 DCR 12472), is amended as follows:

(a) Section 2092 is amended to read as follows:

Note,
§ 4-753.05

“Sec. 2092. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended by adding a new section 8c to read as follows:

““Sec. 8c. Placement of first-priority homeless families.

““(a) When funds which have been allocated for tenant-based assistance under section 26c of the District of Columbia Housing Authority Act of 1999, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 6-228), are made available because a family which has been receiving tenant-based assistance no longer requires or has become ineligible for the assistance, the Mayor and the District of Columbia Housing Authority shall use those funds to provide tenant-based assistance to homeless families referred by the Department of Human Services and determined to have first priority to shelter pursuant to 29 DCMR § 2508.01(a)(1). The referrals shall be made in accordance with the special eligibility criteria set forth in 29 DCMR § 2556 through 29 DCMR § 2558.

““(b) Funding for tenant-based assistance which has been made available due to reasons other than the circumstances described in subsection (a) of this section shall not be subject to the requirements of subsection (a) of this section. ”.”.

(b) Section 7162(a) is amended as follows:

Note,
§ 47-4701

(1) Strike the phrase “(iii) For exemptions or abatements related to a specific individual or entity, a review and analysis of the financial condition of the recipient of the

proposed exemption or abatement and an advisory opinion stating whether or not it is likely that the recipient could be reasonably expected to meet its fiscal needs without the proposed exemption or abatement; and” and insert the phrase “(iii) For exemptions or abatements related to a person or small group of persons that can be readily identified, a review and analysis of the financial condition of the recipient of the proposed exemption or abatement and an advisory opinion stating whether or not it is likely that the recipient could be reasonably expected to meet its fiscal needs without the proposed exemption or abatement. If individual financial information is not available, the requirements of this sub-subparagraph may be met through an advisory opinion on whether the proposed exemption or abatement can reasonably be expected to meet the proposed public policy goal.” in its place.

(2) The phrase “(iv) For exemptions or abatements related to a category or group of property owners or taxpayers, a review and analysis of the public policy goal intended to be addressed, if applicable, by the exemption or abatement, including whether the exemption or abatement is appropriately targeted and likely to achieve the intended goal.” is repealed.

(3) Strike the phrase “for a bill that grants an exemption or abatement to a housing development” and insert the phrase “where applicable” in its place.

(c) Subsection (a) of this section shall apply as of the effective date of this act.

Note,
§ 4-753.05

Sec. 3. The Fiscal Year 2014 Budget Support Emergency Act of 2013, effective July 30, 2013 (D.C. Act 20-130; 60 DCR 11384), is amended as follows:

(a) Section 2092 is amended to read as follows:

Note,
§ 4-753.05

“Sec. 2092. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended by adding a new section 8c to read as follows:

““Sec. 8c. Placement of first-priority homeless families.

““(a) When funds which have been allocated for tenant-based assistance under section 26c of the District of Columbia Housing Authority Act of 1999, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 6-228), are made available because a family which has been receiving tenant-based assistance no longer requires or has become ineligible for the assistance, the Mayor and the District of Columbia Housing Authority shall use those funds to provide tenant-based assistance to homeless families referred by the Department of Human Services and determined to have first priority to shelter pursuant to 29 DCMR § 2508.01(a)(1). The referrals shall be made in accordance with the special eligibility criteria set forth in 29 DCMR § 2556 through 29 DCMR § 2558.

““(b) Funding for tenant-based assistance which has been made available due to reasons other than the circumstances described in subsection (a) of this section shall not be subject to the requirements of subsection (a) of this section. ”.”.

(b) Section 7162(a) is amended as follows:

Note,
§ 47-4701

(1) Strike the phrase “(iii) For exemptions or abatements related to a specific individual or entity, a review and analysis of the financial condition of the recipient of the proposed exemption or abatement and an advisory opinion stating whether or not it is likely that

the recipient could be reasonably expected to meet its fiscal needs without the proposed exemption or abatement; and” and insert the phrase “(iii) For exemptions or abatements related to a person or small group of persons that can be readily identified, a review and analysis of the financial condition of the recipient of the proposed exemption or abatement and an advisory opinion stating whether or not it is likely that the recipient could be reasonably expected to meet its fiscal needs without the proposed exemption or abatement. If individual financial information is not available, the requirements of this sub-subparagraph may be met through an advisory opinion on whether the proposed exemption or abatement can reasonably be expected to meet the proposed public policy goal.” in its place.

(2) The phrase “(iv) For exemptions or abatements related to a category or group of property owners or taxpayers, a review and analysis of the public policy goal intended to be addressed, if applicable, by the exemption or abatement, including whether the exemption or abatement is appropriately targeted and likely to achieve the intended goal.” is repealed.

(3) Strike the phrase “for a bill that grants an exemption or abatement to a housing development” and insert the phrase “where applicable” in its place.

(c) Subsection (a) of this section shall apply as of the effective date of this act.

**Note,
§ 4-753.05**

Sec. 4. Section 572a(b) of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.72a(b)), is amended by striking the phrase “shall be subject to annual review and redetermination” and inserting the phrase “shall be subject to review and redetermination by the Mayor” in its place.

**Note,
§ 4-205.72a**

Sec. 5. (a) Section 47-2005(11) of the District of Columbia Official Code is amended by striking the phrase “refining;” and inserting the phrase “refining of tangible personal property for sale or resale;” in its place.

**Note,
§ 47-2005**

(b) This section shall apply as of August 1, 2013.

Sec. 6. Applicability.

Except as otherwise provided, this act shall apply as of October 1, 2013.

Sec. 7. 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. 8. 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)).