

**AN ACT**

**Bill 20-199**  
**Act 20-157**  
**effective**  
**August 28,**  
**2013**

**Codification**  
**District of**  
**Columbia**  
**Official Code**  
**2001 Edition**

*To enact and amend provisions of the law necessary to support the fiscal year 2014 budget.*

**Fiscal Year**  
**2014 Budget**  
**Support 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 Act of 2013".

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### **TITLE I. GOVERNMENT DIRECTION AND SUPPORT**

#### **SUBTITLE A. BONUS AND SPECIAL PAY**

Sec. 1001. Short title.

This subtitle may be cited as the "Bonus and Special Pay Limitation Act of 2013".

Sec. 1002. Bonus and special pay limitations.

**Note,**  
**§ 1-611.03**

(a) For fiscal year 2014, no funds may be used to support the categories of special awards pay or bonus pay; provided, that funds may be used to pay:

- (1) Retirement awards;
- (2) Hiring bonuses for difficult-to-fill positions;
- (3) Additional income allowances for difficult-to-fill positions;
- (4) Agency awards or bonuses funded by private grants or donations;
- (5) Safe driving awards;
- (6) Gainsharing incentives in the Department of Public Works;
- (6) Suggestion or invention awards; or
- (7) Any other award or bonus required by an existing contract or collective bargaining agreement that was entered into before the effective date of this subtitle.

(b) No special awards pay or bonus pay may be paid to a subordinate agency head or an assistant or deputy agency head unless required by an existing contract that was entered into before the effective date of this subtitle.

(c) Notwithstanding any other provision of law, no restrictions on the use of funds to support the categories of special awards pay (comptroller subcategory 0137) or bonus pay (comptroller subcategory 0138) shall apply in fiscal year 2014 to employees of the District of Columbia Public Schools who are based at a local school or who provide direct services to individual students.

## **SUBTITLE B. INNOVATION FUND ESTABLISHMENT**

Sec. 1011. Short title.

This subtitle may be cited as the "Innovation Fund Establishment Act of 2013".

Sec. 1012. Definitions.

**New**  
**§ 1-325.221**

For the purposes of this subtitle, the term:

- (1) "Fund" means the Innovation Fund established in section 1013.
- (2) "Grant-managing entity" means the Community Foundation for the National Capital Region pursuant to section 1016.

Sec. 1013. Innovation Fund.

**New**  
**§ 1-325.222**

(a) There is established a Innovation Fund ("Fund") to provide subgrants to nonprofit organizations in education, job training, health, services for seniors, arts, public safety, and the environment.

(b) The Mayor shall make a grant to a single grant-managing entity of which at least 94% shall be used to make subgrants for the purpose of promoting a growing economy, educational improvement, increasing sustainability, and improving the quality of life for all residents. The remaining 6% shall be utilized for administrative expenses and evaluation of the Fund.

(c) The Fund is designed to provide subgrants to nonprofits in education, job training, health, services for seniors, arts, public safety, and the environment. The funds shall be available

for conveyance to a grant-managing entity for the purposes identified in subsection (b) of this section.

(d) Subgrants shall be awarded, subject to the availability of funding, as follows:

- (1) All subgrants shall be awarded on a competitive basis;
- (2) The subgrants shall not exceed \$100,000 per year;
- (3) Capacity-building subgrants are one-time and can be carried over for a maximum of 3 years;
- (4) Program-development subgrants are limited to a maximum of 3 years and contingent on first-year grant outcomes;
- (5) The subgrant funds shall be used exclusively to serve District of Columbia residents;
- (6) Independent review panels shall be used as part of the subgrant selection process; and
- (7) All subgrants shall be subject to District transparency requirements, such as Freedom of Information Act requests.

(e) The Fund shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199).

**Sec. 1014. Required information before approval.**

New  
§ 1-325.223

(a) To be eligible to receive a subgrant from the grant-managing entity pursuant to section 1013, a subgrantee shall submit the following required documentation to the grant-managing entity as well as any additional information required by the grant-managing entity:

(1) Internal Revenue Service certification that the organization is tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3));

(2)(A) The organization's most recent financial audit, not more than 2 years old; or

(B) A recent financial statement, not more than one year old, prepared by a certified accountant that shows that the organization is in good financial standing and which delineates its:

- (i) Existing assets and liabilities;
- (ii) Pending lawsuits, if any; and
- (iii) Pending and final judgments, if any;

(3) Internal Revenue Service Form 990 covering the organization's most recently completed fiscal year;

(4) A notarized statement from the subgrantee certifying that:

- (A) The organization is current on District and federal taxes;
- (B) The grant-managing entity is authorized to verify the organization's tax status with the Office of Tax and Revenue and the Office of Tax and Revenue is authorized to release this information to the grant-managing entity;

(C) The grant-managing entity shall have access to the subgrantee's financial, administrative, and operational records, including specific consent for the grant-managing entity to access its books, accounts, records, findings, and documents related to the subgrant; and

(D) The subgrantee is registered with the Department of Consumer and Regulatory Affairs; and

(5) A comprehensive program statement that includes a detailed:

(A) Scope of work; and

(B) Budget that describes how the subgrant funds shall be spent.

**Sec. 1015. Reporting requirements.**

**New**  
**§ 1-325.224**

Beginning January 2, 2015, the grant-managing entity shall submit an annual report to the Mayor and the Council of all District funds allocated, which includes:

(1) Detailed subgrantee data;

(2) Performance measures and performance outcomes under each subgrant;

(3) The specific services provided under each subgrant;

(4) The entity providing the services, if one other than the subgrantee;

(5) The time period of delivery of the services;

(6) The type of service provided;

(7) The actual amount paid for the services; and

(8) The amount of other expenditures under the subgrant, if any.

**Sec. 1016. Authorization for grant-managing entity.**

**New**  
**§ 1-325.225**

For fiscal years 2014, 2015, and 2016, the Community Foundation for the National Capital Region ("Community Foundation") is designated as the grant-managing entity. The Community Foundation shall be required to enter into a Memorandum of Understanding ("MOU") with the District of Columbia government. The MOU shall set forth certain administrative requirements for the Community Foundation to abide by when it obtains District funds and awards subgrants involving District funds, and will clarify and reaffirm the Community Foundation's responsibility and obligation with respect to District funds, including the monitoring of the use of District funds.

**Sec. 1017. Limitation on duplicative projects.**

**New**  
**§ 1-325.226**

(a) The grant-managing entity shall take steps to avoid awarding subgrants to a nonprofit that has been awarded or is being awarded funds from the DC Children and Youth Investment Trust Corporation ("Trust") for the same or similar program purposes for which it is applying for funding from the Fund.

(b) Within 30 days after the effective date of the MOU, the grant-managing entity shall provide to the Mayor, or his or her designee, and the Council, a plan that sets forth procedures for avoiding the award of duplicative funds from the Trust and the Fund.

**SUBTITLE C. DEPARTMENT OF GENERAL SERVICES PROTECTIVE SERVICES DIVISION**

Sec. 1021. Short title.

This subtitle may be cited as the "Department of General Services Protective Services Division Amendment Act of 2013".

Sec. 1022. Section 1023(6) of the Department of General Services Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 10-551.02(6)), is amended to read as follows:

**Amend  
§ 10-551.02**

"(6) Protective Services Division, which shall coordinate, manage, and provide security services for District government facilities through the use of special police officers and security officers, as defined in § 47-2839.01, civilian employees, or contractors."

**SUBTITLE D. CAPTIVE INSURANCE**

Sec. 1031. Short title.

This subtitle may be cited as the "Captive Insurance Amendment Act of 2013".

Sec. 1032. The District of Columbia Medical Liability Captive Insurance Agency Establishment Act of 2008, effective July 18, 2008 (D.C. Law 17-196; D.C. Official Code § 1-307.81 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-307.81) is amended as follows:

**Amend  
§ 1-307.81**

(1) Paragraph (2) is amended by striking the phrase "District of Columbia Medical Liability Captive Insurance Agency" and inserting the phrase "Captive Insurance Agency" in its place.

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

"(2A) "Act of terrorism" shall have the same meaning as provided in section 102(1) of the Omnibus Anti-Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 22-3152(1))."

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

"(4A) "District real property asset" means improved real property owned by the District and includes all structures of a permanent character erected on or affixed to the property."

(4) Paragraph (5) is amended by striking the phrase "Medical Liability Captive" both places it appears and inserting the phrase "Captive" in its place.

(5) A new paragraph (8A) is added to read as follows:

"(8A) "Medical malpractice" means professional negligence by act or omission by a health care provider in which the treatment provided falls below the accepted standard of practice in the medical community and causes injury or death to the patient, with most cases involving medical error."

(6) A new paragraph (9A) is added to read as follows:



"(9A) "Property insurance" means an insurance policy that protects against most risks to property such as earthquakes, floods, acts of terrorism, fires, boiler or machinery failures, business interruptions, pollution, fidelity, builders risk, debris removal, and weather damage.".

(b) Section 3 (D.C. Official Code § 1-307.82) is amended to read as follows:

**Amend  
§ 1-307.82**

"Sec. 3. Establishment of the Captive Insurance Agency.

"(a) There is established, as a subordinate agency, the Captive Insurance Agency.

"(b) The purpose of the Agency is to:

"(1) Provide medical malpractice liability insurance policies for health centers, including coverage for the staff, contractors, and volunteer service providers for the services provided at the health centers; and

"(2) Provide property insurance for District real property assets.

"(c) The liability of the Agency for medical malpractice liability and property insurance policies shall be limited to the funds in the Captive Trust Fund.".

(c) Section 4(a) (D.C. Official Code § 1-307.83(a)) is amended follows:

**Amend  
§ 1-307.83**

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

"(1) By delegation from the Mayor, to exercise procurement authority as is necessary or proper to carry out the provisions and purposes of this act, including contract oversight and contracting with:

"(A) Other insurance companies, captives, risk pools, re-insurers, and other similar entities;

"(B) Similar captives of other states, municipalities, or counties for the joint performance of common administrative functions; and

"(C) Persons or other entities for the performance of organizational, management, or administrative functions;".

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

"(4A) Obtain and issue policies of property insurance, in accordance with the requirements of the plan of operation under section 8;".

(d) Section 6 (D.C. Official Code § 1-307.85) is amended as follows:

**Amend  
§ 1-307.85**

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

"(b) The Advisory Council shall consist of 7 members appointed by the Risk Officer. One member shall represent the District of Columbia Primary Care Association, 2 members shall represent District health centers, 2 members shall have expertise in general property insurance and re-insurance, and 2 members shall have general insurance expertise, whether medical malpractice or general property insurance.".

(2) Subsection (i) is amended as follows:

(A) Paragraph (2) is amended by striking the word "and" at the end.

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

"(2A) Assess the needs and interests of the District with respect to obtaining property insurance through the Agency; and".

(e) Section 7(b) (D.C. Official Code § 1-307.86(b)) is amended by striking the phrase "March 2" and inserting the phrase "December 15" in its place.

**Amend  
§ 1-307.86**

(f) Section 8(b) (D.C. Official Code § 1-307.87(b)) is amended by adding a new paragraph (4A) to read as follows:

**Amend**  
**§ 1-307.87**

"(4A) Establish procedures for the offering of property insurance for District real property assets;"

(g) Section 11 (D.C. Official Code § 1-307.90) is amended to read as follows:

**Amend**  
**§ 1-307.90**

"Sec. 11. Coverage.

"(a) The Agency shall offer:

"(1) Health centers medical malpractice insurance that is consistent with coverage offered in the market; and

"(2) Property insurance for the benefit of the District for District real property assets consistent with coverage offered in the market.

"(b) The insurance policies and coverage offered pursuant to this act shall be established by the Risk Officer with the advice of the Advisory Council and subject to the approval of the Commissioner.

"(c) Any policy offered by the Agency shall state that the liability of the Agency shall be limited to the funds in the Captive Trust Fund."

(h) Section 12(a) (D.C. Official Code § 1-307.91(a)) is amended by striking the phrase "Medical Liability Captive" and inserting the word "Captive" in its place.

**Amend**  
**§ 1-307.91**

(i) A new section 16a is added to read as follows:

**New**  
**§ 1-307.95**

"Sec. 16a. Short title.

"This act may be cited as the "Captive Insurance Agency Establishment Act of 2008".

## **SUBTITLE E. TECHNOLOGY SERVICES SUPPORT**

Sec. 1041. Short title.

This subtitle may be cited as the "Technology Services Support Amendment Act of 2013".

Sec. 1042. The Technology Services Support Act of 2007, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-1431 *et seq.*), is amended as follows:

(a) Section 1002 (D.C. Official Code § 1-1431) is amended by repealing paragraphs (1), (2), (5), and (6).

**Amend**  
**§ 1-1431**

(b) Section 1004 (D.C. Official Code § 1-1433) is amended to read as follows:

**Amend**  
**§ 1-1433**

"Sec. 1004. Technology Infrastructure Services Support Fund.

"(a) There is established as a special fund the Technology Infrastructure Services Support Fund ("Fund"), which shall be administered by the Chief Technology Officer in accordance with subsection (c) of this section.

"(b) The Fund shall consist of the revenue from payments by independent District government agencies and federal agencies for services provided by the Office of the Chief Technology Officer in accordance with subsection (c) of this section.

"(c) The Fund shall be used solely to defray operational costs of programs of the Office of the Chief Technology Officer, other than the DC-Net program, that the Chief Technology

Officer shall designate based on the use of such programs to provide services to independent agencies of the District and agencies of the federal government.

"(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

"(2) Subject to authorization by Congress, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation."

**SUBTITLE F. EASTERN MARKET JURISDICTION CLARIFICATION**

Sec. 1051. Short title.

This subtitle may be cited as the "Eastern Market Jurisdiction Clarification Amendment Act of 2013".

Sec. 1052. The Eastern Market Real Property Asset Management and Outdoor Vending Act of 1998, effective April 16, 1999 (D.C. Law 12-228; D.C. Official Code § 37-101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 37-101) is amended as follows:

**Amend  
§ 37-101**

(1) Paragraph (12) is amended to read as follows:

"(12) "Eastern Market Special Use Area" means:

"(A) Eastern Market Square, including the North Hall Plaza;

"(B) The Capitol Hill Natatorium Plaza;

"(C) The playground and parking lot of Hine Junior High School, as of the effective date of the Eastern Market Jurisdiction Clarification Amendment Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199), until commencement of construction with respect to new development on the Hine Junior High School site;

"(D) 7th Street, S.E., between North Carolina Avenue, S.E., and Pennsylvania Avenue, S.E., including the area between the curb and near edge of the sidewalk on both the east and west sides of the street and excluding the area between the property line and far edge of the sidewalk on both sides of the street;

"(E) The new C Street, S.E., to be constructed between 7th and 8th Streets, S.E., including the area between the curb and near edge of the sidewalk on both the north and south sides of the street and excluding the area between the property line and the far edge of the sidewalk on both sides of the street; and

"(F) Other privately owned or controlled lands or buildings that are directly adjacent to the area defined in subparagraphs (A), (B), (C), and (D) of this paragraph, each being subject to a lease or management agreement between the market manager and such owner or controlling entity, and for durations and under conditions defined in the lease or management agreements."

(2) Paragraph (21) is amended to read as follows:

"(21) "Market manager" means a person or persons, having experience relevant to operating an historic urban fresh food or farmers' market, employed to provide unified and coordinated management for the Eastern Market Special Use Area."

**SUBTITLE G. COMMUNITY AFFAIRS GRANT-MAKING AUTHORITY**

Sec. 1061. Short title.

This subtitle may be cited as the "Community Affairs Grant-Making Authority Authorization Amendment Act of 2013".

Sec. 1062. Section 303(10) of the District of Columbia Latino Community Development Act, effective September 29, 1976 (D.C. Law 1-86; D.C. Official Code § 2-1313(10)), is amended by striking the word "act" and inserting the phrase "act; provided, that grants shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199)" in its place.

**Amend  
§ 2-1313**

Sec. 1063. Section 304(c)(9) of the Office on Asian and Pacific Islander Affairs Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 2-1373(c)(9)), is amended by striking the word "act" and inserting the phrase "act; provided, that grants shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199)" in its place.

**Amend  
§ 2-1373**

Sec. 1064. Section 3 of the Office and Commission on African Affairs Act of 2006, effective June 8, 2006 (D.C. Law 16-111; D.C. Official Code § 2-1392), is amended as follows:

**Amend  
§ 2-1392**

(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) Issue grants to organizations that provide services to African residents of the District in furtherance of the mission of the Office or the purposes of this act; provided, that grants shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199)."

**SUBTITLE H. DISTRICT OF COLUMBIA GOVERNMENT COMPREHENSIVE  
MERIT PERSONNEL**

Sec. 1071. Short title.

This subtitle may be cited as the "District of Columbia Government Comprehensive Merit Personnel Amendment Act of 2013".

Sec. 1072. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 909(a) (D.C. Official Code § 1-609.03(a)) is amended as follows:

**Amend**  
**§ 1-609.03**

(1) Paragraph (1) is amended by striking the phrase “, no more than 2 of whom may be appointed or detailed to a single agency, other than the Executive Office of the Mayor or the Office of the City Administrator”.

(2) Paragraph (9) is amended by striking the number “6” and inserting the number “10” in its place.

(b) Section 1052 (D.C. Official Code § 1-610.52) is amended by added a new subsection (b-1) to read as follows:

**Amend**  
**§ 1-610.52**

"(b-1) Notwithstanding subsections (a) and (b) of this section, the compensation of the Chief Medical Examiner ("CME") shall not exceed \$253,000 unless approved by an act of the Council. The level of compensation as provided in this subsection shall be the total annual salary amount that the CME may receive. The CME may not receive longevity pay, bonus pay, including performance bonus pay, retention pay, per annum percentage increases for cost-of-living purposes or due to any collective bargaining activity within the agency, or any equivalent financial incentives or salary enhancements.".

#### **SUBTITLE I. DISTRICT OF COLUMBIA UNIFORM LAW COMMISSION**

Sec. 1081. Short title.

This subtitle may be cited as the "District of Columbia Uniform Law Commission Amendment Act of 2013".

Sec. 1082. Section 4(b) of the District of Columbia Uniform Law Commission Act of 2010, effective March 12, 2011 (D.C. Law 18-313; D.C. Official Code § 3-1433(b)), is amended by adding a new paragraph (3) to read as follows:

**Amend**  
**§ 3-1433**

"(3) The District may expend funds necessary to cover the costs of commissioners' attendance at the annual meeting as required under paragraph (1) of this subsection, the annual dues for the NCCUSL, and any other expenses as required.".

#### **SUBTITLE J. GRANT ADMINISTRATION**

Sec. 1091. Short title.

This subtitle may be cited as the "Grant Administration Act of 2013".

Sec. 1092. Definitions.

**New**  
**§ 1-328.11**

For the purposes of this subtitle, the term:

(1) "Grant program" means the management or administration by a grantor of grant-making or grant-issuing authority as covered by this subtitle.

(2) "Grantee" means the person that receives funds under a grant program.

(3) "Grantor" means a District agency, board, commission, instrumentality, or program designated by law as the grant-managing entity for a grant program.

**Sec. 1093. Applicability of requirements on grants.**

New  
§ 1-328.12

Notwithstanding any other provision of law, and except where the law establishing authority for the grant exempts or modifies the requirements of this subtitle by specific reference, any grant-making or grant-issuing authority established under the Fiscal Year 2014 Budget Support Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199), shall be administered pursuant to the requirements of this subtitle.

**Sec. 1094. Requirements for award of grants.**

New  
§ 1-328.13

(a) Any grant of \$50,000 or more that is made pursuant to an authority described in section 1093 shall be awarded on a competitive basis and solely for the purpose or purposes identified in the statute establishing the grant-making or grant-issuing authority.

(b) Before providing notice of the availability of grant funds as required by subsection (c) of this section, a grantor shall establish criteria or standards for the selection of a grantee or grantees under the grant program, and shall set priorities among those criteria or standards.

(c) A grantor shall publish notice in the District of Columbia Register for a minimum of 14 days in advance of making or issuing a grant of the following:

(1) A detailed description of the availability of grant funds, including the amount, the number of likely grant awards to be made, and any limitations or requirements on the use of such grant funds;

(2) Eligibility requirements for receiving funds under the grant program, including the requirements in section 1095;

(3) Selection criteria for the awarding of funds under the grant program;

(4) A description of the application process under the grant program, including the date after which applications will no longer be received; and

(5) The date that final determination of grant awards will be made.

**Sec. 1095. Requirements for administration of grant programs.**

New  
§ 1-328.14

A grantor administering a grant program covered by this subtitle shall:

(1) Within 30 days from the closing date of the grant application process, provide notification to all applicants of the acceptance or rejection of their applications for the grant funds; and

(2)(A) Maintain records of any written communications as well as a description of any other communications, including telephonic or face-to-face communications, between the grantor and any District government official or staff regarding:

(i) The development of the selection criteria or eligibility requirements;

(ii) Selection by the grantor of a grantee; or

(iii) Issues with a grantee's compliance with grant-program requirements.

(B) Records required under this paragraph shall be provided, upon request, within a reasonable time, to the Mayor, or his or her designee, or to a member of the Council.

Sec. 1096. Eligibility requirements for receiving grants.

New  
§ 1-328.15

In addition to any other eligibility requirements provided under the enabling statute of the grant program, to be eligible to receive funds under a grant program covered by this subtitle, an individual or entity must be current on all taxes and liabilities owed to the District, or have a plan to resolve such taxes and liabilities that is satisfactory to the grantor.

Sec. 1097. Reporting requirements.

New  
§ 1-328.16

Beginning in 2014, a grantor managing a grant program covered by this subtitle shall submit a report to the Mayor and the Council by November 1 of each year containing the following information:

- (1) All funds allocated pursuant to a grant program in the previous fiscal year;
- (2) The type of services and a timeline for delivery of services for the grant; and
- (3) Performance measures and performance outcomes for each grant issued during the previous fiscal year.

## **SUBTITLE K. DISCRETIONARY FUNDS RENAMING**

Sec. 1101. Short title.

This subtitle may be cited as the "Discretionary Fund Renaming Amendment Act of 2013".

Sec. 1102. Section 26 of An Act To authorize certain programs and activities of the government of the District of Columbia, and for other purposes, approved October 26, 1973 (87 Stat. 509; D.C. Official Code § 1-333.10), is amended by adding a new subsection (c) to read as follows:

Amend  
§ 1-333.10

"(c) This section may be cited as the "Discretionary Funds Act of 1973".".

## **TITLE II. ECONOMIC DEVELOPMENT AND REGULATION**

### **SUBTITLE A. DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT LIMITED GRANT-MAKING AUTHORITY**

Sec. 2001. Short title.

This subtitle may be cited as the "Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Amendment Act of 2013".

Sec. 2002. The Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-168; codified in scattered cites in the D.C. Official Code), is amended as follows:

(a) Section 2032 (D.C. Official Code § 1-328.04) is amended as follows:

**Amend**  
**§ 1-328.04**

(1) Subsection (a) is amended as follows:

(A) Paragraph (2) is amended by striking the phrase "project;" and inserting the phrase "project; and" in its place.

(B) Paragraph (3) is repealed.

(2) A new subsection (b-1) is added to read as follows:

"(b-1)(1) The Deputy Mayor may make grants for fiscal year 2014 as follows:

"(A) An amount of \$100,000 for sector consultants;

"(B) An amount of \$350,000 for local business promotion;

"(C) An amount of \$75,000 for regional economic development; and

"(D) An amount of \$50,000 for increasing access to financial services and products to unbanked and under-banked residents.

"(2) Grants made pursuant to this subsection shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199)."

(b) Section 2033 (D.C. Official Code § 1-325.211) is amended as follows:

**Amend**  
**§ 1-325.211**

(1) Subsection (a) is amended by striking the phrase "Deputy Mayor for Planning and Economic Development" and inserting the phrase "Commission on Arts and Humanities" in its place.

(2) Subsection (b)(1) is amended as follows:

(A) Subparagraph (A) is amended by striking the word "and".

(B) Subparagraph (B) is amended by striking the period and inserting the phrase "; and" in its place.

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

"(C) An annual appropriation of \$107,000."

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

"(d) The Commission on Arts and Humanities is authorized to make grants for the purposes described in this section. Grants made under this section shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2<sup>nd</sup> reading on June 26, 2013 (Enrolled version of Bill 20-199)."

Sec. 2003. Section 5 of the Commission on Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-204), is amended as follows:

**Amend**  
**§ 39-204**

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

"(3A) Make grants to neighborhood or civic associations for the purpose of providing funds for parades, festivals, and any other celebrations sponsored by a neighborhood or civic association in accordance with section 2033(c) and (d) of the Deputy Mayor for Planning



and Economic Development Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-325.211(c) and (d)).".

(b) Paragraph (5)(C) is amended by striking the phrase "in the Fund" and inserting the phrase "in the Fund or in the Neighborhood Parade and Festival Fund, established by section 2033 of the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-325.211), if the donation, gift, or grant is designated to be used for a parade, festival, or any other celebration sponsored by a neighborhood or civic association" in its place.

**SUBTITLE B. WORKFORCE INVESTMENT COUNCIL AND WORKFORCE INTERMEDIARY GRANT-MAKING AUTHORITY**

Sec. 2011. Short title.

This subtitle may be cited as the "Workforce Investment Council and Workforce Intermediary Grant -Making Authority Amendment Act of 2013".

Sec. 2012. Section 4 of the Workforce Investment Implementation Act of 2000, effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code § 32-1603), is amended by adding new subsections (c) and (d) to read as follows:

**Amend  
§ 32-1603**

"(c) The Council shall have grant-making authority for the purpose of providing competitive grants under the authority granted to the Council by this act; provided, that grants shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199).

"(d) The Council shall have grant-making authority for the purpose of providing competitive grants based on the recommendations of the Workforce Intermediary Task Force, made pursuant to the Workforce Intermediary Task Force Establishment Temporary Act of 2011, effective December 2, 2011 (D.C. Law 19-55; 58 DCR 8962), and approved by the Council in the Workforce Intermediary Task Force Recommendations Emergency Approval Resolution of 2012, effective June 5, 2012 (Res. 19-454; 59 DCR 7454); provided, that grants shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199).".

**SUBTITLE C. UNEMPLOYMENT COMPENSATION ANTI-FRAUD FEDERAL CONFORMITY**

Sec. 2021. Short title.

This subtitle may be cited as the "Unemployment Compensation Anti-Fraud Federal Conformity Amendment Act of 2013".

Sec. 2022. Section 19(e) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 956; D.C. Official Code § 51-119(e)), is amended by adding a new paragraph (3) to read as follows:

**Amend  
§ 51-119**

"(3) Beginning on October 1, 2013, at the time the Director determines an erroneous payment was made to an individual due to fraud committed by such individual, the Director shall assess a penalty on the individual in an amount of 15% of the amount of the erroneous payment. Penalties paid pursuant to this paragraph shall be deposited in the District Unemployment Fund, established by section 2. The penalty assessed by this paragraph shall not be deducted from any future benefits payable to claimant under this act."

**SUBTITLE D. UNEMPLOYMENT COMPENSATION PENALTY REDUCTION**

Sec. 2031. Short title.

This subtitle may be cited as the "Unemployment Compensation Penalty Reduction Amendment Act of 2013".

Sec. 2032. Section 4(c)(2) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 948; D.C. Official Code § 51-104(c)(2)), is amended by striking the number "25" and inserting the number "10" in its place.

Amend  
§ 51-104

**SUBTITLE E. UNEMPLOYMENT COMPENSATION BENEFITS CHANGES  
FEDERAL CONFORMITY**

Sec. 2041. Short title.

This subtitle may be cited as the "Unemployment Compensation Benefit Charges Federal Conformity Amendment Act of 2013".

Sec. 2042. Section 3(c)(2) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 947; D.C. Official Code § 51-103(c)(2)), is amended by adding a new subparagraph (F) to read as follows:

Amend  
§ 51-103

"(F) Commencing with overpayments of benefits established after September 30, 2013, no employer shall be relieved of benefit charges for payments made from the District Unemployment Fund if the charges resulted from benefit payments made because the employer or the employer's agent was at fault for failing to respond timely or adequately to the request of the Director for information relating to the claim for benefits and the employer or agent has established a pattern of failing to respond timely or adequately to such requests unless the Director finds such failure was for good cause."

**SUBTITLE F. WORKERS' COMPENSATION AVERAGE WEEKLY WAGE  
CALCULATION ALIGNMENT**

Sec. 2051. Short title.

This subtitle may be cited as the "Workers' Compensation Average Weekly Wage Calculation Alignment Amendment Act of 2013".

Sec. 2052. Section 6(d) of the District of Columbia Workers' Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D. C. Official Code § 32-1505(d)), is amended to read as follows:

**Amend**  
**§ 32-1505**

"(d) For the purposes of this section, the average weekly wage of insured employees in the District shall be determined by the Mayor as follows:

"(1) For the calendar year 2013, the average weekly wage rate is set at \$1,416.00.

"(2) For years commencing after January 1, 2013, on or before November 1st of each preceding year, the total wages reported on contribution reports for employees, excluding employees of the District government and the United States government, to the Department of Employment Services for the year ending on the preceding June 30th shall be divided by the average number of such employees (determined by dividing the sum of total employees reported in each quarter for the preceding year, excluding employees of the District government and the United States government, by 4). The average annual wage thus obtained shall be divided by 52 and the average weekly wage thus determined rounded to the nearest cent. The average weekly wage as so determined shall be applicable for the year beginning the following January 1".

#### **SUBTITLE G. WAGE THEFT PREVENTION**

Sec. 2061. Short title.

This subtitle may be cited as the "Wage Theft Prevention Amendment Act of 2013".

Sec. 2062. An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1301 *et seq.*), is amended as follows:

(a) Section 1(3) (D.C. Official Code § 32-1301(3)) is amended to read as follows:

**Amend**  
**§ 32-1301**

"(3) "Wages" means all monetary compensation after lawful deductions, owed by an employer, whether the amount owed is determined on a time, task, piece, commission, or other basis of calculation. The term "wages" includes a:

"(A) Bonus;

"(B) Commission;

"(C) Fringe benefits paid in cash;

"(D) Overtime premium; and

"(E) Other remuneration promised or owed:

"(i) Pursuant to a contract for employment, whether written or oral;

"(ii) Pursuant to a contract between an employer and another

person or entity; or

"(iii) Pursuant to District or federal law.".

(b) Section 3(4) (D.C. Official Code § 32-1303(4)) is amended by striking the phrase "equal to the unpaid wages" and inserting the phrase "equal to treble the unpaid wages" in its place.

**Amend**  
**§ 32-1303**

(c) Section 5 (D.C. Official Code § 32-1305) is amended as follows:

**Amend**  
**§ 32-1305**

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

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

"(b) In enforcing the provisions of this act, the remuneration promised by an employer to an employee shall be presumed to be at least the amount required by federal law, including federal law requiring the payment of prevailing wages, or by District law."

(d) Section 6(a) (D.C. Official Code § 32-1306(a)) is amended as follows:

Amend  
§ 32-1306

(1) Strike the phrase "for penalties" and insert the phrase "for the payment of wages, liquidated damages, and penalties" in its place.

(2) A new sentence is added to the end to read as follows: "The Mayor shall inform any employee affected by a prosecution brought under this section of the proceedings of the prosecution and shall consult with the employee concerning appropriate restitution and damages."

Sec. 2063. Section 13(f) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1012(f)), is amended by striking the phrase "wages owed" and inserting the phrase "wages and liquidated damages owed" in its place.

Amend  
§ 32-1012

Sec. 2064. Section 108 of the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code § 2-220.08), is amended as follows:

Amend  
§ 2-220.08

(a) Strike the phrase "wages required" and insert the phrase "wages, enforcement of non-payment, and penalties and remedies for non-payment required" in its place.

(b) A new sentence is added to the end to read as follows: "Failure to pay wages in conformance with this act shall constitute unpaid wages and shall subject the violator to all procedures, liquidated damages and penalties, and any other remedies or relief applicable under An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1301 *et seq.*)".

## **SUBTITLE H. HOUSING PRODUCTION TRUST FUND REVENUE DEDICATION**

Sec. 2071. Short title.

This subtitle may be cited as the "Housing Production Trust Fund Revenue Dedication Amendment Act of 2013".

Sec. 2072. Section 2072 of the Fiscal Year 2013 Budget Support Act of 2012, effective September 20, 2012 (D.C. Law 19-168; 59 DCR 8025), is repealed.

Amend  
§ 42-2802

## **SUBTITLE I. SENIOR HOUSING MODERNIZATION GRANT FUND**

Sec. 2081. Short title.

This subtitle may be cited as the "Senior Housing Modernization Grant Fund Amendment Act of 2013".

Sec. 2082. The Senior Housing Modernization Grant Fund Act of 2010, effective August 12, 2010 (D.C. Law 18-218; D.C. Official Code § 1-325.161 *et seq.*), is amended as follows:

(a) Section 2(1) (D.C. Official Code § 1-325.161(1)) is amended to read as follows:

Amend  
§ 1-325.161

"(1) "Director" means the Director of the Department of Housing and Community Development."

(b) Section 3(b) (D.C. Official Code § 1-325.162(b)) is amended as follows:

Amend  
§ 1-325.162

(1) Strike the phrase "Deputy Mayor" and insert the word "Director" in its place.

(2) Strike the phrase "\$5,000" and insert the phrase "\$20,000" in its place.

(3) Add the following sentence at the end: "Administration of grants from the Fund shall be exempt from the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199)."

(c) Section 4 (D.C. Official Code 1-325.163) is amended as follows:

Amend  
§ 1-325.163

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

"(a) An applicant is eligible for a grant if the applicant is a qualified senior citizen; provided, that the Director shall give priority consideration to lower-income applicants."

(2) Strike the phrase "Deputy Mayor" wherever it appears and insert the word "Director" in its place.

(d) Section 5 (D.C. Official Code § 1-325.164) is amended by striking the phrase "provisions of this act" and inserting the phrase "provisions of this act within 60 days of the effective date of the Senior Housing Modernization Grant Fund Amendment Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199)" in its place.

Amend  
§ 1-325.164

## **SUBTITLE J. LOCAL RENT SUPPLEMENT SUSTAINMENT**

Sec. 2091. Short title.

This subtitle may be cited as the "Local Rent Supplement Sustainment Amendment Act of 2013".

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:

New  
§ 4-753.05

"Sec. 8c. Placement of first priority homeless families.

"The Mayor and the District of Columbia Housing Authority shall fill vacant Rent Supplement Program tenant-based vouchers, established by 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), with 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."

**SUBTITLE K. WALTER REED ARMY MEDICAL CENTER COMMUNITY  
ADVISORY COMMITTEE**

Sec. 2101. Short title.

This subtitle may be cited as the "Walter Reed Army Medical Center Community Advisory Committee Amendment Act of 2013".

Sec. 2102. The Walter Reed Army Medical Center Base Realignment and Closure Homeless Assistance Submission Approval Act of 2012, effective October 16, 2012 (D.C. Law 19-175; D.C. Official Code § 10-1901 *et seq.*), is amended by adding a new section 6a to read as follows:

New  
§ 10-1906

"Sec. 6a. Establishment of advisory committee.

"(a) There is established a Walter Reed Army Medical Center Site Reuse Advisory Committee ("Committee").

"(b)(1) The Committee shall consist of the following 9 members:

"(A) The Master Developer or the Master Developer's designee;

"(B) The Deputy Mayor for Planning and Economic Development or the Deputy Mayor's designee;

"(C) The Chairman of the Council or the Chairman's designee;

"(D) The Councilmember from Ward 4 or the Councilmember's designee;

"(E) Three community members, appointed by the Mayor, one member each from the Brightwood, Shepherd Park, and Takoma communities;

"(F) One member of ANC4A chosen by ANC4A; and

"(G) One member of ANC4B chosen by ANC4B.

"(2) Members of the Committee appointed pursuant to paragraph (1)(E) of this subsection shall have expertise in economic development, public safety, law, transportation, affirmative action, or local community issues.

"(3) Each member of the Committee, except the Master Developer or the Master Developer's designee, shall be a District resident.

"(4) The Chairperson of the Committee shall be designated by the Mayor.

"(5) Members shall serve without compensation.

"(6) Members shall serve until replaced by their appointing authority.

"(7) The member appointed pursuant to paragraph (1)(A) of this subsection shall not be a voting member.

"(c) The Committee shall advise the LRA and Master Developer with respect to the following:

"(1) The needs of the community, including providing retail uses that are accessible to the community that serve the needs of both the community and visitors to the Walter Reed Army Medical Center Site, and adequate security in and around the Walter Reed Army Medical Center Site;

"(2) Parking issues, including parking for persons using or employed at the Walter Reed Army Medical Center Site and the prevention of parking in the surrounding neighborhoods by non-residents of those neighborhoods;

"(3) Transportation issues, including:

"(A) Proposals for directing traffic to and from the Walter Reed Army Medical Center Site away from the surrounding residential streets;

"(B) Providing a method of truck staging to minimize any adverse impact on the surrounding neighborhoods;

"(C) Restricting the parking of trucks, trailers, and buses at the Walter Reed Medical Center Site or other areas outside of the area surrounding the Walter Reed Medical Center Site; and

"(D) Providing adequate pull-off areas for taxicabs, buses, and shuttles;

"(4) Economic-development opportunities that may be created for surrounding neighborhoods as a result of the reuse of the Walter Reed Army Medical Center Site;

"(5) The development of environmental guidelines, including the mitigation of adverse noise and air-quality impacts;

"(6) Any request for proposal or contract modification for economic-development projects, streetscape or pedestrian movement projects, and transportation or parking projects; and

"(7) Other issues directly related to the operation or redevelopment or reuse of the Walter Reed Army Medical Center Site that are likely to have an impact on the community.

"(d) A quorum of the Committee shall meet at least 6 times per year.

"(e) For the purposes of this section, the term "Master Developer" means the real-estate-development team selected by the Walter Reed LRA to implement the Walter Reed Reuse Plan.

"(f) The committee shall be subject to the provisions of the Open Meetings Amendment Act of 2010, effective March 31, 2010 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*)

"(g) This section shall sunset as of December 31, 2023."

#### **SUBTITLE L. FOSTER YOUTH TRANSIT SUBSIDY**

Sec. 2111. Short title.

This subtitle may be cited as the "Foster Youth Transit Subsidy Amendment Act of 2013".

Sec. 2112. Section 2 of the School Transit Subsidy Act of 1978, effective March 3, 1979 (D.C. Law 2-152; D.C. Official Code § 35-233), is amended by adding a new subsection (f) to read as follows:

"(f)(1) Youth in the District's foster care system shall be eligible for a foster-youth transit-subsidy program ("Program") as established by the Mayor until they reach 21 years of age.

"(2) The Program shall allow qualified foster youth to travel on Metrobus, Metrorail, and public transportation services offered by the District at subsidized or reduced fares.

"(3) The subsidized or reduced foster-youth fare set forth in this subsection shall be valid only for the transportation of foster youth for educational or employment purposes."

**SUBTITLE M. HOUSING PRODUCTION TRUST FUND SECURITIZATION**

Sec. 2121. Short title.

This subtitle may be cited as the "Housing Production Trust Fund Securitization Amendment Act of 2013".

Sec. 2122. The Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801 *et seq.*), is amended as follows:

(a) Section 3(b-2) (D.C. Official Code § 42-2802(b-2)) is amended by adding a new paragraph (3) to read as follows:

**Amend  
§ 42-2802**

"(3) This subsection shall not apply to the new issuance of bonds after May 1, 2013."

(b) Section 203 (D.C. Official Code § 42-2812.03) is amended by adding a new subsection (e) to read as follows:

**Amend  
§ 42-2812.03**

"(e) After May 1, 2013, the Housing Production Trust Fund established pursuant to section 3 may not be used to support the new issuance of bonds under subsection (a) of this section."

**SUBTITLE N. AFRICAN-AMERICAN CIVIL WAR MEMORIAL FREEDOM FOUNDATION INC. MUSEUM DEVELOPMENT**

Sec. 2131. Short title.

This subtitle may be cited as the "African-American Civil War Memorial Freedom Foundation Inc., Museum Development Act of 2013".

Sec. 2132. Grimke School covenant.

**Note,  
§ 10-801**

(a) Notwithstanding any rule, regulation, or other law to the contrary, the District may not convey, exchange, lease, sell, transfer, or otherwise dispose to any person of the real property located at 1925 Vermont Avenue, N.W., known for tax and assessment purposes as Lot 0827, Square 0361 ("the Grimke School"), unless the District places a covenant that provides for the exclusive use, renovation, and expansion of a space of not less than 10,000 square feet for the establishment and operation of the African-American Civil War Memorial Museum and Visitor's Center.

(b) The covenant required under this section shall:

(1) Be binding upon the person and the person's heirs, successors, and assigns, and upon occupiers or users of the Grimke School;

(2) Run with the land both as to benefit and as to burden; and



(3) Run with the land in perpetuity.

Sec. 2133. Restriction on disposal.

Note,  
§ 10-801

The Mayor may not transmit, pursuant to section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), or otherwise, any disposition of the Grimke School that does not include a provision that ensures that exclusive use, renovation, and expansion of a space not less than 10,000 square feet for the establishment and operation of an African American Civil War Memorial Museum and Visitor's Center.

Sec. 2134. Applicability.

Note,  
§ 10-801

This subtitle shall apply upon the effective date of the Fiscal Year 2014 Budget Support Emergency Act of 2013, passed on emergency basis on June 26, 2013 (Enrolled version of Bill 20-337).

#### **SUBTITLE O. NOMA PARKS GRANT AUTHORIZATION**

Sec. 2141. Short title.

This subtitle may be cited as the "NoMa Parks Grant Authorization Act of 2013".

Sec. 2142. Grant for NoMa public parks authorized.

Note,  
§ 2-1215.57

(a) The Director of the Department of General Services ("DGS") may issue grants to the NoMa BID, the NoMa Parks Foundation, or a related Friends of NoMa Parks organization for the purpose of acquiring land and building public parks and public spaces that are to be owned by the District, or for which the District has received a suitable and permanent easement, covenant, or ground lease, in accordance with the NoMa Public Realm Design Plan from the funds made available to DGS.

(b) Notwithstanding the provisions of D.C. Official Code §47-368.06, grants may be issued pursuant to this section through use of an intra-District transfer, a memorandum of understanding, or a reprogramming from an agency lacking grant-making authority.

(c) This subtitle shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199).

#### **SUBTITLE P. UNIVERSITY OF THE DISTRICT OF COLUMBIA COMMUNITY COLLEGE WORKFORCE DEVELOPMENT PROGRAM**

Sec. 2151. Short title.

This subtitle may be cited as the "University of the District of Columbia Community College Workforce Development Act of 2013".

Sec. 2152. Notwithstanding any other provision of law, any funds not subject to federal requirements that are transferred from the Department of Employment Services ("Department")

Note,  
§ 38-1271.01

to the Workforce Development Program at the University of the District of Columbia Community College ("Community College") for workforce-development purposes shall be used by the Community College without regard to any reporting requirements or other oversight requirements by the Department. The Community College shall adopt or use policies and procedures currently in place to ensure appropriate reporting, tracking of funds, and controls.

### **TITLE III. PUBLIC SAFETY AND JUSTICE**

#### **SUBTITLE A. DEPARTMENT OF CORRECTIONS CENTRAL CELLBLOCK MANAGEMENT**

Sec. 3001. Short title.

This subtitle may be cited as the "Department of Corrections Central Cellblock Management Amendment Act of 2013".

Sec. 3002. Section 2 of An Act To create a Department of Corrections in the District of Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.02), is amended by adding a new subsection (a-1) to read as follows:

**Amend  
§ 24-211.02**

"(a-1)(1) The Department of Corrections shall have charge of the management and operation of the Central Cellblock, located at 300 Indiana Avenue, N.W., Washington, D.C., and shall be responsible for the safekeeping, care, and protection of all persons detained at the Central Cellblock, by the Metropolitan Police Department, before their initial court appearance.

"(2) Nothing in this subsection shall be construed as:

"(A) Removing any authority from the Metropolitan Police Department to determine where to hold in custody any person arrested and awaiting an initial court appearance;

"(B) Granting any arrest powers to any employee of the Department of Corrections performing any duty at the Central Cellblock; or

"(C) Limiting any powers or authority of the Metropolitan Police Department or the Department of Corrections.".

Sec. 3003. Transfers.

All property, records, unexpended balances of appropriations, allocations, and other funds required for the management and operation of the Central Cellblock at 300 Indiana Avenue, N.W., Washington, D.C. are hereby transferred from the Metropolitan Police Department to the Department of Corrections.

**Note,  
§ 24-211.02**

#### **SUBTITLE B. SECURITY LICENSE STREAMLINING**

Sec. 3011. Short title.

This subtitle may be cited the "Security Licensing Streamlining Act of 2013".

Sec. 3012. Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2839 is amended by adding a new subsection (g) to read as follows:

**Amend**  
**§ 47-2839**

"(g) All license fees collected pursuant to this section shall be deposited into the Occupations and Professions Licensing Special Account established pursuant to § 47-2853.11."

(b) Section 47-2839.01 is amended by adding a new subsection (f) to read as follows:

**Amend**  
**§ 47-2839.01**

"(f) All license fees collected pursuant to this section shall be deposited into the Occupations and Professions Licensing Special Account established pursuant to § 47-2853.11."

(c) Section 47-2853.11 is amended as follows:

**Amend**  
**§ 47-2839.11**

(1) Subsection (a) is amended by striking the phrase "identified in this subchapter" and inserting the phrase "identified in §§ 47-2839 and 47-2839.01, and this subchapter" in its place.

(2) Subsection (c) is amended by striking the phrase "this subchapter" wherever it appears and inserting the phrase "§§ 47-2839 and 47-2839.01, and this subchapter" in its place.

(3) Subsection (d) is amended by striking the phrase "this subchapter" and inserting the phrase "§§ 47-2839 and 47-2839.01, and this subchapter" in its place.

### **SUBTITLE C. AUTOMATED TRAFFIC ENFORCEMENT ENHANCEMENT**

Sec. 3021. Short title.

This subtitle may be cited as the "Automated Traffic Enforcement Enhancement Amendment Act of 2013".

Sec. 3022. Section 604c(2) of the Emergency and Non-Emergency Number Telephone Calling Systems Fund Act of 2000, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 34-1803.03(2)), is amended to read as follows:

**Amend**  
**§ 34-1803.03**

"(2) From fines paid due to automated photo enforcement in any one fiscal year:

"(A) Aggregate revenues in excess of \$105,791,000 in fiscal year 2013;

"(B) Aggregate revenues in excess of \$141,348,000 in fiscal year 2014;

"(C) Aggregate revenues in excess of \$155,812,000 in fiscal year 2015;

"(D) Aggregate revenues in excess of \$148,020,000 in fiscal year 2016;

and

"(E) Aggregate revenues in excess of \$140,618,000 in fiscal year 2017

and in each fiscal year thereafter."

### **SUBTITLE D. DOMESTIC VIOLENCE HOTLINE ESTABLISHMENT**

Sec. 3031. Short title.

This subtitle may be cited as the "Domestic Violence Hotline Establishment Act of 2013".

Sec. 3032. Definitions.

**New**  
**§ 4-551**

For the purposes of this subtitle, the term:

(1) "Domestic violence" means a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner,

dating partner, or family member. The term "domestic violence" includes physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This consists of any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

(2) "Domestic violence counselor" shall have the same meaning as provided in D.C. Official Code § 14-310(a)(2).

(3) "Domestic violence program" shall have the same meaning as provided in D.C. Official Code § 14-310(a)(3).

(4) "Hotline" means the Domestic Violence Hotline program established by section 3033.

(5) "Office" means the Office of Victim Services, established by Mayor's Order 2004-119, issued July 19, 2004 (51 DCR 7997).

**Sec. 3033. Domestic Violence Hotline.**

**New  
§ 4-552**

(a) The Office shall establish the Domestic Violence Hotline to provide assistance for victims and potential victims of domestic violence beginning October 1, 2014.

(b)(1) The Hotline shall:

(A) Be operated by a domestic violence program funded and supported by the Office;

(B) Provide a direct toll-free number that accepts calls and text messages;

(C) Be directly available to callers, without an intermediary agency;

(D) Be available on a 24-hour basis;

(E) Provide live assistance by domestic violence counselors; and

(F) Offer anonymity and confidentiality to enable a victim or a friend or family member of a victim to seek support without giving his or her legal name.

(2) The requirements of paragraph (1)(F) of this subsection shall not be construed to limit or supersede any mandatory reporting requirements under District law.

(c) The Office shall develop and implement an outreach campaign to educate District residents about the Hotline.

**Sec. 3034. Task force.**

**New  
§ 4-553**

(a) Beginning October 1, 2013, the Office shall establish a task force to:

(1) Assess staff and technology needs of the Hotline; and

(2) Develop mechanisms for administration of the Hotline; and

(3) Develop standards that coincide with the standards used by the existing domestic violence first responder line.

(b) The task force shall include representatives from the D.C. Coalition Against Domestic Violence, governmental victim services programs, and domestic violence programs.

(c) By January 30, 2014, the task force shall transmit to the Office and to the Office of the Secretary to the Council a report that includes the assessments and developments completed pursuant to subsection (a) of this section.

**SUBTITLE E. JUVENILE WORKING GROUP ESTABLISHMENT**

Sec. 3041. Short title.

**Note,**  
**§ 2-1533.01**

This subtitle may be cited as the "Alternatives to Juvenile Arrest and Secured Detention Working Group Establishment Act of 2013".

Sec. 3042. Alternatives to Juvenile Arrest and Secured Detention Working Group establishment.

(a) There is established an Alternatives to Juvenile Arrest and Secured Detention Working Group ("Working Group").

(b) The Working Group shall be convened by the following:

- (1) The Attorney General for the District of Columbia; and
- (2) The City Administrator.

(c) The Working Group shall include the following members or their designees:

- (1) The Chief of Police;
- (2) The Director of the Child and Family Services Agency;
- (3) The Director of the Department of Behavioral Health;
- (4) The Chancellor of the District of Columbia Public Schools;
- (5) The Director of the Department of Youth Rehabilitation Services;
- (6) The Executive Director of the District of Columbia Public Charter School

Board;

- (7) The Chief of the District of Columbia Public Schools Patrol Services Division;
- (8) The Executive Director of the Criminal Justice Coordinating Council;
- (9) The Chairperson of the Council Committee on the Judiciary and Public Safety;
- (10) The Chairperson of the Council Committee on Human Services; and
- (11) Representatives from public agencies, community-based, nonprofit

organizations, and educational institutions that represent court-involved youth in delinquency matters in the District or conduct research on local juvenile justice issues.

(d) The Working Group shall invite the Chief Judge of the Family Court of the Superior Court of the District of Columbia or his designee to participate.

Sec. 3043. Responsibilities of Working Group.

(a) The Working Group shall:

(1) Review data regarding juvenile arrests in the District from at least January 2011 to present as the basis for its review, analysis, and recommendations. The juvenile arrest data review should also include a review of the number and type of arrests made that arise from school-based or school-related incidents;

(2) Review data regarding the Youth Services Center population from at least January 2011 to present as the basis for its review, analysis, and recommendations;

(3) Develop and propose a differential response policy, program, and budget for juvenile arrests with the goal of diverting more youth from arrest, prosecution, overnight detention, or pre-trial detention; and

(4) Review policies guiding the detention of probation violators and assessment of youth posing a public-safety risk or risk to himself or herself.

(b) In developing and proposing the differential response policy, program, and budget required by subsection (a)(2) of this section, the Working Group shall consider the policies and practices of the Annie E. Casey Foundation's Juvenile Detention Alternative Initiatives and other innovative programs, such as the Florida Juvenile Civil Citation program, that are consistent with positive public safety and youth development outcomes.

**Sec. 3044. Report.**

No later than February 28, 2014, the Working Group shall submit a report to the Mayor and the Council that includes recommendations for diversion and detention-policy changes, practices, and proposed budget.

**Sec. 3045. Sunset.**

This subtitle shall sunset 30 days after the submission of the report required by section 3044.

**SUBTITLE F. FIRE AND EMERGENCY MEDICAL SERVICES OVERTIME LIMITATION**

**Sec. 3051. Short title.**

This subtitle may be cited as the "Fire and Emergency Medical Services Overtime Limitation Amendment Act of 2013".

Sec. 3052. Section 1103(f) 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 § 1-611.03(f)), is amended as follows:

**Amend  
§ 1-611.03**

(a) Paragraph (2)(B) is amended as follows:

(1) Strike the phrase "2011, 2012, and 2013" and insert the phrase "2011, 2012, 2013, and 2014" in its place.

(2) Strike the phrase "Battalion Fire Chief and above in the Firefighting Division" and insert the phrase "Deputy Fire Chief and above in the Firefighting Division" in its place.

(b) Paragraph (4)(A) is amended by striking the phrase "2011, 2012, and 2013" and inserting the phrase "2011, 2012, 2013, and 2014" in its place.

Sec. 3053. Section 2 of An Act To amend the Act entitled "An Act to classify the officers and members of the Fire Department of the District of Columbia, and for other purposes", approved June 20, 1906, and for other purposes, approved June 19, 1948 (62 Stat. 498; D.C. Official Code § 5-405), is amended as follows:

**Amend  
§ 5-405**

(a) Subsection (f) is amended by striking the phrase "2011, 2012, and 2013" and inserting the phrase "2011, 2012, 2013, and 2014" in its place.

(b) Subsection (g) is amended by striking the phrase "2011, 2012, and 2013" and inserting the phrase "2011, 2012, 2013, and 2014" in its place.

Sec. 3054. Section 202(c) of the Omnibus Public Safety Agency Reform Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-441(c)), is amended by striking the phrase "2012, and 2013" and inserting the phrase "2012, 2013, and 2014" in its place.

**Amend  
§ 5-441**

### **SUBTITLE G. RETURNING CITIZENS CLARIFICATION**

Sec. 3061. Short title.

This subtitle may be cited as the "Returning Citizens Renaming Amendment Act of 2013".

Sec. 3062. The Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1301 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 24-1301) is amended as follows:

**Amend  
§ 24-1301**

(1) Paragraph (1) is amended by striking the phrase "Commission on Re-entry and Ex-Offender Affairs" and inserting the phrase "Commission on Re-Entry and Returning Citizen Affairs" in its place.

(2) Paragraphs (2) and (4) are amended by striking the phrase "Office on Ex-Offender Affairs" and inserting the phrase "Office on Returning Citizen Affairs" in its place.

(3) Paragraph (3) is repealed.

(4) A new paragraph (5) is added to read as follows:

“(5) “Returning citizens” means persons who are residents of the District who were previously incarcerated.”.

(b) Section 3 (D.C. Official Code § 24-1302) is amended as follows:

**Amend  
§ 24-1302**

(1) The heading and subsection (a) are amended by striking the phrase "Office on Ex-Offender Affairs" and inserting the phrase "Office on Returning Citizen Affairs" in its place.

(2) Strike the phrase "ex-offenders" wherever it appears and insert the phrase "returning citizens" in its place.

(c) Section 4 (D.C. Official Code § 24-1303) is amended as follows:

**Amend  
§ 24-1303**

(1) The heading is amended by striking the phrase "Commission on Re-Entry and Ex-Offender Affairs" and inserting the phrase "Commission on Re-Entry and Returning Citizen Affairs" in its place.

(2) Subsection (a) is amended by striking the phrase "Commission on Re-entry and Ex-Offender Affairs" and inserting the phrase "Commission on Re-Entry and Returning Citizen Affairs" in its place.

(3) Strike the phrase "ex-offenders" wherever it appears and insert the phrase "returning citizens" in its place.

(4) Subsection (b)(8) is amended by striking the phrase "and returning citizens".

**SUBTITLE H. CRIMINAL JUSTICE COORDINATING COUNCIL CRIMINAL JUSTICE AGENCY**

Sec. 3071. Short title.

This subtitle may be cited as the "Criminal Justice Coordinating Council Criminal Justice Designation Amendment Act of 2013".

Sec. 3072. Section 1505 of the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2011, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234), is amended by adding a new subsection (c) to read as follows:

**Amend**  
**§ 22-4234**

"(c) The CJCC is designated as a criminal justice agency for purposes of transmitting electronically to local, state, and federal agencies criminal-justice-related information, as required by CJCC to perform the duties specified under this section and in accordance with the terms and conditions regarding data sharing approved by the agency that is the source of the information for transmission.".

**TITLE IV. PUBLIC EDUCATION**

**SUBTITLE A. FUNDING FOR PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS**

Sec. 4001. Short title.

This subtitle may be cited as the "Funding for Public Schools and Public Charter Schools Amendment Act of 2013".

Sec. 4002. The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), is amended as follows:

(a) Section 104 (D.C. Official Code § 38-2903) is amended by striking the phrase "\$9,124 per student for fiscal year 2013" and inserting the phrase "\$9,306 per student for fiscal year 2014" in its place.

**Amend**  
**§ 38-2903**

(b) Section 105 (D.C. Official Code § 38-2904) is amended by striking the tabular array and inserting the following chart in its place:

**Amend**  
**§ 38-2904**

<b>Grade Level</b>	<b>Weighting</b>	<b>Per Pupil Allocation in FY 2014</b>
Pre-School	1.34	\$12,470
Pre-Kindergarten	1.30	\$12,098
Kindergarten	1.30	\$12,098



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**D.C. Law 20-61, effective December 24, 2013**

**20 DCSTAT 2261**

Grades 1-3	1.00	\$9,306
Grades 4-5	1.00	\$9,306
Grades 6-8	1.03	\$9,585
Grades 9-12	1.16	\$10,795
Alternative program	1.17	\$10,888
Special education school	1.17	\$10,888
Adult	0.75	\$6,980

(c) Section 106(c) (D.C. Official Code § 38-2905(c)) is amended to read as follows:

**Amend  
§ 38-2905**

"(c) The supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

"General Education Add-ons:

<b>"Level/ Program</b>	<b>Definition</b>	<b>Weighting</b>	<b>Per Pupil FY 2014</b>
"LEP/NEP	Limited and non-English proficient students	0.45	\$4,188
"Summer	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and public charter schools	0.17	\$1,582

"Special Education Add-ons:

<b>Level/ Program</b>	<b>Definition</b>	<b>Weighting</b>	<b>Per Pupil FY 2014</b>
"Level 1: Special Education	Eight hours or less per week of specialized services	0.58	\$5,397
"Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services.	0.81	\$7,538
"Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.58	\$14,703
"Level 4: Special Education	More than 24 hours per week which may include instruction in a self-contained (dedicated) special education school other than residential placement	3.10	\$28,849
"Special Education Capacity Fund	Weighting provided in addition to special education level add-on weightings on a per student basis for each student identified as eligible for special education.	0.40	\$3,722
"Residential	D.C. Public School or public charter school that provides students with room and board in a	1.70	\$15,820

	residential setting, in addition to their instructional program		
--	---	--	--

"Residential Add-ons:

<b>"Level/ Program</b>	<b>Definition</b>	<b>Weighting</b>	<b>Per Pupil FY 2014</b>
"Level 1: Special Education - Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.374	\$3,480
"Level 2: Special Education - Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.360	\$12,656
"Level 3: Special Education - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.941	\$27,369
"Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special education needs of limited and non- English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.924	\$27,211
"LEP/NEP - Residential	Additional funding to support the after-hours Limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.68	\$6,328

"Special Education Add-ons for Students with Extended School Year ("ESY") Indicated in Their Individualized Education Programs ("IEPs"):

<b>"Level/ Program</b>	<b>Definition</b>	<b>Weighting</b>	<b>Per Pupil FY 2014</b>
"Special Education Level 1 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs.	0.064	\$596
"Special Education Level 2 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.231	\$2,150
"Special	Additional funding to support the summer	0.500	\$4,653

Education Level 3 ESY	school/program need for students who require extended school year (ESY) services in their IEPs		
"Special Education Level 4 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.497	\$4,625".

**SUBTITLE B. PUBLIC CHARTER SCHOOL PAYMENT IMPROVEMENT**

Sec. 4021. Short title.

This subtitle may be cited as the "Public Charter Schools Payment Improvement Amendment Act of 2013".

Sec. 4022. Section 107b of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2906.02), is amended as follows:

Amend  
§ 38-2906.02

(a) Subsection (a) is amended as follows:

(1) Strike the phrase "4 equal".

(2) Strike the phrase "October 15" and insert the phrase "October 25" in its place.

(b) Subsection (b) is amended as follows:

(1) The introductory text is amended by striking the phrase "Each payment shall be one-fourth of each public charter school's entitlement, determined" and inserting the phrase "Payments shall be determined" in its place.

(2) Paragraph (1) is amended by striking the period and inserting the phrase "and shall be 30% of the school's entitlement." in its place.

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

(A) Strike the phrase "and January 15 payments" and insert the word "payment" in its place.

(B) Strike the phrase "October 5" and insert the phrase "October 5 and shall be equal to 55% of the school's entitlement less amounts paid in July" in its place.

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

"(3) The basis of the January 15 payment shall be the unaudited October enrollment numbers for that school contained in reports submitted by the eligible chartering authorities on October 5 and shall be equal to 80% of the school's entitlement less amounts paid in July and October.".

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

"(4) The basis of the April 15 payment shall be the audited October enrollment numbers and shall be equal to 100% of the school's entitlement less amounts paid in July, October, and January; provided, that these amounts shall be adjusted in accordance with the provisions of subsection (c) of this section.".

(c) Subsection (c) is amended by striking the phrase "October 15" and inserting the phrase "October 25" in its place.

(d) Subsection (d) is amended as follows:

(1) The existing text is designated as paragraph (1).

(2) The newly designated paragraph (1) is amended by striking the phrase "such students" and inserting the phrase "such students, as set forth in subsection (g) of this section" in its place.

(3) New paragraphs (2) and (3) are added to read as follows:

"(2)(A) Payments for summer school shall be made by the Chief Financial Officer on April 15 on the basis of a funding schedule from the District of Columbia Public Charter School Board listing each charter school offering a summer school program in accordance with the requirements of section 2401(b)(3)(B) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code §38-1804.01(b)(3)(B)).

"(B) The Office of the State Superintendent of Education shall certify enrollment projections based upon information contained in the state education longitudinal data system that form the basis of the funding schedule. The payment amount shall be equal to 75% of the total summer school entitlement for each charter school.

"(C) Not later than August 25 of each year, the Office of the State Superintendent of Education shall certify the final actual summer school enrollment for each charter school. The final payment for summer school will be issued to each charter school not later than September 30 of each year and shall be equal to the remainder of the school's entitlement.

"(3) Payments for the Special Education Extended School Year add-on shall be made in full to each charter school by the Chief Financial Officer following certification of the actual enrollment for each school by the Office of the State Superintendent of Education."

### **SUBTITLE C. STATE ATHLETIC ACTIVITIES, PROGRAMS, AND OFFICE FUND**

Sec. 4031. Short title.

This subtitle may be cited as the "State Athletic Activities, Programs, and Office Fund Act of 2013".

Sec. 4032. Advertisements and sponsorships.

(a) Notwithstanding any other provision of law, the Mayor, through the Office of the State Superintendent of Education ("OSSE"), may enter into written agreements for advertisements and sponsorships for the State Athletic Office's ("SAO") athletic activities and programs, including those organized or directed by the SAO of OSSE or the District of Columbia State Athletic Association ("DCSAA") to supplement local funding of the DCSAA.

(b) The State Superintendent of Education may delegate, by written order, the authority to contract for advertisements or sponsorships to officials within OSSE, including to the State Athletic Officer.

(c) An agreement pursuant to this section shall not require the District to expend funds.

(d) Only advertisements shall be agreed to in exchange for corporate goods, services, or currency.

(e) There shall be no limit to the value of goods, services, or currency that may be received from a foreign organization registered or not outside of the District of Columbia or from an individual domiciled outside of the District of Columbia.

(f) There shall be a \$1,000 limit on the value of goods, services, and currency that may be received during one school year from a domestic organization registered or not within the District of Columbia or from an individual domiciled in the District of Columbia.

(g) Sponsorships and advertisements shall be memorialized by written agreement of the parties.

(h) The Chief Financial Officer shall deposit all cash proceeds received from advertisements and sponsorships pursuant to this section to the credit of OSSE in the State Athletics Activities, Programs, and Office Fund established in section 4033 in the same manner as that used for donations under section 115 of the District of Columbia Appropriations Act, 2003, approved February 20, 2003 (117 Stat. 123; D.C. Official Code § 1-329.01).

**Sec. 4033. State Athletic Activities, Programs, and Office Fund.**

New  
§ 38-2672

(a) There is established as a special fund the State Athletic Activities, Programs, and Office Fund ("Fund"), which shall be used solely as provided in subsection (b) of this section, and which shall be administered by the State Superintendent of Education. The State Superintendent of Education may designate or assign the authority to administer the Fund to an entity within the Office of the State Superintendent of Education, including the SAO.

(b)(1) The Fund shall be used to enhance the development of state interscholastic athletic programs and competitions and to supplement the operations budget of the DCSAA. The Statewide Director of Athletics shall prioritize resources from the Fund to ensure well-designed and effective interscholastic athletic programs and competitions.

(2) The Fund may be used for the financial support of state athletic programs and competitions that are well-designed and effective and comply with National Federation of State High School Associations standards and District laws and regulations, including for:

- (A) Championship events;
- (B) Equipment;
- (C) Memorabilia;
- (D) Training;
- (E) Security;
- (F) Awards; and
- (G) Related operations.

(c) The Fund shall consist of the revenue from the following sources:

- (1) Annual appropriations;
- (2) Any proceeds resulting from athletic programs and activities organized or directed by the SAO or DCSAA, or both, including:
  - (A) Sponsorships or advertisements;
  - (B) Ticket or merchandise sales;
  - (C) Fundraising activities;

(D) Competitions; or

(E) Other athletic programs and activities; and

(3) Interest earned on funds deposited into the Fund.

(d)(1) The money deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(2) Subject to authorization by Congress, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

**Sec. 4034. Rules.**

**New**  
**§ 38-2673**

The Mayor, pursuant to Title I 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 implement the provisions of this subtitle. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, by resolution, within the 30-day period, the proposed rules shall be deemed approved.

**Sec. 4035. Applicability.**

**New**  
**§ 38-2674**

This subtitle shall apply as of April 1, 2013.

**SUBTITLE D. UNIVERSITY OF DISTRICT OF COLUMBIA ACCREDITATION**

**Sec. 4041. Short title.**

This subtitle may be cited as the "University of the District of Columbia Accreditation Amendment Act of 2013".

Sec. 4042. Section 4042 of the University of the District of Columbia Community College Autonomy Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 38-1271.01, note), is amended by adding a new subsection (c) to read as follows:

**Note,**  
**§ 38-1271.01**

"(c) By December 1, 2013, the University of the District of Columbia shall submit to the Council a timeline, using existing resources, for the separate accreditation of the University of the District of Columbia Community College. This timeline shall address the following areas:

"(1) Transition of financial and administrative independence in the areas of student affairs and academic affairs of the University of the District of Columbia Community College from the University of the District of Columbia;

"(2) Ability of the University of the District of Columbia Community College to obtain self-sufficiency in the areas of admissions and financial aid;

"(3) A separate personnel classification of University of the District of Columbia Community College employees;

"(4) Ability for the University of the District of Columbia Community College to initiate and sustain its own academic programs;

"(5) A policy for the University of the District of Columbia Community College Chief Executive Officer to regularly report to the University of the District of Columbia's Board of Trustees regarding the University of the District of Columbia Community College's affairs;

"(6) A fully operational University of the District of Columbia Community College foundation;

"(7) A financial plan for the University of the District of Columbia Community College that addresses funding, resource planning, and allocation responsibilities;

"(8) Approval of degree-granting authority from the Office of the State Superintendent for Education; and

"(9) Other evidence that the University of the District of Columbia Community College is effectively fulfilling its mission and serving students in a manner consistent with Middle States Commission on Higher Education's 10 requirements of affiliations and 14 accreditation standards.".

Sec. 4043. In fiscal year 2014, of the funds allocated to Non-Departmental, an amount up to \$1 million shall be transferred to the University of the District of Columbia ("UDC") if, by January 1, 2014, UDC raises an amount of \$1 million from private donations for the purpose of meeting accreditation standards. The amount transferred under this section shall be matched dollar-for-dollar from the amount raised.

Note,  
§ 38-1271.01

#### **SUBTITLE E. LIBRARY COLLECTIONS ACCOUNT**

Sec. 4051. Short title.

This subtitle may be cited as the "Library Collections Account Amendment Act of 2013".

Sec. 4052. An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C. Official Code § 39-101 *et seq.*), is amended as follows:

(a) Section 7 (D.C. Official Code § 39-107) is amended by striking the phrase "into the Books and Other Library Materials Account, established by section 14" and inserting the phrase "into the Library Collections Account, established by section 14" in its place.

Amend  
§ 39-107

(b) Section 14 (D.C. Official Code § 39-114) is amended by striking the phrase "Books and Other Library Materials Account" both times it appears and inserting the phrase "Library Collections Account" in its place.

Amend  
§ 39-114

#### **SUBTITLE F. STATE BOARD PERSONNEL**

Sec. 4061. Short title.

This subtitle may be cited as the "State Board Personnel Amendment Act of 2013".

Sec. 4062. Section 903(a)(10) 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 § 1-609.03(a)(10)), is amended to read as follows:

Amend  
§ 1-609.03

"(10) The State Board of Education may appoint staff to serve an administrative role for the elected members of the Board; provided, that funding is available and that at least 3 full-time equivalent employees are appointed to the Office of Ombudsman for Public Education."

**SUBTITLE G. ATTENDANCE ZONE BOUNDARIES**

Sec. 4071. Short title.

This subtitle may be cited as the "Attendance Zone Boundaries Act of 2013".

Sec. 4072. Attendance zone boundaries; establishment, modification, alteration.

New  
§ 38-211

Except as required due to a school closure or a consolidation of schools, upon the effective date of this subtitle, notwithstanding any other law or regulation, no approved establishment, modification, or alteration of any attendance zone boundary shall be implemented, or in any manner initiated, until the 2015-2016 school year or with less notice than a full school year to the parent or guardian of each affected student, whichever is greater; provided, that nothing in this subtitle shall prohibit the Chancellor from proposing or implementing changes to school feeder patterns that would result in additional options in next-level schools for a feeder school.

**SUBTITLE H. PUBLIC EDUCATION MASTER FACILITIES PLAN**

**APPROVAL**

Sec. 4081. Short title.

This subtitle may be cited as the "Public Education Master Facilities Plan Approval Act of 2013".

Sec. 4082. Pursuant to section 1104 of the School Based Budgeting and Accountability Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D. C. Official Code § 38-2803), the Council approves the 2013 Master Facilities Plan for public education facilities submitted by the Mayor on March 28, 2013.

Note,  
§ 38-2803

**SUBTITLE I. DEPUTY MAYOR FOR EDUCATION LIMITED GRANT-  
MAKING AUTHORITY**

Sec. 4091. Short title.

This subtitle may be cited as the "Deputy Mayor for Education Limited Grant-Making Authority Act of 2013".

Sec. 4092. Deputy Mayor for Education grant-making authority.

Note,  
§ 38-191

For fiscal year 2014, the Deputy Mayor for Education shall have grant-making authority solely for the purpose of providing a capital grant of \$6 million for facility construction of a language-immersion public charter school serving middle and high school-aged students in the District; provided, that the grant issued under this section shall be administered pursuant to the



requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199).

**SUBTITLE J. EDUCATION FUNDING FORMULA EQUITY**

Sec. 4101. Short title.

This subtitle may be cited as the "Education Funding Formula Equity Amendment Act of 2013".

Sec. 4102. Section 115 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 38-2913), is amended by striking the phrase "fiscal year 2014" and inserting the phrase "fiscal year 2015" in its place.

**Amend  
§ 38-2913**

**SUBTITLE K. SOUTH CAPITOL STREET MEMORIAL**

Sec. 4111. Short title.

This subtitle may be cited as the "South Capitol Street Memorial Amendment Act of 2013".

Sec. 4112. Section 601 of the South Capitol Street Memorial Act of 2012, effective June 7, 2012 (D.C. Law 19-141; 59 DCR 3083), is amended to read as follows:

**Amend  
§ 2-1517.51**

"Sec. 601. Applicability.

"Sections 302(b)(1)(A) and (C) and 304(b)(1)(D) shall apply to public charter schools upon the inclusion of their fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.".

**SUBTITLE L. SCHOOL MODERNIZATION LIBRARY FUNDING**

Sec. 4121. Short title.

This subtitle may be cited as the "School Modernization Library Initial Circulation Funding Act of 2013".

Sec. 4122. For any completed school modernization, unexpended capital funds shall first be used to purchase the initial circulation in that school's library before being reprogrammed for any other purpose.

**Note,  
§ 38-2971.01**

**TITLE V. HEALTH AND HUMAN SERVICES**

**SUBTITLE A. DC HEALTHCARE ALLIANCE PRESERVATION**

Sec. 5001. Short title.

This subtitle may be cited as the "DC HealthCare Alliance Preservation Amendment Act of 2013".

Sec. 5002. Section 7(c)(2) of the Health Care Privatization Amendment Act of 2001, effective July 12, 2001 (D.C. Law 14-18; D.C. Official Code § 7-1405(c)(2)), is amended to read as follows:

**Amend  
§ 7-1405**

"(2) A contract between the District and a health maintenance organization or a managed care organization that provides health-care services to persons enrolled in the DC HealthCare Alliance shall include coverage for all services, including hospital-based services, being provided to DC HealthCare Alliance enrollees as of January 1, 2013; provided, that the Department of Health Care Finance shall have the authority to exclude coverage for those hospital-based emergency services that are eligible for Medicaid reimbursement under section 401(b)(1)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, approved August 21, 1996 (110 Stat. 502; 8 U.S.C. § 1611(b)(1)(A)), section 1903(v)(3) of the Social Security Amendments Act of 1965, approved July 30, 1965 (79 Stat. 286; 42 U.S.C. § 1396b(v)(3)), and 42 C.F.R. § 440.255(c).".

**SUBTITLE B. DEPARTMENT OF HEALTH CARE FINANCE  
ESTABLISHMENT**

Sec. 5011. Short title.

This subtitle may be cited as the "Department of Health Care Finance Establishment Amendment Act of 2013".

Sec. 5012. The Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.01 *et seq.*), is amended by adding a new section 6a to read as follows:

**New  
§ 7-771.05a**

"Sec. 6a. Assessment Fund.

"(a) There is established as a special fund the Assessment Fund ("Fund"), which shall be administered by the Department of Health Care Finance in accordance with subsection (c) of this section.

"(b) The Fund shall consist of revenue from the following sources:

"(1) User fees; and

"(2) Enrollment fees.

"(c) The Fund shall be used for the following purposes:

"(1) Administration and maintenance of the Department's provider operations;

"(2) Enrollment activities; and

"(3) Health information exchange activities.

"(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

"(2) Subject to authorization by Congress, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.".

**SUBTITLE C. STEVIE SELLOWS INTERMEDIATE CARE FACILITY  
QUALITY IMPROVEMENT**

Sec. 5021. Short title.

This subtitle may be cited as the "Stevie Sellows Intermediate Care Facility Quality Improvement Act of 2013".

Sec. 5022. Chapter 12D of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1270 is amended as follows:

**Amend  
§ 47-1270**

(1) Designate paragraph (1) as paragraph (1B).

(2) New paragraphs (1) and (1A) are added to read as follows:

"(1) "Administrative costs" means the costs of DHCF to administer, manage, and monitor the Intermediate Care Facility for People with Intellectual Disabilities reimbursement program and the Stevie Sellows quality improvement funding support, including personnel costs.

"(1A) "DHCF" means the Department of Health Care Finance."

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

"(2A) "ICF/IID" means Intermediate Care Facility for People with Intellectual Disabilities."

(4) Paragraph (4) is amended by striking the phrase "the Department of Health" and inserting the acronym "DHCF" in its place.

(5) A new paragraph (5A) is added to read as follows:

"(5A) "Rebasing year" means the third year after the effective date of the State Plan Amendment governing the reimbursement of ICF/IID and every subsequent third year."

(b) Section 47-1271 is amended as follows:

**Amend  
§ 47-1271**

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

"(b) The Fund shall be used to:

"(1) Fund quality of care improvements for those facilities that meet the requirements of the District's State Plan for Medical Assistance and the accompanying rules governing the reimbursement of ICF/IID.

"(2) Cover administrative costs of the DHCF in administering the ICF/IID reimbursement program and the Stevie Sellows quality improvement funding support, which costs shall not be more than 10% of the Fund's total revenues; and

"(3) Cover administrative costs of DHCF in auditing the ICF/IID in a rebasing year or as necessary to ensure the integrity of the ICF/IID reimbursement methodology, which costs shall not be more than 15% of the Fund's total revenues."

(2) Subsection (c) is amended by striking the phrase "ICD/IDD" and inserting the phrase "ICF/IID" in its place.

(c) Section 47-1273 is amended to read as follows:

**Amend  
§ 47-1273**

"§ 47-1273. Assessments on ICF/IID.

"(a) Except as provided in § 47-1278(d), each ICF/IID in the District of Columbia shall pay an assessment of 5.5% of the gross revenues per annum.

"(b) Each ICF/IID shall pay the assessment required by subsection (a) of this section in quarterly installments.

"(c) The Mayor shall provide notice of the amount of the assessment for the quarter to each ICF/IID no later than 30 days after the end of each quarter.

"(d) The assessment required by subsection (a) of this section shall be determined by the Medicaid claims information from the DHCF Medicaid Management Information System.

"(e) If the total amount of the assessments to be collected for a fiscal year is inadequate to cover disbursements required under § 47-1271(b), the Mayor may raise the assessment to the maximum allowed under federal law."

(d) Section 47-1274(b) is repealed.

Amend  
§ 47-1274

#### **SUBTITLE D. DEVELOPMENTAL DISABILITIES SERVICE MANAGEMENT REFORM**

Sec. 5031. Short title.

This subtitle may be cited as the "Developmental Disabilities Service Management Reform Amendment Act of 2013".

Sec. 5032. The Department on Developmental Disabilities Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et seq.*), is amended by adding a new section 105a to read as follows:

New  
§ 7-461.05a

"Sec. 105a. Ticket to Work Employment Network Fund.

"There is established as a special fund the Ticket to Work Employment Network Fund ("Fund"), which shall be administered by DDS in accordance with subsection (c) of this section.

"(b) The Fund shall consist of revenue from payments from the Social Security Administration as an Employment Network for the Ticket to Work and Self-Sufficiency Program, establish pursuant to the Ticket to Work and Work Incentives Improvement Act of 1999, approved December 17, 1999 (113 Stat. 1863; 42 U.S.C. § 1320b-19).

"(c) The Fund shall be used for the Ticket to Work and Self-Sufficiency Program; provided, that to the extent that payments received from the Social Security Administration represent administrative or other fee payments, those amounts shall be available to DDS to defray the costs and expenses associated with administering the program or for any other purpose as determined by the Director.

"(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

"(2) Subject to authorization by Congress, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation."

**SUBTITLE E. MEDICAL ASSISTANCE PROGRAM**

Sec. 5041. Short title.

This subtitle may be cited as the "Medical Assistance Program Amendment Act of 2013".

Sec. 5042. Section 1(a) of An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (a)), is amended as follows:

Amend  
§ 1-307.02

(a) A new paragraph (7) is added to read as follows:

"(7) Review and approval by the Council of the Fiscal Year 2014 Budget and Financial Plan shall constitute the Council review and approval required by paragraph (2) of this subsection of any amendment, modification, or waiver of the state plan required to:

"(A) Establish a supplemental payment to rectify historic underpayments to District Medicaid hospitals for outpatient and emergency room services;

"(B) Implement Title II of the Patient Protection and Affordable Care Act, approved March 23, 2010 (Pub. L. No. 111-148; 124 Stat. 119), to:

"(i) Provide for new Modified Adjusted Gross Income eligibility methodologies;

"(ii) Streamline the application process;

"(iii) Align Medicaid eligibility determinations, renewals, and appeals with eligibility determinations and appeals of cost sharing and advanced premium tax credits for the Health Benefit Exchange;

"(iv) Secure enhanced federal medical assistance percentages for newly eligible Medicaid beneficiaries and preventive services, including tobacco cessation;

"(v) Provide coverage for former foster care children through age 25;

"(vi) Implement presumptive eligibility by hospitals;

"(vii) Extend the District's current Section 1115 demonstration for childless adults ages 21 through 64 years with incomes between 133% and up to 200% of the federal poverty level to provide stop-gap coverage for these beneficiaries until the District establishes the basic health plan; and

"(viii) Create health homes for chronically ill District residents;

"(C) Implement needed reforms to Medicaid-funded, long-term care services and supports, including:

"(i) The establishment of a single-point-of-entry system and a standardized, conflict-free assessment tool and process;

"(ii) Clarification of eligibility requirements for institutional long-term care services; and

"(iii) The creation of new programming, including adult day health services pursuant to Title XIX of the Social Security Act to ensure that District residents may be served in the most integrated setting appropriate to their needs; and

"(D) Implement an annual inflation rate adjustment for nursing facilities.".

**SUBTITLE F. DEPARTMENT OF HUMAN SERVICES' CONFORMING AMENDMENTS**

Sec. 5051. Short title.

This subtitle may be cited as the "Department of Human Services Conforming Amendments Act of 2013".

Sec. 5052. The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

(a) Section 101(5A)(b) (D.C. Official Code § 4-201.01(5A)(B)) is amended by striking the phrase "18 years of age, a full-time student in a secondary school or in the equivalent level of vocational or technical training, and who is expected to graduate from such school or training by the person's 19th birthday" and inserting the phrase "less than 19 years of age and is a full-time student in a secondary school (or in the equivalent level of vocational or technical training)" in its place.

Amend  
§ 4-201.01

(b) Section 515 (D.C. Official Code § 4-205.15) is amended as follows:

Amend  
§ 4-205.15

(1) Subsection (a)(2) is amended by striking the phrase "or age 18 and expected to complete high school before reaching age 19" and inserting the phrase "or under 19 years of age and are full-time students in a secondary school (or in the equivalent level of vocational or technical training)" in its place.

(2) Subsection (b) is amended by striking the phrase "the Mayor shall determine the meaning of the term "full-time student", shall determine which vocational or technical training courses are equivalent to the level of secondary school, and shall determine which factors will be considered in deciding whether an individual may reasonably be expected to complete the program of study or training before reaching age 19" and inserting the phrase "the Mayor shall determine the meaning of the term "full-time student" and shall determine which vocational or technical training courses are equivalent to the level of secondary school" in its place.

**SUBTITLE G. DEPARTMENT OF HEALTH FUNCTIONS CLARIFICATION**

Sec. 5061. Short title.

This subtitle may be cited as the "Department of Health Functions Clarification Amendment Act of 2013".

Sec. 5062. Section 4907a of the Department of Health Functions Clarification Act of 2001, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 7-736.01), is amended by adding new subsections (c) and (d) to read as follows:

Amend  
§ 7-736.01

"(c) For fiscal year 2014, the Director of the Department of Health shall have the authority to issue grants to:

"(1) Qualified community organizations for the purpose of providing the following services:

"(A) Ambulatory health services for an amount not to exceed \$3,236,980;

"(B) Poison control hotline and prevention education services for an amount not to exceed \$350,000; and

"(C) Operations and primary care services for school-based health clinics for an amount not to exceed \$2,250,000; and

"(2) Organizations for the purpose of providing the following programs and services:

"(A) A teen pregnancy prevention program for an amount not to exceed \$400,000;

"(B) Programs designed to promote healthy development in girls attending public and chartered schools in grades 9 through 12 located in areas of the city possessing the highest rates of teen pregnancy and highest enrollment in state-funded health programs in the District of Columbia, not to exceed \$400,000;

"(C) Farmers market incentive programs, not to exceed \$200,000;

"(D) Food-pantry services, not to exceed \$52,000;

"(E) Wildlife rehabilitation services, not to exceed \$250,000;

"(F) Mother-to-child (vertical) HIV transmission programs and services, not to exceed \$50,000; and

"(G) Nonprofit organizations dedicated to preventing any of the following chronic diseases, not to exceed \$850,000:

"(i) Asthma;

"(ii) Cancer;

"(iii) Diabetes;

"(iv) Hypertension;

"(v) Kidney disease; and

"(vi) Obesity.

"(d)(1) All grants issued pursuant to subsection (c) of this section shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199).

"(2) The Department of Health shall submit a quarterly report to the Secretary to the Council on all grants issued pursuant to the authority granted in subsection (c) of this section."

**SUBTITLE H. MEDICAID HOSPITAL OUTPATIENT SUPPLEMENTAL  
PAYMENT**

Sec. 5071. Short title.

This subtitle may be cited as the "Medicaid Hospital Outpatient Supplemental Payment Act of 2013".

Sec. 5072. Definitions.

New  
§ 44-651

For the purposes of this subtitle, the term:

(1) "Department" means the Department of Health Care Finance.

(2) "Gross patient revenue" means the amount calculated in accordance with generally accepted accounting principles for hospitals that is reported as the sum of Worksheet G-2; Column 1; Lines 1, 2, 2.01, 15, 17 and 18 and Worksheet G-2; Column 2; Lines 17, 18, 18.5 and 18.51 of the Medicare Cost Report (2552-96), excluding long-term care inpatient ancillary revenues.

(3) "Hospital" shall have the same meaning as provided in section 2(a)(1) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(a)(1)), but excludes any hospital operated by the federal government.

(4) "Hospital system" means any group of hospitals licensed separately but operated, owned, or maintained by a common entity.

(5) "Medicaid" means the medical assistance programs authorized by Title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), and by section 1 of An Act To enable the District of Columbia to receive Federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), and administered by the Department of Health Care Finance.

Sec. 5073. Hospital Provider Fee Fund.

New  
§ 44-652

(a) Effective May 1, 2013, there is established as a special fund the Hospital Provider Fee Fund ("Fund"), which shall be administered by the Department and used in accordance with subsection (c) of this section.

(b) The Fund shall consist of revenue from the following sources:

(1) All moneys collected or received by the Department from the hospital provider fee imposed by this subtitle;

(2) All federal matching funds received by the Department as a result of expenditures made by the Department that are attributable to moneys deposited in the Fund;

(3) Interest and penalties collected under this subtitle; and

(4) Interest earned by the Fund.

(c) Notwithstanding any other provision of law, the Fund may only be used for the following purposes:



(1) For making Medicaid outpatient hospital access payments to hospitals as required under section 5076;

(2) For payment of administrative expenses incurred by the Department or its agent in performing the activities authorized by this subtitle at an amount not to exceed the prorated amount of \$150,000 annually; and

(3) For making refunds to hospital providers pursuant to section 5075.

(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(2) Subject to authorization by Congress, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

(e) The Fund shall not be used to replace any moneys appropriated to the Medicaid program.

**Sec. 5074. Hospital provider fee.**

New  
§ 44-653

(a) Subject to section 5075, the District may charge a fee at a uniform rate on the gross patient revenue of each hospital beginning May 1, 2013. The District may charge the fee retroactively to May 1, 2013, upon the effective date of this subtitle. The uniform rate shall be applied to each hospital's gross patient revenue as derived from each hospital's filed Medicare cost report ending between July 1, 2009, and June 30, 2010. The hospital provider fee is applied at a uniform rate necessary to generate the following:

(1) An amount equal to the non-federal share of the total available spending room under the Medicaid upper payment limit for private hospitals applicable to District fiscal years ("DFY") 2013 and 2014 consistent with the federal approval of the authorizing Medicaid State Plan amendment; plus

(2) An amount equal to the lesser of the non-federal share of the total available spending room under the Medicaid upper payment limit for District operated hospitals applicable to DFY 2013 and 2014 consistent with the federal approval of the authorizing Medicaid State Plan amendment or United Medical Center's Medicaid disproportionate share hospital limit as adjusted by the District in accordance with the federally approved Medicaid State Plan; plus

(3) An amount equal to the Department's administrative expenses as described in section 5073(c)(2).

(b) A psychiatric hospital provider that is an agency or a unit of the District government is exempt from the fee imposed under this subtitle, unless the exemption is adjudged to be unconstitutional or otherwise invalid, in which case a psychiatric hospital provider that is an agency or a unit of the District government shall pay the fee imposed by this subtitle.

**Sec. 5075. Applicability of fees.**

New  
§ 44-654

(a) The fee imposed by section 5074 shall not be due and payable until such time that the federal Centers for Medicare and Medicaid Services approves the Medicaid State Plan amendment authorizing the Medicaid payments described in section 5076.

(b) The fee imposed by section 5074 shall cease to be imposed, and any moneys remaining in the Fund shall be refunded to hospital providers in proportion to the amounts paid by them, if:

(1) The Department makes changes in its rules that reduce the hospital inpatient or outpatient Medicaid payment rates, including adjustment payment rates, in effect on October 1, 2012; or

(2) The payments to hospitals required under section 5076 are modified in any way other than to secure federal approval of such payments as described in section 5076 or are not eligible for federal matching funds under Title XIX of the Social Security Act.

(c) The fee imposed by section 5074 shall not take effect or shall cease to be imposed if the fee is determined to be an impermissible tax under Title XIX of the Social Security Act.

(d) Should the fee imposed by section 5074 not take effect or cease to be imposed, moneys in the Fund derived from the imposed fee shall be disbursed in accordance with section 5076 to the extent federal matching is available. If federal matching is not available due to a determination by the Centers for Medicare and Medicaid Services that the provider fee is impermissible, any remaining moneys shall be refunded to hospital providers in proportion to the amounts paid by them.

**Sec. 5076. Medicaid outpatient hospital access payments.**

New  
§ 44-655

(a) For visits and services beginning May 1, 2013, quarterly Medicaid outpatient hospital access payments shall be made to each private hospital. Each payment will be equal to the hospital's DFY 2011 outpatient Medicaid payments divided by the total private hospital DFY 2011 outpatient Medicaid payments multiplied by one quarter of the total outpatient private hospital access payment pool minus \$250,000. The total outpatient private hospital access payment pool is equal to the total available spending room under the private hospital outpatient Medicaid upper payment limit for DFY 2013 and 2014, respectively.

(b) The remaining \$250,000 shall be distributed as an adjustment to the quarterly access payments for all private children's hospitals with less than 150 beds and distributed based on the hospital's DFY 2011 outpatient Medicaid payments relative to the total qualifying hospitals' DFY 2011 outpatient Medicaid payments.

(c) Any private hospital that is also a Disproportionate Share Hospital ("DSH") will receive no more than the available room under their District-adjusted, hospital-specific DSH limit. Any Medicaid outpatient hospital access payments that would otherwise exceed a private disproportionate share hospital's adjusted DSH limit shall be distributed to the remaining private hospitals consistent with each private hospital's relative share of DFY 2011 Medicaid payments.

(d) For visits and services beginning May 1, 2013, outpatient hospital access payments shall be made to the United Medical Center. Each payment will be equal to one quarter of the total outpatient public hospital access payment pool. The total outpatient public hospital access payment pool is equal to the lesser of the total available spending room under the District-operated hospital outpatient Medicaid upper payment limit for DFY 2013 and 2014, respectively, and the United Medical Center District-adjusted Medicaid DSH limit.

(e) The quarterly Medicaid outpatient hospital access payments shall be made within 15 business days of the end of each DFY quarter for the Medicaid visits and services rendered during that quarter.

(f) No payments shall be made under this section until such time that the federal Centers for Medicare and Medicaid Services approves the Medicaid State Plan amendment authorizing the Medicaid payments described in this subtitle.

(g) The Medicaid payment methodologies authorized under this subtitle shall not be altered in any way unless such alteration is necessary to gain federal approval from the Centers for Medicare and Medicaid Services.

**Sec. 5077. Quarterly notice and collection.**

New  
§ 44-656

(a) The fee imposed under section 5074 shall be due and payable by the 15th of the last month of each DFY quarter.

(b) The fee imposed under section 5074 shall be calculated, due, and payable on a quarterly basis, but shall not be due and payable until:

(1) The District issues the written notice that the payment methodologies to hospitals required under section 5076 have been approved by the federal Centers for Medicare and Medicaid Services;

(2) The District issues written notice to each hospital informing the hospital of its fee rate, gross patient revenue subject to the fee, and the fee amount owed on a quarterly basis; and

(3) The initial written notice from the District shall include all fee amounts owed beginning with the period May 1, 2013, to ensure all applicable fee obligations have been identified.

(c) When a hospital fails to pay the full amount of its fee by the date required, the unpaid balance shall accrue interest at the rate of 1.5% per month or any fraction thereof, which shall be added to the unpaid balance. The Chief Financial Officer may arrange a payment plan for the amount of the fee and interest in arrears.

(d) The payment by the hospital of the fee created in this subtitle shall be reported as an allowable cost for purposes of Medicaid hospital reimbursement.

**Sec. 5078. Multi-hospital systems, closure, merger, and new hospitals.**

New  
§ 44-657

(a) If a hospital system conducts, operates, or maintains more than one hospital licensed by the Department of Health, the provider shall pay the fee for each hospital separately.

(b) Notwithstanding any other provision in this subtitle, in the case of a person who ceases to conduct, operate, or maintain a hospital for which the person is subject to the fee under this subtitle as a hospital provider, the fee for the DFY in which the cessation occurs shall be adjusted by multiplying the fee computed under section 5074 by a fraction, the numerator of which is the number of days in the year during which the provider conducts, operates, or maintains the hospital and the denominator of which is 365. Immediately upon ceasing to

conduct, operate, or maintain a hospital, the person shall pay the fee for the year as so adjusted (to the extent not previously paid).

(c) Notwithstanding any other provision in this subtitle, a provider who conducts, operates, or maintains a hospital, upon notice by the Department, shall pay the fee computed under section 5074 and subsection (a) of this section in installments on the due dates stated in the notice and on the regular installment due dates for the DFY occurring after the due dates of the initial notice.

**Sec. 5079. Rules.**

**New**  
**§ 44-658**

The Mayor, pursuant to Title I 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 implement the provisions of this subtitle.

**Sec. 5080. Applicability date; sunset.**

**New**  
**§ 44-659**

(a) This subtitle shall apply as of May 1, 2013.

(b) This subtitle shall sunset as of September 30, 2014.

**SUBTITLE I. DEPARTMENT OF PARKS AND RECREATION O-TYPE**

**Sec. 5101. Short title.**

This subtitle may be cited as the "Department of Parks and Recreation O-Type Amendment Act of 2013".

**Sec. 5102. Section 4(c)(2) of the Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-303(c)(2)), is amended to read as follows:**

**Amend**  
**§ 10-303**

"(2) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time."

**SUBTITLE J. DEPARTMENT OF BEHAVIORAL HEALTH ESTABLISHMENT**

**Sec. 5111. Short title.**

This subtitle may be cited as the "Department of Behavioral Health Establishment Act of 2013".

**Sec. 5112. Definitions.**

**New**  
**§ 7-1141.01**

For the purposes of this subtitle, the term:

(1) "Behavioral health" means a person's overall social, emotional, and psychological well-being and development.

(2) "Behavioral health services" means stand-alone and co-occurring, integrated treatment services for substance abuse and mental health disorders that are designed to promote a person's behavioral health.

(3) "Comprehensive Psychiatric Emergency Program" or "CPEP" means a 24-hour/7-days a week program providing emergency psychiatric evaluation and stabilization.

(4) "Department" means the Department of Behavioral Health.

(5) "Director" means the Director of the Department of Behavioral Health.

(6) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

(7) "Recovery support services" means substance abuse treatment, care coordination, and community-based support that promote recovery.

(8) "Substance abuse" means a pattern of pathological use of a drug or alcohol that causes impairment in social or occupational functioning or produces physiological dependency evidenced by physical tolerance or physical symptoms when the drug or alcohol is not used.

**Sec. 5113. Establishment of the Department of Behavioral Health.**

**New  
§ 7-1141.02**

(a) There is established as a separate, cabinet-level Department, subordinate to the Mayor, the Department of Behavioral Health.

(b) The Department shall be the successor-in-interest to the Department of Mental Health, established by the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1131.01 *et seq.*), and the Department of Health Addiction Prevention and Recovery Administration, established in the Department of Health by the Reorganization Plan No. 4 of 1996, effective July 17, 1996 (D.C. Official Code, Vol. 3).

**Sec. 5114. Appointment of Director.**

**New  
§ 7-1141.03**

The Department shall be headed by a Director, who shall:

(1) Be appointed by the Mayor with the advice and consent of the Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a));

(2) Be qualified by experience and training to carry out the purposes of the Department as set forth in section 5116; and

(3) Serve at the pleasure of the Mayor.

**Sec. 5115. Duties of Director.**

**New  
§ 7-1141.04**

In addition to other duties as may be lawfully imposed, the Director shall:

(1) Supervise and direct the Department;

(2) Organize the Department for its efficient operation, including creating offices within the Department, as necessary; and

(3) Exercise any other powers necessary and appropriate to implement the provisions of this subtitle.

**Sec. 5116. Purpose of the Department.**

**New**  
**§ 7-1141.05**

The Department shall:

- (1) Ensure the provision of high-quality behavioral health services by establishing District-wide behavioral health standards and policies;
- (2) Foster and promote behavioral health education and disease prevention;
- (3) Provide high-quality prevention, treatment, and recovery support services related to mental health disorders, addictions, and the abuse of alcohol, tobacco, and other drugs in the District;
- (4) Develop and maintain an efficient and cost-effective behavioral health care financing system; and
- (5) Implement, monitor, and evaluate the District's strategic behavioral health plan.

**Sec. 5117. Powers and duties of the Department.**

**New**  
**§ 7-1141.06**

Notwithstanding any other provision of law, the Department shall:

- (1) Plan, develop, coordinate, and monitor comprehensive and integrated behavioral health systems of care for adults and for children, youth, and their families in the District, so as to maximize utilization of behavioral health services and behavioral health supports;
- (2) Assure that services for priority populations identified in the Department's annual plan are funded within the Department's appropriations or authorizations by Congress and are available;
- (3) Serve as the state mental health authority and arrange for all authorized, publicly funded behavioral health services and behavioral health supports for the residents of the District, whether operated directly by, or through contract with, the Department; provided, that the Department of Youth Rehabilitation Services ("DYRS") shall be responsible for the delivery of behavioral health services to youth in custody in DYRS secure facilities;
- (4) Serve as the single state agency for substance abuse services and promulgate rules, regulations, and certification standards for high-quality prevention, treatment, and recovery support services related to addictions and the abuse of alcohol, tobacco, and other drugs in the District of Columbia;
- (5) Maximize and leverage local, federal, and other available funding to support behavioral health prevention, treatment, and recovery support services;
- (6) Directly operate a hospital to provide inpatient mental health services, and maintain the hospital's certification by the Department of Health and the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services;

(7) Make grants, pay subsidies, purchase services, and provide reimbursement for behavioral health services and behavioral health supports; provided, that any grants shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199);

(8) Arrange for, or directly provide, a Comprehensive Psychiatric Emergency Program for all persons identified to the Department who meet criteria for admission for such services;

(9) Arrange for a 24-hour, District-wide telephone communication service to provide intervention services for adults, children, and youth in need of behavioral health services and behavioral health supports, including observation, evaluation, emergency treatment, and, when necessary, referral for behavioral health services and behavioral health supports;

(10) Be the exclusive agency to regulate all behavioral health services and behavioral health supports, including outpatient behavioral health services and all substance abuse and detoxification services;

(11) Facilitate the delivery of acute inpatient behavioral health services and behavioral health supports through community or public hospitals in the District, including coordinating comprehensive behavioral health services and behavioral health supports for children, youth, and their families;

(12) Upon request or on its own initiative, investigate, or ask another agency to investigate, any complaint alleging abuse or neglect of any consumer of behavioral health services, and, if the investigation by the Department or an investigation by any other agency or entity substantiates the charge of abuse or neglect, take appropriate action to correct the situation, including notification of other appropriate authorities; and

(13) Exercise all other powers, duties, functions, and responsibilities previously assigned to the Department of Mental Health pursuant to the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1131.01 *et seq.*), and to the Department of Health Addiction Prevention and Recovery Administration pursuant to Reorganization Plan No. 4 of 1996, effective July 17, 1996 (D.C. Official Code, Vol. 3).

Sec. 5118. Transfer of authority, functions, property, and personnel.

New  
§ 7-1141.07

The following powers, duties, functions, and responsibilities are hereby transferred to the Department of Behavioral Health, effective October 1, 2013:

(1) All real and personal property, Career and Excepted Service, Management Supervisory Service, trainee positions, assets, records, obligations, unexpended balances of appropriations, allocations, and other funds available or to be made available to the Department of Mental Health and the Department of Health Addiction Prevention and Recovery Administration, or relating to the powers, duties, functions, operations, and administration set forth in section 5117;

(2) All of the functions assigned and authorities granted and delegated to the Director of the Department of Mental Health, and the Department of Mental Health, as set forth

in the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1131.01 *et seq.*); and

(3) All of the functions assigned and authorities granted and delegated to the Department of Health Addiction Prevention and Recovery as set forth in section IV(A)(3) of Reorganization Plan No. 4 of 1996, effective July 17, 1996 (D.C. Official Code, Vol. 3).

**Sec. 5119. Continuation of rules and regulations.**

**New  
§ 7-1141.08**

All rulemaking and regulations for the administration of the District's public mental health system and the addiction, recovery, and prevention system, issued under appropriate authority, shall continue in full force and effect until otherwise superseded.

**Sec. 5120. Construction and abolishment.**

**New  
§ 7-1141.09**

(a) To the extent any provision of the Department of Mental Health Establishment Amendment Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1131.01 *et seq.*), is inconsistent with a provision of this subtitle, the provision of this subtitle shall govern and shall be deemed to supersede the inconsistent provision.

(b) The Department of Health Addiction Prevention and Recovery Administration as set forth in section IV(A)(3) of Reorganization Plan No. 4 of 1996, effective July 17, 1996 (D.C. Official Code, Vol. 3), is abolished.

**SUBTITLE K. PUBLIC ASSISTANCE**

**Sec. 5121. Short title.**

This subtitle may be cited as the "District of Columbia Public Assistance Amendment Act of 2013".

**Sec. 5122.** Section 5173 of the Temporary Assistance for Needy Families Time Limit Amendment Act of 2012, effective September 20, 2012 (D.C. Law 19-168; 59 DCR 8025), is repealed as of October 1, 2013.

**Note,  
§ 4-205.52**

**SUBTITLE L. DEPARTMENT OF HUMAN SERVICES MEMORANDUM OF UNDERSTANDING AUTHORITY FOR SUBSTANCE ABUSE TREATMENT**

**Sec. 5131. Short title.**

This subtitle may be cited as the "Department of Human Services Memorandum of Understanding Authority for Substance Abuse Treatment Act of 2013".

**Sec. 5132.** For fiscal year 2014, the Department of Human Services ("DHS") shall enter into a Memorandum of Understanding of up to \$2.5 million with the Department of Behavioral Health ("DBH") for a substance abuse treatment program for Temporary Assistance for Needy Families ("TANF") clients. DHS shall work with DBH, other agencies, and community-based experts as necessary to establish an integrated system of care for TANF beneficiaries living with barriers, including mental health disorders, alcohol and substance abuse, and HIV/AIDS. DHS

**Note,  
§ 7-1141.01**



shall present the integrated system of care plan to the Council's Committee on Human Services no later than December 1, 2013.

**SUBTITLE M. PUBLIC ASSISTANCE HUMAN IMPACT**

Sec. 5141. Short title.

This subtitle may be cited as the "Public Assistance Human Impact Amendment Act of 2013".

Sec. 5142. Section 511c of the District of Columbia Public Assistance Act of 1982, effective April 8, 2011 (D.C. Law 4-101; D.C. Official Code § 4-205.11c), is amended as follows:

**Amend**  
**§ 4-205.11c**

(a) The introductory text is amended by striking the phrase "Within 60 days of January 19, 2011" and inserting the phrase "Within 120 days of October 1, 2013" in its place.

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

(1) The lead-in language is amended by striking the number "35" and inserting the number "100" in its place.

(2) Subparagraph (D) is amended by striking the phrase "Court Social Services or Department of Youth Rehabilitation Services" and inserting the phrase "Child and Family Services Agency, Department of Human Services, Court Social Services, or Department of Youth Rehabilitation Services" in its place.

**SUBTITLE N. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES TIME LIMIT**

Sec. 5151. Short title.

This subtitle may be cited as the "Temporary Assistance for Needy Families Time Limit Amendment Act of 2013".

Sec. 5152. Section 5163 of the Temporary Assistance for Needy Families Time Limit Amendment Act of 2012, effective September 20, 2012 (D.C. Law 19-168; 59 DCR 8025), is repealed as of October 1, 2013.

**Note,**  
**§ 4-205.11c**

Sec. 5153. The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

(a) Section 205(d) (D.C. Official Code § 4-202.05(d)) is amended to read as follows:

**Amend**  
**§ 4-202.05**

"(d) Within 30 days of the effective date of the Temporary Assistance for Needy Families Time Limit Amendment Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199) ("Time Limit Act"), the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of the Time Limit Act."

(b) Section 511b (D.C. Official Code § 4-205.11b) is amended as follows:

**Amend**  
**§ 4-205.11b**

(1) Subsection (c) is repealed.

(2) Subsection (d) is repealed.

(3) Subsection (f) is repealed.

(c) Section 572a(a) (D.C. Official Code § 4-205.72a(a)) is amended as follows:

**Amend**  
**§ 4-205.72a**

(1) The lead-in language is amended by striking the number "2012" and inserting the number "2013" in its place.

(2) Paragraph (3)(D) is amended by striking the phrase "old; or" and inserting the phrase "old;" in its place.

(3) Paragraph (4) is repealed.

(4) New paragraphs (5) and (6) are added to read as follows:

"(5) Is a parent or caretaker who is 60 years of age or older; or

"(6) Is the head of an assistance unit who is meeting the full requirements of his or her Individual Responsibility Plan and can show that he or she is enrolled in an accredited postsecondary education program or a Department of Employment Services approved job training program in which he or she is working towards the attainment of a degree, certificate, or official credential."

(d) Section 519a (D.C. Official Code § 4-205.19a) is amended as follows:

**Amend**  
**§ 4-205.19a**

(1) Subsection (c) is repealed.

(2) Subsection (d) is amended by striking the phrase "and TANF hardship extensions".

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

"(e) Other than victims of domestic violence, pursuant to section 572a(a)(2)(A), no TANF recipients eligible for POWER pursuant to section 572a may receive case management services beyond the services currently being received on the effective date of the Time Limit Act, unless the Department of Human Services deems such services as necessary and funding is available."

## **SUBTITLE O. INTERIM DISABILITY ASSISTANCE**

Sec. 5161. Short title.

This subtitle may be cited as the "Interim Disability Assistance Amendment Act of 2013".

Sec. 5162. Section 407(d) of the District of Columbia Public Assistance Act of 1982, effective April 3, 2001 (D.C. Law 13-252; D.C. Official Code § 4-204.07(d)), is amended as follows:

**Amend**  
**§ 4-204.07**

(a) Paragraph (2)(A) is amended to read as follows:

"(A) Applies to the Social Security Administration for SSI benefits and

maintains or pursues an active SSI application, motion for reconsideration, or request for hearing before an Administrative Law Judge, subject to the limitations of paragraph (3) of this subsection;”.

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

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

“(B) An otherwise qualified individual’s period of eligibility for IDA benefits shall end either at the end of the month in which the Social Security Administration begins payment of SSI benefits, or at the end of the month in which an Administrative Law Judge issues a decision denying the IDA recipient’s SSI application following a hearing pursuant to 20 C.F.R. § 416.1429.”.

(2) Subparagraph (C) is repealed.

(3) Subparagraph (D) is amended as follows:

(A) Strike the phrase “and an appeal is filed timely”.

(B) Strike the phrase “IDA recipient” and insert the word “individual” in its place.

Sec. 5163. This subtitle shall not be construed as affecting the eligibility of an otherwise qualified individual who has a Social Security application pending at the time of the effective date of this subtitle.

**Note,**  
**§ 4-202.05**

## **SUBTITLE P. HOMELESS PREVENTION AND RAPID RE-HOUSING PILOT INITIATIVE**

Sec. 5171. Short title.

This subtitle may be cited as the “Homelessness Prevention and Rapid Re-Housing Pilot Initiatives Act of 2013”.

Sec. 5172. (a)(1) For fiscal year 2014, the Department of Human Services (“Department”) shall implement an Emergency Rental Assistance Program (“ERAP”) pilot initiative for the purpose of providing emergency rental assistance to non-elderly, non-disabled adults without minor children in their care who would otherwise qualify for emergency rental assistance under Chapter 75 of Title 29 of the District of Columbia Municipal Regulations.

**Note,**  
**§ 4-753.01**

(2) No later than October 1, 2013, the Department shall submit to the Council a plan for the ERAP pilot initiative. The plan shall include the following information:

(A) An estimated number of clients that will be served by the initiative;

(B) A timeline for implementation of the initiative;

(C) Metrics or criteria for measuring the initiative’s outcomes; and

(D) Any other information the Department believes would assist in analyzing the initiative’s impact.

(b)(1) For fiscal year 2014, the Department shall implement a Rapid Re-Housing (“RRH”) pilot initiative for the purpose of providing assistance to rapidly re-house adults

without minor children in their care who would otherwise qualify for rapid re-housing assistance under Chapter 78 of Title 29 of the District of Columbia Municipal Regulations.

(2) No later than October 1, 2013, the Department shall submit to the Council a plan for the RRH pilot initiative. The plan shall include the following information:

- (A) An estimated number of clients that will be served by the initiative;
- (B) A timeline for implementation of the initiative;
- (C) Metrics or criteria for measuring the initiative's outcomes; and
- (D) Any other information the Department believes would assist the

Council in analyzing the initiative's impact.

### **SUBTITLE Q. HOMELESS SERVICES REFORM**

Sec. 5181. Short title.

This subtitle may be cited as the "Homeless Services Reform Amendment Act of 2013".

Sec. 5182. 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 as follows:

(a) Section 2 (D.C. Official Code § 4-751.01) is amended as follows:

**Amend  
§ 4-751.01**

(1) Paragraph 18(A) is amended by striking the word "immediately" and inserting the phrase "immediately, including any individual or family who is fleeing, or is attempting to flee, domestic violence and who has no other residence and lacks the resources or support networks to obtain safe housing" in its place.

(2) A new paragraph (31A) is added to read as follows:

"(31A) "Rapid Re-Housing" means a program that provides a homeless individual or family with financial assistance to obtain permanent housing, by providing some or all of a security deposit, first month's rent, short-term rental subsidy, and supportive services to help the recipient become self-sufficient."

(3) Paragraph (41) is amended as follows:

(A) The lead-in language is amended by striking the word "accommodation" and inserting the phrase "accommodation, the purpose of which is to facilitate the movement of homeless individuals and families to permanent housing within 2 years or a longer period approved by the provider" in its place.

(B) Subparagraph (B) is amended by striking the phrase "up to 2 years or as long as necessary" and inserting the phrase "less than or equal to 2 years or a longer period approved by the provider" in its place.

(b) Section 4(b) (D.C. Official Code § 4-752.01(b)), is amended by adding a new paragraph (1A) to read as follows:

**Amend  
§ 4-752.01**

"(1A) The Director to End Homelessness, who shall assist the City Administrator in leading and coordinating the Interagency Council;"

(c) Section 7 (D.C. Official Code § 4-753.01) is amended by adding a new subsection (f) to read as follows:

**Amend  
§ 4-753.01**

“(f)(1) The Mayor may require clients to establish and contribute to a savings or escrow account, or other similar savings arrangement. The savings or escrow arrangement shall be customized to each client so as not to jeopardize another benefit program and to allow for reasonable and necessary expenses.

“(2) A client shall not be terminated for failing to contribute to a savings or escrow account or similar savings arrangement; provided, that other sanctions may be imposed as provided by rule.

“(3) Pursuant to section 31, the Mayor shall issue rules on the establishment of any mandatory savings or escrow accounts, or other similar savings arrangements, authorized by this section. The rules shall provide exceptions to the requirement for mandatory savings or escrow accounts, or other similar savings arrangements.”.

(d) Section 11 (D.C. Official Code § 4-754.13) is amended as follows:

**Amend  
§ 4-754.13**

(1) Paragraph 10 is amended by striking the word “and”.

(2) Paragraph 11 is amended to read as follows:

“(11) Establish and contribute to a savings or escrow account, or other similar savings arrangement, if required by rules established by the Mayor pursuant to section 7(f) and included in the provider’s Program Rules approved pursuant to section 18(b); and”.

(3) A new paragraph 12 added to read as follows:

“(12) Follow all Program Rules established by a provider pursuant to section 18.”.

(e) Section 18 (D.C. Official Code § 4-754.32) is amended as follows:

**Amend  
§ 4-754.32**

(1) Paragraph (7) is amended by striking the word “and”.

(2) Paragraph (8) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph 9 is added to read as follows:

“(9) A description of a client’s responsibilities to establish and contribute to a savings and escrow account, or other similar savings arrangement, if required by rules established by the Mayor pursuant to section 7(f).”.

(f) Section 19 (D.C. Official Code § 4-754.33) is amended as follows:

**Amend  
§ 4-754.33**

(1) Subsection (c) is amended to read as follows:

“(c) All providers shall give written and oral notice to clients of their transfer to another provider or of their suspension, termination, or discontinuation from services at least 15 days before the effective date of the transfer or the suspension, termination, or discontinuation of services except:

“(1) When the sanction results from the client’s imminent threat to the health or safety of someone on the premises of the provider in accordance with section 24; or

“(2) When the sanction is a suspension of supportive services for a period shorter than 10 days.”.

(2) Subsection (d)(4) is amended to read as follows:

“(4) A clear and complete statement of the client’s right to appeal the sanction or denial through fair hearing proceedings pursuant to section 26 and administrative review proceedings pursuant to section 27, or the client’s right to reconsideration pursuant to rules

established by the Mayor in accordance with section 31, including the appropriate deadlines for instituting the appeal or reconsideration; and”.

(g) Section 22 (D.C. Official Code § 4-754.36) is amended to read as follows:

**Amend**  
**§ 4-754.36**

“Sec. 22. Termination.

“(a) A provider may terminate its delivery of services to a client only when:

“(1) The provider documents that it has considered suspending the client in accordance with section 21 or has made a reasonable effort, in light of the severity of the act or acts leading to the termination, to transfer the client in accordance with section 20;

“(2) The client:

“(A) Possesses a weapon on the provider’s premises;

“(B) Possesses or sells illegal drugs on the provider’s premises;

“(C) Assaults or batters any person on the provider’s premises;

“(D) Endangers the client’s own safety or the safety of others on the provider’s premises;

“(E) Intentionally or maliciously vandalizes, destroys, or steals the property of any person on the provider’s premises;

“(F) Fails to accept an offer of appropriate permanent housing or supportive housing that better serves the client’s needs after having been offered 2 appropriate permanent or supportive housing opportunities; or

“(G) Knowingly engages in repeated violations of a provider’s Program Rules; and

“(3) In the case of a termination pursuant to paragraph (2)(F) or (G) of this subsection, the provider has made reasonable efforts to help the client overcome obstacles to obtaining permanent housing.

“(b) For the purposes of subsection (a)(2)(F) of this section, Rapid Re-Housing shall be considered an offer of supportive housing and an offer of 2 different units through a Rapid Re-Housing program shall be considered 2 offers of supportive housing. In determining whether an offer of permanent or supportive housing is appropriate, the results of a research- or evidence-based assessment tool used as part of the decision to make such an offer shall be given great weight.”.

(h) A new section 22a is added to read as follows:

**New**  
**§ 4-754.36a**

“Sec. 22a. Discontinuation of supportive housing services.

“(a) A provider may discontinue supportive housing services for a client only when the client has:

“(1) Relocated to another program or facility for more than 180 days;

“(2) Abandoned his or her unit for more than 60 days and good-faith efforts to locate the client have failed, or the client has been located but has indicated by words or actions that he or she does not intend to return to and reside in the unit; or

“(3) The client has not requested a reasonable accommodation to continue the supportive housing services for disability-related reasons, or has requested a reasonable accommodation and it was denied; and

“(4) No household members who have been approved as part of the household unit for purposes of the program remain in the supportive housing placement.

“(b) Providers of supportive housing shall give oral and written notice, in accordance with section 19(d), to clients of their discontinuation from services only after the required time period in subsection (a) of this section has lapsed, except where there is credible evidence that the client who has relocated to another program or facility is expected to be absent for more than 180 days . The notice shall be given at least 30 days before the effective date of the discontinuation of services. If it is not possible to provide written notice at the time of the action because the client’s whereabouts are unknown, a written notice shall be delivered to the client’s last known address or, upon request, within 90 days of the discontinuation of services.

“(c) A client whose supportive housing services are discontinued pursuant to this section shall have the right to be re-housed upon return; provided, that the client continues to meet the eligibility criteria for the program and the services are available. If the services are not available from the original supportive housing provider, the client shall receive the first available opening at the original supportive housing provider’s program, unless an opening elsewhere is available and the client consents to the alternate provider. To the extent possible, a provider who is notified of a client’s impending return shall make a reasonable effort to work with the client to arrange supportive housing services that will be available upon the client’s return.”.

(i) A new section 31a is added to read as follows:

**Amend**  
**§ 4-756.03**

"Sec. 31a. Director to End Homelessness.

"(a) The Mayor shall appoint a Director to End Homelessness ("Director"), pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)). The Director shall report to the Mayor, and shall be highly qualified and experienced. The Mayor is encouraged to consult with the Interagency Council of Homelessness on the specific qualifications and job description for this position.

"(b) The Director shall:

"(1) Coordinate efforts across agencies to end homelessness in the District;

"(2) Provide a single point of accountability for efforts to end homelessness in the District;

"(3) Help lead and coordinate the Interagency Council on Homelessness;

"(4) Work with community stakeholders and the Interagency Council to create, coordinate, and implement a plan to end homelessness in the District;

"(5) Create and monitor performance measures that track the District’s progress on the plan to end homelessness; and

"(6) Report to the Mayor and to the Council by September 30 of each year, beginning in 2014, on the status of ending homelessness in the District."

## **SUBTITLE R. END HOMELESSNESS FUND**

Sec. 5191. Short title.

This subtitle may be cited as the "End Homelessness Fund Act of 2013".

**Sec. 5192. End Homelessness Fund.**

**New**  
**§ 1-325.261**

(a) There is established as a special fund the End Homelessness Fund ("Fund"), which shall be administered by the Department of Human Services in accordance with subsection (c) of this section.

(b) The Fund shall consist of 50% of the revenue from the automated traffic enforcement program, to the extent that the revenue is offset by revenue from a tax imposed by Chapter 39A of Title 47 of the District of Columbia Official Code on sales made via the Internet, and the interest earned on that revenue, but not to exceed \$50 million in a fiscal year.

(c) The Fund shall be used to end homelessness in the District, as set forth in a plan and legislation prepared by the Director to End Homelessness and the Interagency Council on Homelessness and transmitted to the Council for enactment. No moneys may be used from the Fund to supplant existing funding for programs already in existence.

(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(2) Subject to authorization by Congress, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

**SUBTITLE S. ASTHMA MANAGEMENT CENTER**

**Sec. 5201. Short title.**

This subtitle may be cited as the "Pediatric Asthma Management Act of 2013".

**Sec. 5202. Pediatric asthma management center.**

Of the capital funds allocated in fiscal year 2014 for project HTO-UMCOI within the Department of Health Care Finance, up to \$2 million may be used to fund the renovation of existing space on the campus of United Medical Center in support of a pediatric asthma management center.

**TITLE VI. TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT**

**SUBTITLE A. SAFETY-BASED TRAFFIC ENFORCEMENT FINE REDUCTION**

**Sec. 6001. Short title.**

This subtitle may be cited as the "Safety-Based Traffic Enforcement Fine Reduction Amendment Act of 2013".

**Sec. 6002. Section 105 of the Safety-Based Traffic Enforcement Amendment Act of 2012, returned unsigned by the Mayor on February 11, 2013 (D.C. Act 19-674; 60 DCR 2753), is repealed.**

**Repeal**  
**§ 50-2201.33**

**Sec. 6003. Section 2600.1 of Title 18 of the District of Columbia Municipal Regulations is amended as follows:**

**DCMR**



(a) The existing text under the subheading "Intersection" is amended by striking the phrase "Failure to clear (including crosswalks) [§ 2201.11] \$100" and inserting the phrase "Failure to clear (including crosswalks) [§ 2201.11] \$50" in its place.

(b) The subheading "Right turn on red" and existing text is amended to read as follows:  
"Right turn on red

"Failure to come to a complete stop before turning [§ 2103.7] \$50

"Failure to yield right-of-way to vehicle or pedestrian [§ 2103.7] \$50

"Violation of "No Turn on Red" sign [§ 4013] \$50".

(c) The existing text under the subheading "Right-of-way" is amended by striking the phrase "Failure to stop and give right-of-way to pedestrian in roadway [§ 2208] \$250" and inserting the phrase "Failure to stop and give right-of-way to pedestrian in roadway [§ 2208] \$75" in its place.

(d) The existing text under the subheading "Speeding" is amended to read as follows:

"Up to 10 mph in excess of limit [§ 2200] \$50

"11 to 15 mph in excess of limit [§ 2200] \$100

"16 to 20 mph in excess of limit [§ 2200] \$150

"21 to 25 mph in excess of limit [§ 2200] \$200

"Over 25 mph in excess of limit [§ 2200] \$300

"Minimum; driving too slowly [§ 2200.10] \$50

"Unreasonable [§ 2200.3] \$100".

## **SUBTITLE B. DEPARTMENT OF MOTOR VEHICLES IMMOBILIZATION**

Sec. 6011. Short title.

This subtitle may be cited as the "DMV Immobilization Amendment Act of 2013".

Sec. 6012. Section 6(k) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(k)), is amended by adding a new paragraph (5) to read as follows:

**Amend**  
**§ 50-2201.03**

"(5) Before the removal of an immobilization mechanism on a motor vehicle or the release of a motor vehicle from impoundment, the owner shall pay all outstanding fees, charges, civil fines, or penalties incurred pursuant to this section and sections 7 and 8 of this act, section 15(b)(2)(A) of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2413(b)(2)(A)), sections 1 and 6 of An Act To provide for the annual inspection of all motor vehicles in the District of Columbia, approved February 18, 1938 (52 Stat. 78; D.C. Official Code §§ 50-1101 and 1106), sections 2 and 3 of Title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937

(50 Stat. 680; D.C. Official Code §§ 50-1501.02 and 1501.03), sections 105 and 304a of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code §§ 50-2301.05 and 50-2303.04a), and section 9(a) of the Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Act of 2003, effective October 28, 2003 (D.C. Law 15-35; D.C. Official Code § 50-2421.09(a)), against the owner or any motor vehicle in which the owner has an ownership interest or had an ownership interest when a notice of infraction was issued."

Sec. 6013. Section 9(a)(4) of the Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Act of 2003, effective October 28, 2003 (D.C. Law 15-35; D.C. Official Code § 50-2421.09(a)(4)), is amended to read as follows:

**Amend**  
**§ 50-2421.09**

"(4) Making a payment in accordance with section 6(k)(5) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(k)(5));".

### **SUBTITLE C. STORMWATER IN LIEU FEE SPECIAL FUND**

Sec. 6021. Short title.

This subtitle may be cited as the "Stormwater In-Lieu Fee Special Purpose Revenue Fund Amendment Act of 2013".

Sec. 6022. The Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code § 8-103.01 *et seq.*), is amended by adding a new section 10b to read as follows:

**New**  
**§ 8-103.09b**

"Sec. 10b. Stormwater In-Lieu Fee Payment Fund.

"(a) There is established as a special fund the Stormwater In-Lieu Fee Payment Fund ("In-Lieu Fee Fund"), which shall be administered by the Mayor in accordance with subsection (c) of this section.

"(b) The In-Lieu Fee Fund shall consist of revenue from payments to the In-Lieu Fee Fund to achieve stormwater retention obligations of regulated properties, as required by the Municipal Separate Storm Sewer System permit issued to the District by the Environmental Protection Agency.

"(c) The In-Lieu Fee Fund shall be used for the installation, operation, and maintenance of stormwater retention facilities.

"(d)(1) The money deposited into the In-Lieu Fee Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

"(2) Subject to authorization by Congress, any funds appropriated in the In-Lieu Fee Fund shall be continually available without regard to fiscal year limitation.

"(e) The District Department of the Environment shall publish on its website at least annually a report which includes a description of how revenues are spent from the In-Lieu Fee

Fund and Anacostia River Clean Up and Protection Fund, established by the Anacostia River Clean Up and Protection Act of 2009, effective September 23, 2009 (D.C. Law 18-55; D.C. Official Code § 8-102.01 *et seq.*).

"(f) The report on the In-Lieu Fee Fund required by subsection (e) of this section shall include:

"(1) The total amount of in-lieu fees collected to date;

"(2) The total amount of funds spent to date;

"(3) For each sub-drainage area or watershed, the aggregate off-site retention volume per year purchased with in-lieu fees, based on the location of regulated projects paying in-lieu fees; and

"(4) For each of the stormwater retention facilities installed using In-Lieu Fee Fund dollars, the type of best management practices used by the facility, the gallons per year of stormwater volume achieved by the facility, the sub-drainage or watershed location of the facility, and a summary of the capital and maintenance costs of the project.".

**SUBTITLE D. DISTRICT DEPARTMENT OF TRANSPORTATION PARKING  
METER REVENUE**

Sec. 6031. Short title.

This subtitle may be cited as the "District Department of Transportation Parking Meter Revenue Amendment Act of 2013".

Sec. 6032. Section 2a of the Performance Parking Pilot Zone Act of 2008, effective November 25, 2008 (D.C. Law 17-279; D.C. Official Code § 50-2531.01), is amended as follows:

**Amend  
§ 50-2531.01**

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

"(2) Fees collected for the parking of vehicles where meters or devices are installed shall be deposited into the Fund in accordance with section 3(h)(2) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 91; D.C. Official Code § 50-2603(8)(B)).".

(b) Subsection (b) is amended by striking the phrase "for projects within the zone from which revenues were raised".

Sec. 6033. Section 3(h) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 91; D.C. Official Code § 50-2603(8)), is amended as follows:

**Amend  
§ 50-2603**

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

"(1) For fiscal year 2014, and each year thereafter, 100% of the amount collected from the parking of vehicles where meters or devices are installed shall be used in accordance with this section to fund the general operations of the Washington Metropolitan Area Transit Authority, with the exception of the portions required to be transferred to the District Department of Transportation Parking Meter Pay-by-phone Transaction Fee Fund and the DC

Circulator Fund, in accordance with section 9f of the Department of Transportation Establishment Act of 2002, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-921.14).".

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

"(2)(A) For fiscal year 2013, \$35,264,948 shall be dedicated to paying a portion of the District's annual operating subsidies to the Washington Metropolitan Area Transit Authority.

"(B) Other fees collected for the parking of vehicles where meters or devices are installed in excess of the portions required to be transferred to the District Department of Transportation Parking Meter Pay-by-Phone Transaction Fee Fund and the Parking Meter Fund shall be divided evenly between the Sustainable Transportation Fund established by section 9g of the Department of Transportation Establishment Act of 2002, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-921.15); and the Performance Parking Fund established by section 2a of the Performance Parking Pilot Zone Act of 2008, effective November 25, 2008 (D.C. Law 17-279; D.C. Official Code § 50-2531.01).".

(c) Paragraph (3) is repealed.

Sec. 6034. Section 9g(b) of the Department of Transportation Establishment Act of 2002, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-921.15(b)), is amended by striking the phrase "section 3(h)(3)" and inserting the phrase "section 3(h)(2)" in its place.

**Amend  
§ 50-921.15**

Sec. 6035. Right-of-way revenues.

Notwithstanding any other provision of law, for fiscal year 2014, the Chief Financial Officer shall transfer to the unrestricted fund balance of the General Fund of the District of Columbia and recognize as local funds \$921,000 of fiscal year 2014 right-of-way revenues.

Sec. 6036. Applicability.

Section 6033(b) shall apply as of the effective date of the Fiscal Year 2014 Budget Support Emergency Act of 2013, passed on an emergency basis on June 26, 2013 (Enrolled version of Bill 20-337).

## **SUBTITLE E. ACCESSIBLE PUBLIC VEHICLES-FOR-HIRE FUNDING AMENDMENT**

Sec. 6041. Short title.

This subtitle may be cited as the "Accessible Public Vehicles-for-Hire Amendment Act of 2013".

Sec. 6042. Section 20a(b) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-320(b)), is amended as follows:

**Amend  
§ 50-320**

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

"(2) For fiscal years 2014 and 2015:

"(A) The first \$4,700,000 of funds deposited into the Fund each year shall be used to support the operations of the Commission pursuant to paragraph (1)(A) of this subsection;

"(B) \$750,000 of the remaining funds deposited into the Fund each year shall be used to increase the number of wheelchair accessible public vehicles-for-hire pursuant to paragraph (1)(B) of this subsection; and

"(C) Any remaining funds in the Fund may be used for any of the purposes described in paragraph (1) of this subsection."

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

"(3) Nothing in this subsection shall affect any requirements imposed upon the Commission by Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*)".

#### **SUBTITLE F. BICYCLE ADVISORY COUNCIL CHAIR**

Sec. 6051. Short title.

This subtitle may be cited as the "Bicycle Advisory Council Amendment Act of 2013".

Sec. 6052. Section 5(b)(2)(B) of the District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective March 16, 1985 (D.C. Law 5-179; D.C. Official Code § 50-1604(b)(2)(B)), is amended to read as follows:

**Amend  
§ 50-1604**

"(B) A chairperson shall be elected from among the 13 community representatives and shall serve for a term of 2 years."

#### **SUBTITLE G. PRIORITY SIDEWALK ASSURANCE**

Sec. 6061. Short title.

This subtitle may be cited as the "Priority Sidewalk Assurance Amendment Act of 2013".

Sec. 6062. Section 2(a) of the Priority Sidewalk Assurance Act of 2010, effective September 24, 2010 (D.C. Law 18-227; D.C. Official Code § 9-425.01(a)), is amended by striking the phrase "road reconstruction or curb and gutter replacement" and inserting the phrase "road reconstruction, installation of a curb and gutter, or curb and gutter replacement" in its place.

**Amend  
§ 9-425.01**

#### **SUBTITLE H. PESTICIDE REGISTRATION FUND PRESERVATION**

Sec. 6071. Short title.

This subtitle may be cited as the "Pesticide Registration Fund Preservation Amendment Act of 2013".

Sec. 6072. The Pesticide Education and Control Amendment Act of 2012, effective October 23, 2012 (D.C. Law 19-191; D.C. Official Code § 8-431 *et seq.*), is amended by adding a new section 9a to read as follows:

New  
§ 8-438.01

"Sec. 9a. Pesticide Registration Fund.

"(a) There is established as a special fund the Pesticide Registration Fund ("Fund"), which shall be administered by the Department in accordance with subsection (c) of this section.

"(b) The Fund shall consist of revenue from fees collected pursuant to section 9 and other pesticide license and registration fees.

"(c) The Fund shall be used for the administration of the Department's pesticide programs.

"(d) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time."

Sec. 6073. Section 9084 of the Fiscal Year 2012 Transfer of Special Purpose Funds Act of 2011, effective September 14, 2011 (D.C. Law 19-21; 58 DCR 6362), is repealed.

#### **SUBTITLE I. PUBLIC SPACE CLEANING GRANTS**

Sec. 6081. Short title.

This subtitle may be cited as the "Public Space Cleaning Grant Act of 2013".

Sec. 6082. (a) Of the funds appropriated in fiscal years 2014 and 2015 to the Department of Small and Local Business Development for Clean Teams, \$800,000 may be awarded for grants over a 2-year period to include \$400,000 in fiscal year 2014 and \$400,000 in fiscal year 2015 for clean-team services to, at minimum, the following areas:

(1) Connecticut Avenue, N.W., between Calvert Street and Cathedral Avenue; between Macomb Street and Porter Street; and between Tilden Street and Albemarle Street;

(2) 12th Street, N.E., from Jackson Street, N.E., to Randolph Street, N.E.; and

(3) Minnesota Avenue, N.E., from Grant Street, N.E., to East Capitol Street.

(b) An eligible grantee must have experience in:

(1) Providing clean-team services;

(2) Providing job-training services to its employees;

(3) Hiring District residents; and

(4) Providing social support services to its Clean Team employees.

(c) Grants awarded under this subtitle shall administered pursuant to the requirements set forth in the Grant Administration Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199).

#### **SUBTITLE J. TRANSPORTATION FINE AND FEE ADJUSTMENT**

Sec. 6091. Short title.

This subtitle may be cited as the "Transportation Fee and Fine Adjustment Amendment Act of 2013".

Sec. 6092. Section 2601.1 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2601.1) is amended by inserting an infraction in between the "Stop sign" and "Tags" infractions to read as follows:

**DCMR**

"Street cleaning route, parked on during prohibited period (§ 2423) \$45.00".

**SUBTITLE K. SAFETY JUSTIFICATION FOR TRAFFIC CONTROL  
OFFICERS PLACEMENT**

Sec. 6101. Short title.

This subtitle may be cited as the "Allocation of Traffic Control Officers Act of 2013".

Sec. 6102. Safety justification.

**Note,  
§ 50-921.01**

The District Department of Transportation ("DDOT") shall:

(1) Justify the placement of Traffic Control Officers ("TCOs") at intersections based on safety, except when needed to manage special events or construction sites or when safety concerns for TCOs exist; and

(2) Prioritize placement of TCOs at the 10 most dangerous intersections during peak hazardous times.

Sec. 6103. Public notification of safety justification and dangerous intersections.

**Note,  
§ 50-921.01**

On or before February 1, 2014, DDOT shall publish on its website:

(1) A standard safety justification for the placement of TCOs; and

(2) A list of the 10 most dangerous intersections that will have TCOs during the most hazardous times of day, and the corresponding justification for these placements.

**SUBTITLE L. DISTRICT DEPARTMENT OF TRANSPORTATION DC  
CIRCULATOR**

Sec. 6111. Short title.

This subtitle may be cited as the "District Department of Transportation DC Circulator Amendment Act of 2013".

Sec. 6112. Section 11c(a) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.33(a)), is amended as follows:

**Amend  
§ 50-921.33**

(1) Strike the phrase "lapsing special purpose revenue fund" and insert the phrase "nonlapsing special fund" in its place.

(2) Strike the phrase "or their agents," and insert the phrase "or their agents, parking meter revenue from the National Park Service for meters on the Mall," in its place.

**SUBTITLE M. DISTRICT DEPARTMENT OF TRANSPORTATION**  
**JURISDICTION**

Sec. 6121. Short title.

This subtitle may be cited as the "District Department of Transportation Jurisdiction Amendment Act of 2013".

Sec. 6122. Section 3 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.02), is amended by adding a new subsection (g) to read as follows:

**Amend**  
**§ 50-921.02**

"(g)(1) The Director may enter into agreements with jurisdictions in the Washington metropolitan area ("regional jurisdictions") to plan, fund, design, construct, and otherwise carry out transportation projects.

"(2) DDOT may receive funds from and disperse funds to regional jurisdictions for the purposes of planning, funding, designing, constructing, and otherwise carrying out the transportation projects.

"(3) DDOT may take other appropriate actions to plan, fund, design, construct, and otherwise carry out the transportation projects, including performing work, including construction work, in regional jurisdictions."

Sec. 6123. Applicability.

This subtitle shall apply as of June 15, 2013.

**Note**  
**§ 50-921.02**

**SUBTITLE N. REPRESENTATION TAGS**

Sec. 6131. Short title.

This subtitle may be cited as the "Representation Tags Amendment Act of 2013".

Sec. 6132. Section 423 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 423) is amended by adding a new subsection 423.3a to read as follows:

**DCMR**

"423.3a. Members of the Council may choose to be issued a standard motor vehicle identification tag or a tag designating the member's ward of representation or at-large status. If the member opts for a standard tag, the member shall also be issued a placard to be placed on the dashboard of a vehicle indicating that the vehicle is being used by the member for official business."

Sec. 6133. Section 6(c)(2) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(c)(2)), is amended to read as follows:

**Amend**  
**§ 50-2201.03**

"(2) The vehicle is displaying a Congressional or Council registration tag or parking placard issued for the current session or by the District."



**TITLE VII. FINANCE AND REVENUE**

**SUBTITLE A. SUBJECT TO APPROPRIATIONS REPEALERS**

Sec. 7001. Short title.

This subtitle may be cited as the "Subject to Appropriations Repealers Amendment Act of 2013".

Sec. 7002. Section 3 of the Land Acquisition for Housing Development Opportunities Program Act of 2010, effective December 3, 2010 (D.C. Law 18-260; 57 DCR 9632), is repealed. **Note, § 47-1005.01**

Sec. 7003. Section 5 of the UNCF Tax Abatement and Relocation to the District Assistance Act of 2010, effective August 6, 2010 (D.C. Law 18-211; 57 DCR 4949), is repealed. **Note, § 47-4635**

Sec. 7004. Section 3 of the Carver 2000 Low-Income and Senior Housing Project Amendment Act of 2012, effective July 13, 2012 (D.C. Law 19-151; 59 DCR 5134), is repealed. **Note, § 47-4605**

Sec. 7005. Section 4 of the Elizabeth Ministry, Inc. Affordable Housing Initiative Real Property Tax Relief Act of 2012, effective April 20, 2013 (D.C. Law 19-253; 60 DCR 982), is repealed. **Note, § 47-4657**

Sec. 7006. Section 3 of the King Towers Residential Housing Real Property Tax Exemption Clarification Act of 2012, effective July 13, 2012 (D.C. Law 19-153; 59 DCR 5138), is repealed. **Note, § 47-4639**

Sec. 7007. Section 7 of the Taxicab Service Improvement Amendment Act of 2012, effective October 22, 2012 (D.C. Law 19-184; 59 DCR 9431), is repealed. **Note, §§ 50-301 – 50-307 Implement D.C. Law 19-184; 59 DCR 9431**

Sec. 7008. The 8th Street Plaza Condominium Association, Inc. Clarification Act of 2012, effective October 22, 2012 (D.C. Law 19-178; 59 DCR 9416), is amended as follows:

(a) Section 2(b)(2) is amended to read as follows:

“(2) The exemptions granted by paragraph (1) of this subsection shall expire on October 1, 2014.”.

(b) Section 3 is repealed.

**Amend § 42-1903.61**

Sec. 7009. Section 3 of the Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Act of 2012, effective April 20, 2013 (D.C. Law 19-255; 60 DCR 987), is repealed. **Note, § 47-4658**

Sec. 7010. Section 3 of the Israel Senior Residences Tax Exemption Act of 2012, effective April 27, 2013 (D.C. Law 19-285; 60 DCR 2316), is repealed. **Note, § 47-4659**

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**D.C. Law 20-61, effective December 24, 2013**

**20 DCSTAT 2302**

Sec. 7011. Section 3 of the Families Together Amendment Act of 2010, effective September 24, 2010 (D.C. Law 18-228; 57 DCR 6926), is repealed.

**Note,**  
§§ 4-1301.02,  
4-1301.04,  
4-1306.01

Sec. 7012. Section 701 of the Adoption Reform Amendment Act of 2010, effective September 24, 2010 (D.C. Law 18-230; 57 DCR 6951), is repealed.

**Note,**  
§ 4-1303.03,  
4-1303.08,  
4-1403.09

Sec. 7013. Section 5 of the District of Columbia Flood Assistance Fund Act of 2012, effective April 27, 2013 (D.C. Law 19-293; 60 DCR 2613), is repealed.

**Repeal**  
§ 8-105.74

Sec. 7014. Section 47-1086 of the District of Columbia Official Code is amended by adding a new subsection (c) to read as follows:

**Amend**  
§ 47-1086

"(c) This section shall apply as of March 1, 2011."

Sec. 7015. Section 1203 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-362.03), is repealed.

**Note,**  
§§ 2-362.03,  
2-352.06,  
2-358.03,  
2-3610.01

Sec. 7016. Section 5 of the State Board of Education Personnel Authority Amendment Act of 2012, effective April 27, 2013 (D.C. Law 19-284; 60 DCR 2312), is repealed.

**Note,**  
§§ 38-351,  
38-353 –  
38-355

Sec. 7017. Section 5 of the Public Vehicle-for-Hire Innovation Amendment Act of 2012, effective April 23, 2013 (D.C. Law 19-270; 60 DCR 1717), is repealed.

**Implement**  
D.C. Law 19-  
270; 60 DCR  
2312

Sec. 7018. (a) Section 3 of the Howard Town Center Real Property Tax Abatement Act of 2012, effective April 20, 2013 (D.C. Law 19-257; 60 DCR 992), is repealed.

**New**  
§ 47-4656

(b) Section 47-4656(b) of the District of Columbia Official Code is amended as follows:

**Amend**  
§ 47-4656

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

"(1) Commence with the tax year in which the final certificate of occupancy is issued to the last property developed on the site, but in no case before October 1, 2015."

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

"(2) Be in the amount of \$800,000 per year, not to exceed \$8 million in the aggregate over 10 years."

Sec. 7019. Section 4 of the Workplace Fraud Amendment Act of 2012, effective April 28, 2013 (D.C. Law 19-300; 60 DCR 2679), is repealed.

**Note,**  
§§ 32-1321.05,  
32-1321.06,  
32-1321.12

Sec. 7020. Section 3 of the Schedule H Property Tax Relief Act of 2012, effective April 27, 2013 (D.C. Law 19-283; 60 DCR 2307), is amended to read as follows:

**Note,**  
§ 47-1806.06

"Sec. 3. Applicability.

"This act shall apply as of January 1, 2014."

**SUBTITLE B. TAX INCREMENT REVENUE BONDS DC USA PROJECT  
EXTENSION**

Sec. 7021. Short title.

This subtitle may be cited as the "Tax Increment Revenue Bonds DC USA Project Extension Act of 2013".

Sec. 7022. Definitions.

**Note,**  
**§ 47-4608**

For the purposes of this subtitle, the term:

(1) "Available Real Property Tax Revenues" means the revenues resulting from the imposition of the tax provided for in Chapter 8 of Title 47 of the District of Columbia Official Code and the tax imposed by D.C. Official Code § 47-1005.01, including any penalties and interest charges, exclusive of the special tax provided for in section 481 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 807; D.C. Official Code § 1-204.81), pledged to the payment of general obligation indebtedness of the District.

(2) "Available Sales Tax Revenues" means the revenues resulting from the imposition of the tax imposed pursuant to Chapter 20 of Title 47 of the District of Columbia Official Code, including any penalties and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.08).

(3) "Available Tax Increment" means the sum of the Available Sales Tax Revenues and Available Real Property Tax Revenues generated by the DC-USA Project TIF Area minus the sum of Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the respective base year, as certified by the Chief Financial Officer.

(4) "Bonds" means the \$46.9 million National Capital Revitalization Variable Rate Revenue Bonds (DC USA Parking Garage Project) Series 2006.

(5) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia.

(6) "DC USA Project TIF Area" means the following parcels and lots and squares: Square 2674, Lot 0866; Square 2674, Lot 0720; Square 2674, Lot 0863; Square 2674, Lot 0832; Square 2674, Lot 0812; Square 2674, Lot 0869; Square 2674, Lot 0719; Square 2674, Lot 0872; Square 2674, Lot 0870; Square 2674, Lot 0871.

Sec. 7023. Allocation of Available Tax Increment.

**Note,**  
**§ 47-4608**

There is allocated to the repayment of the Bonds 100% of the Available Tax Increment until such time as the Bonds are paid in full. The Available Real Property Tax Revenues shall be calculated based upon the assessed value of the real property comprising the DC-USA Project TIF Area as of January 1, 2004, for the base year of tax year 2005 as certified by the Chief Financial Officer. The Available Sales Tax Revenues shall be calculated based upon the sales tax revenue for base year 2003 as certified by the Chief Financial Officer.

**SUBTITLE C. DELINQUENT DEBT RECOVERY**

Sec. 7031. Short title.

This subtitle may be cited as the "Delinquent Debt Recovery Amendment Act of 2013".

Sec. 7032. The Delinquent Debt Recovery Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-350.01 *et seq.*), is amended as follows:

(a) Section 1043 (D.C. Official Code § 1-350.02) is amended as follows:

Amend  
§ 1-350.02

(1) Subsection (a) is amended by striking the word "Notwithstanding" and inserting the phrase "Except as provided in subsections (a-1) and (a-2) of this section, notwithstanding" in its place.

(2) New subsections (a-1) and (a-2) are added to read as follows:

"(a-1) The University of the District of Columbia shall transfer and refer unpaid student tuition, student fees, and student loans to the Central Collection Unit within one year after the end of the semester in which the student tuition, student fees, and student loans were incurred.

"(a-2) Beginning in fiscal year 2014 and for each fiscal year thereafter, funds collected and recovered by the Central Collection Unit arising out of delinquent debts transferred and referred to the Central Collection Unit by the Not-For-Profit Hospital Corporation for collection, net of costs and fees, shall be deposited into the Not-For-Profit Hospital Corporation Fund by the Central Collection Unit within 60 days following the then current fiscal year."

(b) A new section 1043a is added to read as follows:

New  
§ 1-350.02a

"Sec. 1043a. Collection on behalf of the University of the District of Columbia.

"Funds collected and recovered by the Central Collection Unit, beginning in fiscal year 2014 and continuing in the following fiscal years, arising out of delinquent debts transferred and referred to the Central Collection Unit by the University of the District of Columbia for collection, net of cost and fees, shall be deposited into the University of the District of Columbia Debt Collection Fund established pursuant to section 7033 of the Delinquent Debt Recovery Amendment Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199), by the Central Collection Unit within 60 days following the then current fiscal year."

(c) Section 1045 (D.C. Official Code § 1-350.04) is amended by striking the phrase "all delinquent debts collected by the Central Collection Unit" and inserting the phrase "all delinquent debts collected by the Central Collection Unit, except those amounts collected by the Central Collection Unit described in section 1043(a-1) and (a-2)" in its place.

Amend  
§ 1-350.04

Sec. 7033. University of the District of Columbia Debt Collection Fund.

New  
§ 38-1251.01

(a) There is established as a special fund the University of the District of Columbia Debt Collection Fund ("Fund"), which shall be administered by the University of the District of Columbia in accordance with subsection (c) of this section.

(b) The fund shall consist of the revenue from the collection of unpaid student tuition, student fees, and student loans by the Central Collection Unit in accordance with the Delinquent

Debt Recovery Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-350.01 *et seq.*).

(c) The Fund shall be used for expenses associated with the operations of the University of the District of Columbia.

(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(2) Subject to authorization by Congress, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

**SUBTITLE D. BANK FEES SPECIAL FUND**

Sec. 7041. Short title.

This subtitle may be cited as the "Bank Fees Special Fund Act of 2013".

Sec. 7042. Bank Fees Special Fund.

New  
§ 1-325.231

(a) There is established as a special fund the Bank Fees Special Fund ("Fund"), which shall be administered by the Chief Financial Officer in accordance with subsection (c) of this section.

(b) Beginning October 1, 2013, the following sources shall be deposited into the Fund:

(1) All interest earned on public funds under the custody of the Chief Financial Officer in a general fund account that is not otherwise restricted; and

(2) Such amounts from the unassigned General Fund of the District of Columbia balance as may be required to pay bank fees and charges, as they come due, in excess of the interest earned on public funds as described in paragraph (1) of this subsection.

(c) The Fund shall be used to pay bank fees and charges.

**SUBTITLE E. AFFORDABLE HOUSING REAL PROPERTY TAX RELIEF**

Sec. 7051. Short title.

This subtitle may be cited as the "Affordable Housing Real Property Tax Relief Act of 2013".

Sec. 7052. Section 47-1002(20)(A)(ii) of the District of Columbia Official Code is amended by striking the semicolon at the end and inserting the phrase "or payments made under any renewal of a contract originally made under the new construction, substantial rehabilitation, or moderate rehabilitation under section 8 that entitled the property to the exemption and for which an exemption was granted;" in its place.

Amend  
§ 47-1002

Sec. 7053. Applicability.

This subtitle shall apply with respect to renewal contracts entered into before, on, or after the effective date of this subtitle.

Note,  
§ 47-1002

**SUBTITLE F. BEULAH BAPTIST CHURCH REAL PROPERTY EQUITABLE  
TAX RELIEF**

Sec. 7061. Short title.

This subtitle may be cited as the "Beulah Baptist Church Real Property Equitable Tax Relief Act of 2013".

Sec. 7062. Section 47-4654(d) of the District of Columbia Official Code is amended by striking the phrase "September 30, 2010" and inserting the phrase "September 30, 2020, and any real property taxes, interest, penalties, fees, or other related charges assessed, as of the effective date of the Beulah Baptist Church Real Property Equitable Tax Relief Temporary Act of 2013, effective April 27, 2013 (D.C. Law 19-27; 60 DCR 2629), against this real property with respect to this period are forgiven and any payment already made shall be refunded" in its place.

**Amend**  
**§ 47-4654**

**SUBTITLE G. GALA HISPANIC THEATRE REAL PROPERTY TAX  
ABATEMENT**

Sec. 7071. Short title.

This subtitle may be cited as the "GALA Hispanic Theatre Real Property Tax Abatement Act of 2013".

Sec. 7072. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-4660. GALA Hispanic Theatre; Lot 79, Square 2837."

(b) A new section 47-4660 is added to read as follows:

"§ 47-4660. GALA Hispanic Theatre; Lot 79, Square 2837.

"(a) Real property taxes assessed against Lot 79, Square 2837 in excess of the amount of taxes levied for tax year 2005 shall be abated to the extent that the excess is allocable to the portion of the property leased to the Grupo de Artistas Latinoamericanos, G.A.L.A., Inc., also known as the GALA Hispanic Theatre ("GALA"), under the terms of its lease, so long as such portion is leased to GALA and is used for the purpose of producing and staging live theatre performances; provided, that the benefit of this abatement shall be passed on to GALA in the form of reduced rent equal to the amount of the abatement.

"(b) Both GALA and its landlord shall provide to the Office of Tax and Revenue ("OTR"), at the time and in the manner directed by OTR, the information as OTR may consider necessary to determine the amount of the abatement allowable for a taxable year and to verify eligibility for the abatement.

"(c) The abatement provided under this section shall apply beginning with tax year 2011. If the property becomes ineligible for the abatement, the abatement shall end at the beginning of the month following the month that the property becomes ineligible."

**New**  
**§ 47-4660**

**SUBTITLE H. OUT-OF-STATE MUNICIPAL BOND TAX REPEAL**

Sec. 7081. Short title.

This subtitle may be cited as the "Out-of-State Municipal Bond Tax Repeal Act of 2013".

Sec. 7082. Section 47-1803.02(a)(1)(B) of the District of Columbia Official Code is amended to read as follows:

**Amend**  
**§ 47-1803.02**

"(B) Individuals, estates, and trusts shall not, and shall not have been required to, include interest on the obligations of the District of Columbia, a state, a territory of the United States, or any political subdivision thereof, in the computation of District gross income."

**SUBTITLE I. [RESERVED]**

**SUBTITLE J. COMBINED REPORTING CLARIFICATION**

Sec. 7101. Short title.

This subtitle may be cited as the "Combined Reporting Clarification Act of 2013".

Sec. 7102. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the designation "§ 47-1810.06. Designation of surety" and inserting the designation "§ 47-1810.06. Designation of agent" in its place.

(b) Section 47-1801.04 is amended to read as follows:

**Amend**  
**§ 47-1801.04**

"§ 47-1801.04. General definitions.

"For the purposes of this chapter, unless otherwise required by the context, the term:

"(1) "Affiliated group" means an affiliated group as defined in section 1504 of the Internal Revenue Code of 1986; provided, that the affiliated group shall not include any corporation that does not have gross income derived from sources within the District.

"(2) "Aggregated effective tax rate" means the sum of the effective rates of tax imposed by the District of Columbia, states, or possessions of the United States, and foreign nations that have entered into comprehensive tax treaties with the United States government, where a related member receiving a payment of interest expense or intangible expense is subject to tax and where the measure of the tax imposed included the payment.

"(3) "Apportioned net operating loss" means the net operating loss generated in the year of the loss multiplied by the District of Columbia's apportionment formula for the loss year.

"(4) "Blind" means a taxpayer whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity is greater than 20/200 but is accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

"(5) "Business income" means all income that is apportionable under the Constitution of the United States.

"(6)(A) "Capital asset" means property defined or treated as a capital asset under the Internal Revenue Code of 1986.

"(B) For the purpose of computing, for any taxable year, the tax imposed under this chapter with respect to sales or other dispositions of property referred to in subparagraph (A) of this paragraph, the provisions of the Internal Revenue Code of 1986 relating to the treatment of gains and losses (other than the alternative tax imposed by section 1201 of the Internal Revenue Code of 1986) shall apply.

"(7) "Combined group" means the group of all persons whose income and apportionment factors are required to be taken into account pursuant to § 47-1805.02a(a) and (b) and the pertinent regulations in determining the taxpayer's share of the net business income or loss apportionable to the District.

"(8) "Commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

"(9) "Compensation" means wages, salaries, commissions, and any other form of remuneration paid to an employee for personal services.

"(10) "Corporation" means:

"(A) Any corporation as defined by the laws of the District or organization of any kind treated as a corporation for tax purposes under the laws of the District, wherever located, which, were it doing business in the District, would be subject to the tax imposed by this chapter;

"(B) A joint-stock company, trust, association and S corporation as defined in section 1361(a) of the Internal Revenue Code of 1986, or other organization that is taxable as a corporation under federal income tax law.

"(11)(A) "Cost-of-living adjustment" means an amount, for any calendar year, equal to the dollar amount set forth in paragraph (44)(A) and (B) of this section or § 47-1806.02(f)(1)(A) and (i) multiplied by the percentage that the Consumer Price Index for the preceding calendar year exceeds the Consumer Price Index for the calendar year beginning January 1, 2007.

"(B) For the purposes of this paragraph, the Consumer Price Index for any calendar year is the average of the Consumer Price Index for the Washington-Baltimore Metropolitan Statistical Area for all-urban consumers published by the Department of Labor, or any successor index, as of the close of the 12-month period ending on July 31 of such calendar year.

"(12) "Deficiency" with respect to any tax imposed by this chapter means:

"(A) The amount or amounts by which the tax imposed by this chapter, as determined by the Chief Financial Officer, exceeds the amount shown as the tax by the taxpayer upon his return; or

"(B) The amount assessed as a tax by the Chief Financial Officer if no return is filed by the taxpayer.



"(13) "Dependent" means a dependent as defined in section 152 of the Internal Revenue Code of 1986.

"(14) "Dividend" means any distribution made by a corporation or financial institution (domestic or foreign) to its stockholders or members, out of its earnings, profits, or surplus, other than paid-in surplus, whenever earned by the corporation or financial institution and whether made in cash or in any other property (other than stock of the same class in the corporation or financial institution, if the recipient of the stock dividend has neither received nor exercised an option to receive the dividend in cash or in property other than stock instead of stock) and whether distributed before, during, upon, or after liquidation or dissolution of the corporation or financial institution; except, that in the case of any such distribution, any part of which for purposes of the income tax imposed under the Internal Revenue Code of 1986 is deemed to constitute a capital gain, such part shall be deemed to constitute a capital gain for purposes of the tax imposed by this chapter; provided, that in the case of any dividend that is distributed other than in cash or stock in the same class in the corporation or financial institution and not exempted from tax under this chapter, the basis of tax to the recipient shall be the market value of the property at the time of the distribution; provided further, that a dividend shall not include any dividend paid by a mutual life insurance company to its shareholders.

"(15) "Doing business" means any activity of a partnership, corporation, or financial institution that enjoys the benefits and protection of the government and laws of the District.

"(16) "Domestic partners" means persons who have registered their relationship with the District pursuant to § 32-702).

"(17) "Employee" means an individual having a place of abode or residing or domiciled within the District at the time the tax is required to be withheld in respect to the individual's employment by another, and to every other individual who maintains a place of abode within the District for an aggregate of 183 days or more during the taxable year, whether domiciled in the District or not, including an officer of a corporation, but excluding any elective officer of the government of the United States or any officer or employee in the legislative branch of the government of the United States whose compensation is paid by the Secretary of the Senate or Clerk of the House of Representatives, any officer of the executive branch of the government of the United States whose appointment was made by the President of the United States, subject to confirmation by the Senate of the United States, and whose tenure of office is at the pleasure of the President of the United States, or any Justice of the Supreme Court of the United States, unless the officer, employee, or justice is domiciled within the District of Columbia at any time during the taxable year.

"(18) "Employer" means an employer as defined in section 3401(d) of the Internal Revenue Code of 1986.

"(19) "Fiduciary" means a guardian, trustee, executor, committee, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any person.

"(20) "Financial institution" means any bank or trust company incorporated or required to be incorporated and doing business under the laws of the United States, the District

of Columbia, or any state, a substantial part of the business of which consists of receiving deposits and making loans and discounts or of exercising fiduciary powers similar to those permitted to national banks under authority of the Comptroller of the Currency and which is subject by law to supervision and examination by the District or by any state, territorial, or federal authority having supervision over the financial institution, including:

"(A) Any savings and loan associations; and

"(B) Any company, a substantial part of the business of which consists of receiving deposits and making loans and discounts or of exercising fiduciary powers similar to those permitted to national banks under authority of the Comptroller of the Currency, which is organized or created under the laws of a foreign country and which maintains an office or branch in the District.

"(21) "Fiscal year" means an accounting period of 12 months ending on any day other than the last day of December and on the basis of which the taxpayer is required to report for federal income tax purposes.

"(22) "Head of household" shall have the same meaning as defined in section 2(b) of the Internal Revenue Code of 1986.

"(23) "Individual" means all natural persons (other than fiduciaries), whether married, domestic partners, or unmarried.

"(24) "Intangible expense" means:

"(A) An expense, loss, or cost for, related to, or in connection directly or indirectly with the direct or indirect acquisition, use, maintenance, management, ownership, sale, exchange, or any other disposition of intangible property, to the extent the expense, loss, or cost is allowed as a deduction or cost in determining taxable income for the taxable year under the Internal Revenue Code of 1986;

"(B) A loss related to or incurred in connection directly or indirectly with factoring transactions or discounting transactions;

"(C) A royalty, patent, technical, or copyright and licensing fee; or

"(D) Any other similar expense or cost.

"(25) "Intangible property" means patents, patent applications, trade names, trademarks, service marks, copyrights, and similar types of intangible assets.

"(26) "Interest expense" means an amount directly or indirectly allowed as a deduction under section 163 of the Internal Revenue Code of 1986 for purposes of determining taxable income under the Internal Revenue Code of 1986.

"(27) "Internal Revenue Code of 1954" means the Internal Revenue Code of 1954, approved April 6, 1954 (68A Stat. 3; 26 U.S.C. § 1 *et seq.*), as amended through May 24, 1985.

"(28) "Internal Revenue Code of 1986" means the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 *et seq.*); which provisions shall apply on the same dates that they are effective for federal tax purposes.

"(29) "International banking facility" or "IBF" shall have the same meaning as provided in section 204.8(a)(1) of Regulation D of the Board of Governors of the Federal Reserve System, effective December 3, 1981 (12 CFR § 204.8(a)(1)).

"(30) "International banking facility extension of credit" or "IBF loan" shall have the same meaning as provided in section 204.8(a)(3) of Regulation D of the Board of Governors of the Federal Reserve System, effective December 3, 1981 (12 CFR § 204.8(a)(3)).

"(31) "International banking facility time deposit" or "IBF time deposit" shall have the same meaning as provided in section 204.8(a)(2) of Regulation D of the Board of Governors of the Federal Reserve System, effective December 3, 1981 (12 CFR § 204.8(a)(2)).

"(32) "Net operating loss" shall have the same meaning as provided in section 172(c) of the Internal Revenue Code of 1986, subject to limitations and modifications provided in this section.

"(33) "Net operating loss deduction" means the aggregate of the apportioned net operating loss carryovers to the taxable year.

"(34) "Nonbusiness income" means all income other than business income.

"(35) "Nonresident" means every individual other than a resident.

"(36) "Ownership" in determining the ownership of stock, assets, or net profits of any person, means the constructive ownership of section 318(a) of the Internal Revenue Code of 1986 as modified by section 856(d)(5) of the Internal Revenue Code of 1986.

"(37) "Partnership" means a general or limited partnership or organization of any kind that is treated as a partnership for tax purposes under the laws of the District of Columbia.

"(38) "Payroll period" means a payroll period as defined in section 3401(b) of the Internal Revenue Code of 1986.

"(39) "Person" means any individual, firm, partnership, general partner of a partnership, limited liability company, registered limited liability partnership, foreign limited liability partnership, association, corporation (whether or not the corporation is, or would be if doing business in the District, subject to this chapter), unincorporated business, company, syndicate, estate, trust, business trust, trustee, trustee in bankruptcy, receiver, executor, administrator, assignee, fiduciary, or organization of any kind. For purposes of combined reporting, The term "person" shall not include a Qualified High Technology Company as defined in § 47-1817.01(5)(A).

"(40) "Related entity" means a person that under the attribution rules of section 318 of the Internal Revenue Code of 1986 is:

"(A) A stockholder who is an individual, or a member of the stockholder's family as enumerated in section 318 of the Internal Revenue Code of 1986, if the stockholder and the members of the stockholder's family own, directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the taxpayer's outstanding stock;

"(B) A stockholder, or a stockholder's partnership, limited liability company, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, limited liability companies, estates, trusts, and corporations own directly, indirectly, beneficially,

or constructively, in the aggregate, at least 50% of the value of the taxpayer's outstanding stock;  
or

"(C) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of section 318 of the Internal Revenue Code of 1986 ("party related to the corporation"), if the corporation or party related to the corporation owns, directly, indirectly, beneficially, or constructively, at least 50% of the value of the corporation's outstanding stock.

"(41) "Related member" means:

"(A) A person that, with respect to the taxpayer is, at any time during the year, a related entity;

"(B) A component member as defined in section 1563(b) of the Internal Revenue Code of 1986;

"(C) A controlled group of which the taxpayer is also a component; or

"(D) A person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code of 1986.

"(42) "Resident" means an individual domiciled in the District at any time during the taxable year, and every other individual who maintains a place of abode within the District for an aggregate of 183 days or more during the taxable year, whether or not the individual is domiciled in the District, excluding any elective officer of the government of the United States or any employee on the staff of an elected official in the legislative branch of the government of the United States if the employee is a bona fide resident of the state of residence of the elected officer, or any officer of the executive branch of the government whose appointment was made by the President of the United States and subject to confirmation by the Senate of the United States and whose tenure of office is at the pleasure of the President of the United States, or any Justice of the Supreme Court of the United States, unless the officer, employee, or justice is domiciled within the District at any time during the taxable year. In determining whether an individual is a resident, an individual's absence from the District for temporary or transitory purposes shall not be regarded as changing his domicile or place of abode.

"(43) "Sales" means all gross receipts of the taxpayer that are business income, as that term is defined in this section.

"(44) "Standard deduction" means:

"(A) The amount of \$4,000, increased annually, beginning January 1, 2013, by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50), in the case of a return filed by a single individual, by a head of household, by a surviving spouse, or jointly by husband and wife (or domestic partner);

"(B) The amount of \$2,000; provided that, for tax years beginning after December 31, 2012, the amount shall be one-half of the amount determined in subparagraph (A) of this paragraph, in the case of a married person filing separately; or

"(C) In the case of an individual who is a resident, as defined in paragraph (42) of this section, for less than a full 12-month taxable year, the amounts specified in

subparagraphs (A) and (B) of this paragraph prorated by the number of months that the individual was a resident.

"(45) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory, or possession of the United States and any foreign country or political subdivision thereof.

"(46) "Subpart F income" shall have the same meaning as provided in section 952 of the Internal Revenue Code of 1986.

"(47) "Surviving spouse" shall have the same meaning as provided in section 2(a) of the Internal Revenue Code of 1986; except, that in applying section 2(a) of the Internal Revenue Code of 1986, the term spouse shall be deemed to include a domestic partner.

"(48) "Tax" or "tax liability" includes the liability for all amounts owing by a taxpayer to the District under this chapter.

"(49)(A) "Tax haven" means a jurisdiction that:

"(i) For a particular tax year in question has no, or nominal, effective tax on the relevant income and has laws or practices that prevent effective exchange of information for tax purposes with other governments regarding taxpayers benefitting from the tax regime;

"(ii) Lacks transparency, which, for the purposes of this definition, means that the details of legislative, legal, or administrative provisions are not open to public scrutiny and apparent or are not consistently applied among similarly situated taxpayers;

"(iii) Facilitates the establishment of foreign-owned entities without the need for a local substantive presence or prohibits these entities from having any commercial impact on the local economy;

"(iv) Explicitly or implicitly excludes the jurisdiction's resident taxpayers from taking advantage of the tax regime's benefits or prohibits enterprises that benefit from the regime from operating in the jurisdiction's domestic market; or

"(v) Has created a tax regime that is favorable for tax avoidance, based upon an overall assessment of relevant factors, including whether the jurisdiction has a significant untaxed offshore financial or other services sector relative to its overall economy.

"(B) For the purposes of this paragraph, the term "tax regime" means a set or system of rules, laws, regulations, or practices by which taxes are imposed on any person, corporation, or entity, or on any income, property, incident, indicia, or activity pursuant to governmental authority.

"(50) "Taxable income" means as required by the context set forth in § 47-1807.01(2) or § 47-1808.02(1).

"(51) "Taxable year" means the calendar year or the fiscal year, whichever is the basis upon which the net income of the taxpayer is computed under this section; if no fiscal year has been established by the taxpayer, it means the calendar year. The term "taxable year" includes, in the case of a return made for a fractional part of a calendar or fiscal year under the provisions of this section or under regulations prescribed by the Chief Financial Officer, the period for which the return is made; provided, that no taxpayer shall change from a calendar year

to a fiscal year or from a fiscal year to a calendar year within any taxable year without the written authorization of the Chief Financial Officer.

"(52) "Taxpayer" means any person subject to the tax imposed by this chapter.

"(53) "Trade or business" means the engaging in or carrying on of any trade, business, profession, vocation, or calling, or commercial activity in the District of Columbia, including activities in the District that benefit a related entity of the taxpayer, the performance of functions of a public office, and the leasing of real or personal property in the District of Columbia by any person whether or not the property is leased directly by the person or through an agent, officer, or a representative, and whether or not the person, agent, officer, or representative performs any services in connection with the property.

"(54) "United States" means the United States of America and includes all of the states of the United States, the District of Columbia, and United States' territories and possessions.

"(55) "Unitary business" means a single economic enterprise that is made up either of separate parts of a single business entity or of a commonly controlled group of business entities that are sufficiently interdependent, integrated, and interrelated through their activities so as to provide synergy and mutual benefit that produces a sharing or exchange of value among them and a significant flow of value to the separate parts.

"(56) "Wages" means wages as defined in section 3401(a) of the Internal Revenue Code of 1986.

"(57) "Water's-edge combined group" is comprised of all entities includible in the combined report, as determined pursuant to § 47-1810.07.

"(58) "Worldwide combined report" means the combination of the income and activities of all members of a unitary group irrespective of the country in which the corporations are incorporated or conduct business activity.".

(c) Section 47-1805.02a is amended to read as follows:

"§ 47-1805.02a. Combined reporting required.

**Amend  
§ 47-1805.02a**

"(a) For tax years beginning after December 31, 2010, a taxpayer engaged in a unitary business with one or more other persons that are part of a water's-edge combined group reporting pursuant to § 47-1810.07 shall file a combined report, which includes the income, determined under § 47-1810.04 and § 47-1810.05 and the allocation and apportionment factors determined under § 47-1810.02 and the pertinent regulations of all such persons that are members of the unitary business, and other information as required by the Chief Financial Officer. If a worldwide combined reporting election has been made, the taxpayer shall file a combined report that includes such income and factors of all the persons that are members of the unitary business, and any other information as required by the Chief Financial Officer.

"(b) The Chief Financial Officer may require, by regulation, a combined report to include the income and associated apportionment factors of any persons that are not included pursuant to subsection (a) of this section but that are members of a unitary business to reflect proper apportionment of income of the entire unitary business.

"(c) If the Chief Financial Officer determines that the reported income or loss of a taxpayer engaged in a unitary business with any person not included represents an avoidance or evasion of tax by the taxpayer, the Chief Financial Officer may require, on a case-by-case basis, that all or any part of the income and associated apportionment factors be included in the taxpayer's combined report.

"(d) With respect to inclusion of associated apportionment factors pursuant to this section, the Chief Financial Officer may require the exclusion of any one or more of the factors, the inclusion of one or more additional factors, that will fairly represent the taxpayer's business activity in the District, or the employment of any other method to effectuate a proper reflection of the total amount of income subject to apportionment and an equitable allocation and apportionment of the taxpayer's income.

"(e) The Chief Financial Officer shall adopt regulations as necessary to implement combined reporting and to ensure that the tax liability or net income of any taxpayer whose income derived from or is attributable to sources within the District that is required to be determined by a combined report pursuant to § 47-1810.02 or § 47-1810.07 and of each entity included in the combined report, both during and after the period of inclusion in the combined report, is properly reported, determined, computed, assessed, collected, or adjusted.

"(f) The Chief Financial Officer shall adopt regulations as necessary prescribing the form and manner of all returns and reports required under this section, including the time, place, and extension of such returns and reports.

"(g) Any taxpayer election made under § 47-1805.02(5)(C) and the pertinent regulations to file a consolidated return is revoked for tax years beginning after December 31, 2010."

(d) Sections 47-1810.04, 47-1810.05, 47-1810.06, 47-1810.07, and 47-1810.08 are amended to read as follows:

"§ 47-1810.04. Determination of taxable income or loss using combined report; components of income subject to tax in the District, application of tax credits and post-apportionment deductions; determination of taxpayer's share of the business income of a combine group apportionable to the District.

**Amend  
§ 47-1810.04**

"(a) The use of a combined report does not disregard the separate identities of the taxpayer members of the combined group. Each taxpayer member is responsible for tax based on its taxable income or loss apportioned or allocated to the District, which shall include, in addition to other types of income, the taxpayer member's apportioned share of business income of the combined group, where business income of the combined group is calculated as a summation of the individual net business incomes of all members of the combined group. A member's net business income is determined by removing all but business income, expense, and loss from that member's total income, as provided in this section and § 47-1810.05.

"(b)(1) Each taxpayer member is responsible for tax based on its taxable income or loss apportioned or allocated to the District, which shall include its:

"(A) Share of any business income apportionable to the District of each of the combined groups of which it is a member, as determined under subsection (c) of this section;

"(B) Share of any business income apportionable to the District of a distinct business activity conducted within and without the District wholly by the taxpayer member, as determined under the provisions for apportionment of business income set forth in this chapter;

"(C) Income from a business conducted wholly by the taxpayer member entirely within the District;

"(D) Income sourced to the District from the sale or exchange of capital or assets, and from involuntary conversions, as determined under § 47-1810.05(b)(8);

"(E) Nonbusiness income or loss allocable to the District as determined under the provisions for allocation of nonbusiness income set forth in this chapter;

"(F) Income or loss allocated or apportioned in an earlier year required to be taken into account as District source income during the income year, other than a net operating loss; and

"(G) Net operating loss carryover.

"(2) If the taxable income computed pursuant to this section and § 47-1810.05 results in a loss for a taxpayer member of the combined group, that taxpayer member has a District net operating loss, subject to the net operating loss limitations and carryover provisions of this chapter. The District net operating loss shall be applied as a deduction in the subsequent year only if that taxpayer has District source positive net income, whether or not the taxpayer is a member of a combined reporting group in the subsequent year.

"(3) Except where otherwise provided, no tax credit or post-apportionment deduction earned by one member of the group, but not fully used by or allowed to that member, may be used, in whole or in part, by another member of the group or applied, in whole or in part, against the total income of the combined group. A post-apportionment deduction carried over into a subsequent year as to the member that incurred it, and available as a deduction to that member in a subsequent year, will be considered in the computation of the income of that member in the subsequent year regardless of the composition of that income as apportioned, allocated, or wholly within the District.

"(c) The taxpayer's share of the business income apportionable to the District of each combined group of which it is a member shall be the product of the:

"(1) Business income of the combined group, determined under § 47-1810.05; and

"(2) Taxpayer member's apportionment percentage, determined in accordance with this chapter, including in the property, payroll, and sales factor numerators of the taxpayer's property, payroll, and sales, respectively, associated with the combined group's unitary business in the District and including in the denominator the property, payroll, and sales of all members of the combined group, including the taxpayer, which property, payroll, and sales are associated with the combined group's unitary business wherever located.

"§ 47-1810.05. Determination of the business income of the combined group.

"(a) The business income of a combined group is determined as follows:



"(1) From the total income of the combined group as determined under paragraph (2) of this subsection and subsection (b) of this section, subtract any income and add any expense or loss, other than the business income, expense, or loss of the combined group.

"(2) Except as otherwise provided, the total income of the combined group is the sum of the income of each member of the combined group determined under federal income tax laws, as adjusted for District purposes, as if the member were not consolidated for federal purposes.

"(3) In the case of any person entitled to the distributive share of a trade or business net income, the Chief Financial Officer shall adopt regulations as necessary to determine the methodology of including the distributive share but provide an exclusion for the portion of the distributive share that is reported by and taxed against any person under the provisions of this chapter to prevent double taxation or double deduction.

"(b) The income of each member of the combined group shall be determined as follows:

"(1) For any member incorporated in the United States, or included in a consolidated federal corporate income tax return, the income to be included in the total income of the combined group shall be the taxable income for the corporation after making appropriate adjustments under this chapter.

"(2) For any member not included in paragraph (1) of this subsection, the income to be included in the total income of the combined group shall be determined as follows:

"(A) A profit and loss statement shall be prepared for each foreign branch or corporation in the currency in which the books of account of the branch or corporation are regularly maintained.

"(B) Adjustments shall be made to the profit and loss statement to conform it to the accounting principles generally accepted in the United States for the preparation of such statements, except as modified by regulation.

"(C) Adjustments shall be made to the profit and loss statement to conform it to the tax accounting standards required by this chapter.

"(D) Except as otherwise provided by regulation, the profit and loss statement of each member of the combined group, and the apportionment factors related thereto, whether United States or foreign, shall be translated into the currency in which the parent company maintains its books and records.

"(E) Income apportioned to the District shall be expressed in United States dollars.

"(3)(A) In lieu of the procedures set forth in paragraph (2) of this subsection, and subject to the determination of the Chief Financial Officer that it reasonably approximates income as determined under this chapter, any member not subject to paragraph (1) of this subsection may determine its income on the basis of the consolidated profit and loss statement that includes the member and that is prepared for filing with the Securities and Exchange Commission by related corporations.

"(B) If the member is not required to file with the Securities and Exchange Commission, the Chief Financial Officer may allow the use of the consolidated profit and loss statement prepared for reporting to shareholders and subject to review by an independent auditor.

"(C) If the statements described in subparagraphs (A) or (B) of this paragraph do not reasonably approximate income as determined under this chapter, the Chief Financial Officer may accept those statements with appropriate adjustments to approximate that income.

"(4)(A) All dividends paid by one to another of the members of the combined group shall, to the extent those dividends are paid out of the earnings and profits of the unitary business included in the combined report, in the current or an earlier year, be eliminated from the income of the recipient.

"(B) Except as otherwise provided, this paragraph shall not apply to dividends received from members of the unitary business that are not a part of the combined group. Except when specifically required by the Chief Financial Officer to be included, all dividends paid by an insurance company directly or indirectly to a corporation that is part of a unitary business with the insurance company shall be deducted or eliminated from the income of the recipient of the dividend.

"(5)(A) Except as otherwise provided by regulation, business income from an inter-company transaction between members of the same combined group shall be deferred in a manner similar to 26 CFR § 1.1502-13.

"(B) Upon the occurrence of any of the following events, deferred business income resulting from an inter-company transaction between members of a combined group shall be restored to the income of the seller and shall be apportioned as business income earned immediately before the event:

"(i) The object of a deferred inter-company transaction is:

"(I) Resold by the buyer to an entity that is not a member of the combined group;

"(II) Resold by the buyer to an entity that is a member of the combined group for use outside the unitary business in which the buyer and seller are engaged; or

"(III) Converted by the buyer to a use outside the unitary business in which the buyer and seller are engaged; or

"(ii) The buyer and seller are no longer members of the same combined group, regardless of whether the members remain unitary.

"(6)(A) A charitable expense incurred by a member of a combined group shall, to the extent allowable as a deduction pursuant to section 170 of the Internal Revenue Code of 1986, be subtracted first from the business income of the combined group, subject to the income limitations of that section applied to the entire business income of the group, and any remaining amount shall then be treated as a nonbusiness expense allocable to the member that incurred the expense, subject to the income limitations of that section applied to the nonbusiness income of that specific member.

"(B) Any charitable deduction disallowed under subparagraph (A) of this paragraph, but allowed as a carryover deduction in a subsequent year, shall be treated as originally incurred in the subsequent year by the same member, and the rules set forth in this section shall apply in the subsequent year in determining the allowable deduction in that year.

"(7) Gain or loss from the sale or exchange of capital assets, property described by section 1231(a)(3) of the Internal Revenue Code of 1986, and property subject to an involuntary conversion shall be removed from the total separate net income of each member of a combined group and shall be apportioned and allocated as follows:

"(A) For each class of gain or loss (short-term capital, long-term capital, section 1231 of the Internal Revenue Code of 1986, and involuntary conversions) all members' business gain and loss for the class shall be combined without netting between classes and each class of net business gain or loss separately apportioned to each member using the member's apportionment percentage determined under § 47-1810.04.

"(B) Each taxpayer member shall then net its apportioned business gain or loss for all classes, including any such apportioned business gain and loss from other combined groups, against the taxpayer member's nonbusiness gain and loss for all classes allocated to the District, using the rules of sections 1222 and 1231 of the Internal Revenue Code of 1986, without regard to any of the taxpayer member's gains or losses from the sale or exchange of capital assets, section 1231 of the Internal Revenue Code of 1986 property, and involuntary conversions that are nonbusiness items allocated to another state.

"(C) Any resulting District source income or loss, if the loss is not subject to the limitations of section 1211 of the Internal Revenue Code of 1986, of a taxpayer member produced by the application of the preceding subparagraphs shall then be applied to all other District source income or loss of that member.

"(D) Any resulting District source loss of a member that is subject to the limitations of section 1211 of the Internal Revenue Code of 1986 shall be carried over by that member and shall be treated as District source short-term capital loss incurred by that member for the year for which the carryover applies.

"(8) Any expense of one member of the unitary group that is directly or indirectly attributable to the nonbusiness or exempt income of another member of the unitary group shall be allocated to that other member as a corresponding nonbusiness or exempt expense, as appropriate.

"§ 47-1810.06. Designation of agent.

"As a filing convenience, and without changing the respective liability of group members, members of a combined reporting group shall designate one taxpayer member of the combined group to file a single return, in the form and manner prescribed by the Chief Financial Officer, in lieu of filing their own respective returns; provided, that the taxpayer designated to file the single return consents to act as surety with respect to the tax liability of all other taxpayers properly included in the combined report and agrees to act as agent on behalf of those taxpayers for tax matters relating to the combined report. If for any reason the agent is unwilling

Amend  
§ 47-1810.06

or unable to perform its responsibilities, tax liability may be assessed against the taxpayer members.

"§ 47-1810.07. Water's-edge reporting; initiation and withdrawal election.

**Amend**  
**§ 47-1810.07**

"(a)(1) Absent an election under subsection (b) of this section to report based upon a worldwide unitary combined reporting basis, taxpayer members of a unitary group shall determine each of their apportioned shares of the net business income or loss of the combined group on a water's-edge unitary combined reporting basis.

"(2) In determining tax under this chapter on a water's-edge unitary combined reporting basis, taxpayer members shall take into account all or a portion of the income and apportionment factors of only the following members otherwise included in the combined group pursuant to § 47-1805.02a:

"(A) The entire income and apportionment factors of any member incorporated in the United States or formed under the laws of any state, the District, or any territory or possession of the United States;

"(B) The entire income and apportionment factors of any member, regardless of the place incorporated or formed, if the average of its property, payroll, and sales factors within the United States is 20% or more;

"(C) The entire income and apportionment factors of any member that is a domestic international sales corporation, as described in sections 991 through 994 of the Internal Revenue Code of 1986, inclusive, a foreign sales corporation, as described in sections 921 through 927 of the Internal Revenue Code of 1986, inclusive, or any member that is an export trade corporation, as described in sections 970 through 971 of the Internal Revenue Code of 1986, inclusive;

"(D) Any member not described in subparagraphs (A), (B), or (C) of this paragraph shall include its business income that is effectively connected, or treated as effectively connected under the provisions of the Internal Revenue Code of 1986 with the conduct of a trade or business within the United States and, for that reason, subject to federal income tax;

"(E) Any member that is a resident of a country that does not have a comprehensive income tax treaty with the United States and earns more than 20% of its income, directly or indirectly, from intangible property or service-related activities that are deductible against the business income of other members of the water's-edge group, to the extent of that income and the apportionment factors related thereto; and

"(F)(i) The entire income and apportionment factors of any member that is doing business in a tax haven defined as being engaged in activity sufficient for that tax haven jurisdiction to impose a tax under United States constitutional standards.

"(ii) If the member's business activity within a tax haven is entirely outside the scope of the laws, provisions, and practices that cause the jurisdiction to meet the criteria of a tax haven, as that term is defined in § 47-1801.04(49), the activity of the member shall be treated as not having been conducted in a tax haven.

"(b) An election to report District tax based on worldwide unitary combined reporting is effective only if made on a timely filed original return for a tax year by every member of the unitary business subject to tax under this chapter.

"(c) At the discretion of the Chief Financial Officer:

"(1) A worldwide unitary combined reporting election may be disregarded, in part or in whole, and the income and apportionment factors of any member of the taxpayer's unitary group may be included in or excluded from the combined report without regard to the provisions of this section, if any member of the unitary group fails to comply with any provision of this chapter; and

"(2) Worldwide unitary combined reporting may be mandated, in part or in whole, and the income and apportionment factors of any member of the taxpayer's unitary group may be included in or excluded from the combined report without regard to the provisions of this section, if any member of the unitary group fails to comply with any provision of this chapter, or if a person otherwise not included in the water's-edge combined group was availed of with a substantial objective of avoiding District income tax.

"(d)(1) A worldwide unitary combined reporting election is binding for and applicable to the tax year it is made and all tax years thereafter for a period of 10 years. It may be withdrawn or reinstituted after withdrawal, before the expiration of the 10-year period, only upon written request for reasonable cause based on extraordinary hardship due to unforeseen changes in District tax statutes, law, or policy, and only with the written authorization of the Chief Financial Officer.

"(2) An election shall constitute consent to the reasonable production of documents and taking of depositions in accordance with District law.

"(3) If the Chief Financial Officer grants a withdrawal of election pursuant to paragraph (1) of this subsection, the Chief Financial Officer [Officer] shall impose reasonable conditions necessary to prevent the evasion of tax or to clearly reflect income for the election period before or after the withdrawal.

"(4) Upon the expiration of the 10-year period, a taxpayer may withdraw from the worldwide unitary combined reporting election. Withdrawal must be made in writing within one year of the expiration of the election and is binding for a period of 10 years, subject to the same conditions as applied to the original election.

"(e) The Chief Financial Officer shall develop rules governing the impact, if any, on the scope or application of a worldwide unitary combined reporting election, including termination or deemed election, resulting from a change in the composition of the unitary group, the combined group, the taxpayer members, and any other similar change.

"§ 47-1810.08. Accounting rules; future deductions.

**Amend**  
**§ 47-1810.08**

"(a) If the enactment of combined reporting requirements for unitary businesses results in an increase to a combined group's net deferred tax liability, the combined group shall be entitled to a deduction to the extent determined under subsection (b) of this section. Only publicly traded companies, including affiliated corporations participating in the filing of a publicly traded company's financial statements prepared in accordance with generally accepted accounting

principles, as of September 14, 2011, shall be eligible for this deduction. To the extent the deduction would produce a net operating loss in any tax year, the unused deduction may be carried forward to each succeeding tax year by the combined group.

"(b) For the 7-year period beginning with the 5th year of the combined filing, a combined group shall be entitled to a deduction equal to 1/7th of the net increase in the taxable temporary differences that caused the increase in the net deferred tax liability, as computed at the time of enactment in accordance with generally accepted accounting principles, that would result from the imposition of the combined reporting requirements but for the deduction provided under this section. The amount of the deduction shall in no case exceed the amount necessary to offset any increase in net deferred tax liability, as computed in accordance with generally accepted accounting principles, that would result from the imposition of all of the provisions of combined reporting but for the deduction provided under this section.

"(c) For the purposes of this section, the term "net deferred tax liability" shall mean the net increase, if any, in deferred tax liabilities minus the net increase, if any, in deferred tax assets of the combined group, as computed in accordance with generally accepted accounting principles."

Sec. 7103. Applicability.

This subtitle shall apply for taxable years beginning after December 31, 2010.

Note,  
§§ 47-1801.04,  
47-1805.02a,  
47-1810.04 –  
47-1810.08

#### **SUBTITLE K. FIRST CONGREGATIONAL UNITED CHURCH OF CHRIST TAX RELIEF**

Sec. 7111. Short title.

This subtitle may be cited as the "First Congregational United Church of Christ Tax Relief Amendment Act 2013".

Sec. 7112. Section 7013 of the Fiscal Year 2011 Budget Support Act of 2010, effective September 24, 2010 (D.C. Law 18-223; 57 DCR 6242), is amended to read as follows:

Sec. 7113. Equitable real property tax relief.

"Of the deed transfer taxes imposed on the transfer by First Congregational United Church of Christ of Lots 834, 835, 837, 7003, 7006, 7007, 7008, 7009, 7010, 7011, 7014, 7015, Square 375, and any other lots created from Lots 823 and 831, Square 375, and all real property taxes, interest, penalties, fees, and other related charges assessed against First Congregational United Church of Christ on real property located on Lots 823 and 831 (or as the land for such lots may be subdivided into a record lot or lots or assessment and taxation lots in the future), Square 375, \$951,000 shall be forgiven by the District and refunded to First Congregational United Church of Christ."

**SUBTITLE L. TREGARON CONSERVANCY TAX EXEMPTION AND RELIEF**

Sec. 7121. Short title.

This subtitle may be cited as the "Tregaron Conservancy Tax Exemption and Relief Act of 2013".

Sec. 7122. (a) The Council orders the forgiveness for the period beginning March 1, 2007, through the end of the month that this subtitle becomes effective of:

(1) All real property taxes, interest, penalties, fees, and other related charges assessed against the real property described as Lots 842, 849, and 857, Square 2084;

(2) Eighty-eight percent of the real property taxes, interest, penalties, fees, and other related charges assessed against the real property described as Lot 843, Square 2084; and

(3) All transfer and recordation taxes, interest, and penalties (but excluding recordation fees) imposed with respect to the conveyance of any of the properties described in this section to the Tregaron Conservancy, a District of Columbia nonprofit corporation.

(b) The Council further orders that, notwithstanding any law or rule of law limiting the time for claiming a refund of such taxes, any payments made for the period beginning March 1, 2007, through the end of the month that this subtitle becomes effective shall be refunded to the person who made the payment.

Sec. 7123. Applicability.

This subtitle shall apply upon a reprogramming of \$222,490 to the Office of the Chief Financial Officer in fiscal year 2013.

**SUBTITLE M. ADAMS MORGAN HOTEL REAL PROPERTY TAX  
ABATEMENT JOBS REQUIREMENT CLARIFICATION**

Sec. 7131. Short title.

This subtitle may be cited as the "Adams Morgan Hotel Real Property Tax Abatement Jobs Requirements Clarification Act of 2013".

Sec. 7132. Section 47-4652 of the District of Columbia Official Code is amended by striking the number "765" and inserting the number "342" in its place.

**Amend  
§ 47-4652**

**SUBTITLE N. TAX REVISION COMMISSION EXTENSION AND  
PROCUREMENT STREAMLINING**

Sec. 7141. Short title.

This subtitle may be cited as the "Tax Revision Commission Extension and Procurement Streamlining Amendment Act of 2013".

Sec. 7142. Section 47-462(d) of the District of Columbia Official Code is amended by striking the phrase "9 months after the Commission's appointment" and inserting the phrase "December 31, 2013" in its place.

**Amend  
§ 47-462**

Sec. 7143. The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), is amended as follows:

(a) Section 201(b) (D.C. Official Code § 2-352.01(b)) is amended by adding a new paragraph (1A) to read as follows:

**Amend**  
**§ 2-352.01**

"(1A) The Tax Revision Commission, pursuant to section 407;"

(b) Section 407 (D.C. Official Code § 2-354.07) is amended as follows:

**Amend**  
**§ 2-354.07**

(1) A new subsection (a-1) is added to read as follows:

"(a-1) The Tax Revision Commission may establish a streamlined noncompetitive process for entering into contracts for goods and services not exceeding \$40,000."

(2) Subsection (b) is amended by striking the phrase "this section" and inserting the phrase "this section or the \$40,000 limitation of subsection (a-1) of this section" in its place.

#### **SUBTITLE O. TAX CLARIFICATIONS**

Sec. 7151. Short title.

This subtitle may be cited as the "Tax Clarification Amendment Act of 2013".

Sec. 7152. (a) Section 302(32) of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1102(32)), is amended to read as follows:

**Amend**  
**§ 42-1102**

"(32)(A) A deed to property to which there is a valid certification by the Mayor that both the property and transferee are eligible for exemption from real property taxation pursuant to § 47-1005.02; provided, that, unless waived by regulation, a copy of the certification shall accompany the deed at the time it is submitted for recordation.

"(B) For the purposes of this paragraph, the term "deed to property" includes a deed of trust encumbering the property."

(b) This section shall apply as of September 20, 2012.

Sec. 7153. (a) Section 47-902 of the District of Columbia Official Code is amended by adding a new paragraph (25) to read as follows:

**Amend**  
**§ 47-902**

"(25) Transfers of property to which there is a valid certification by the Mayor that both the property and transferor are eligible for exemption from property taxation pursuant to § 47-1005.02; provided, that, unless waived by regulation, a copy of the certification shall accompany the deed at the time it is submitted for recordation."

(b) This section shall apply as of September 20, 2012.

Sec. 7154. (a) Section 47-1005.02(a)(1) of the District of Columbia Official Code is amended to read as follows:

**Amend**  
**§ 47-1005**

"(a)(1) Property eligible for the low-income housing tax credit provided by section 42 of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2189; 26 U.S.C. § 42), ("affordable housing") that is owned by an organization that is not organized or operated for



private gain, or that is owned by an entity controlled, directly or indirectly, by such an organization, shall be exempt from the tax imposed by Chapter 8 of this title and from a payment in lieu of tax imposed under § 47-1002(20) during the time that the real property is being developed for or being used as affordable housing and is subject to restrictive covenants governing income during the federal low-income housing tax credit compliance period, including any extended use period."

(b) This section shall apply as of September 20, 2012.

Note,  
§ 47-1005

Sec. 7155. Section 47-2202(3A) of the District of Columbia Official Code is amended by striking the phrase "The rate of the tax shall be 9%" and inserting the phrase "Effective October 1, 2011, the rate of the tax shall be 10%" in its place.

Amend  
§ 47-2202

Sec. 7156. Section 47-3802(b) of the District of Columbia Official Code is amended by striking the phrase "a qualified supermarket, qualified restaurant, or retail store" and inserting the phrase "a qualified restaurant or retail store" in its place.

Amend  
§ 47-3802

Sec. 7157. Chapter 47 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-4704. Applicability."

(b) Section 47-4702 is amended to read as follows:

"§ 47-4702. Annual certification of continuing eligibility for exemptions and abatements from real property tax.

Amend  
§ 47-4702

"(a) To the extent allowable by law, on or before April 1 of each year, beginning in 2012, and every year thereafter, any nonprofit organization or business entity owning property receiving a real property tax exemption or abatement pursuant to Chapter 10 (other than property exempt under § 47-1002(1), (2), (3), or (21)) or Chapter 46 of this title, regardless of when the exemption or abatement was received, shall be required to file an annual report, under oath, with the Office of the Chief Financial Officer providing:

"(1) The lot and square, parcel, or reservation number of the real property and certifying that the real property has been used during the preceding real property tax year for the purpose for which the exemption or abatement was granted; and

"(2) A description of the community benefits provided pursuant to the provisions of the act granting the tax exemption or abatement, or an update on the progress of the community benefits identified in the act granting the tax exemption or abatement.

"(b) Failure to certify that the property was still eligible for the exemption or abatement based on the use of the property as required by subsection (a)(1) of this section shall result in a termination of the exemption or abatement as of the beginning of the tax year in which the report is required to be filed. If the report is not filed timely, the Office of the Chief Financial Officer

shall assess a penalty of \$250. This section shall not apply to a property owner that is required to file an annual report pursuant to § 47-1007.

"(c) Upon written application by the property owner filed on or before April 1 of any year, the Office of the Chief Financial Officer may grant a reasonable extension of time for filing the report required under subsection (a) of this section. For reasonable cause, the Office of the Chief Financial Officer may abate the penalty provided under subsection (b) of this section as well as the tax, penalty, and interest resulting from the failure to file the report timely."

(c) A new section 47-4704 is added to read as follows:

**New**  
**§ 47-4704**

"§ 47-4704. Applicability.

"This chapter shall apply as of October 1, 2011."

Sec. 7158. Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2884.03 is amended by adding a new subsection (f) to read as follows:

**Amend**  
**§ 47-2884.03**

"(f) No license shall be issued to any person unless:

"(1) At least 30 days before the issuance of a license, all affected Advisory Neighborhood Commissions have been provided notice that a pawnbroker license application has been submitted to the Mayor; provided, that this paragraph shall not apply to applications for a renewal of a pawnbroker license; and

"(2) The opinions of all affected Advisory Neighborhood Commissions have been accorded great weight during deliberations to approve or deny the license application."

(b) Section 47-2884.05 (b) is amended by striking the phrase "immediately give written notice thereof to the Mayor. Upon receipt of such notice the Mayor shall attach to the license a statement of the change of location and the date thereof, which shall be authority for the operation of such business under such license at the new location" and inserting the phrase "file an application for a new license in accordance with the provisions of § 47-2884.03" in its place.

**Amend**  
**§ 47-2884.05**

(c) Section 47-2884.09 is amended as follows:

**Amend**  
**§ 47-2884.09**

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

"(a) Beginning January 1, 2011, the maximum rate of interest which a pawnbroker may contract for, and receive, including fees, shall not exceed 5% per month, or fraction of the month, for the first 6 months of a loan, and 3% per month, or fraction of the month, thereafter; provided, that a pawnbroker may contract for, and receive, a minimum charge of \$2 per month, or fraction of the month, in lieu of interest."

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

"(c) Once during each calendar year, a borrower shall have the right to rescind any pawn loan by the end of the same business day of the transaction. A \$2 fee may be assessed by the licensee to offset the administrative cost of the rescission.

"(d) The Mayor shall investigate from time to time, but no more frequently than once every 3 years, the economic conditions and other factors relating to and affecting the business of making pawnbroker loans under this part and shall ascertain and report to the Council all pertinent facts necessary to determine what maximum rate of interest should be permitted."

(d) Section 47-2884.11(d) is amended by striking the phrase "on forms to be prescribed by the Mayor of the District of Columbia" and inserting the phrase "on forms or via electronic means in a format prescribed by the Mayor" in its place.

**Amend**  
**§ 47-2884.11**

(e) The text of section 47-2884.17 is amended to read as follows:

**Amend**  
**§ 47-2884.17**

"The Mayor, pursuant to Chapter 2 of Title 5, may issue rules to implement the provisions of this part."

Sec. 7159. Section 106(a) of the Fiscal Year 2013 Budget Support Technical Clarification Temporary Amendment Act of 2012, effective March 13, 2013 (D.C. Law 19-226; 59 DCR 13553), is repealed.

**Note,**  
**§ 47-2202**

**SUBTITLE P. TAX ABATEMENT FINANCIAL ANALYSIS REQUIREMENTS**

Sec. 7161. Short title.

This subtitle may be cited as the "Tax Abatement Financial Analysis Requirements Act of 2013".

Sec. 7162. Chapter 47 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-4701 is amended to read as follows:

**Amend**  
**§ 47-4701**

"§ 47-4701. TAFA requirements.

"(a) A bill introduced in the Council that grants an exemption or abatement of a tax imposed by this title or by § 42-1103, unless the exemption or abatement is one of general applicability, shall not receive a Council hearing until a completed tax abatement financial analysis ("TAFA") has been provided to the Council and made available to the public.

"(b)(1) The TAFA shall include:

"(A) The terms of the exemption or abatement;

"(B) The estimated annual value of the exemption or abatement;

"(C) The purpose for which the grantee seeks the exemption or abatement;

"(D) A summary of the proposed community benefits to be provided by the grantee of the exemption or abatement, including, if applicable, the number of jobs that may be created, delineated in accordance with paragraph (2)(A)(iv), (v) and (vi) of this subsection;

"(E) If, in the opinion of the Chief Financial Officer, it is unlikely that the grantee's stated purpose could be accomplished without the proposed exemption or abatement:

"(i) An estimate of the amount of exemption or abatement necessary to accomplish the purpose;

"(ii) Efforts by the grantee to obtain alternate financing; and

"(iii) Any factors that limit the ability of the grantee to obtain adequate financing; and

"(F) A financial analysis prepared by the Office of the Chief Financial Officer, which shall consist of:

"(i) For existing buildings, 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;

"(ii) For new developments, a review and analysis of the financial condition of the recipient of the proposed exemption or abatement and of the financing proposal submitted by the recipient and an advisory opinion stating whether or not it is likely that the project could be financed without the proposed exemption or abatement;

"(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

"(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.

"(2)(A) In addition to the requirements described in paragraph (1) of this subsection, for a bill that grants an exemption or abatement to a housing development, the TAFA shall include in the summary of the proposed community benefits:

"(i) The number of affordable housing units to be developed;

"(ii) For what level of Area Median Income, as defined by § 47-858.01(1)(A)(i), the units will be affordable;

"(iii) The assessed financial value of the subsidy, which shall be measured as the difference between the market rate of a comparable unit within the same neighborhood and the rate that is being charged as affordable housing;

"(iv) The number of jobs that will be created, delineated by status as to whether a job is:

"(I) Permanent;

"(II) Temporary;

"(III) Full-time; or

"(IV) Part-time;

"(v) The estimated wages and benefits for each job created;

"(vi) Any commitment made to hiring District residents; and

"(vii) A description of any other public policy goal that the exemption or abatement is meant to address, including expected results.

"(B) The summary shall state which community benefits are already required by law, such as inclusionary zoning, the community amenities that have already been negotiated as part of a planned-unit-development approval, and the requirements or incentives already included in law or regulation, such as environmental standards."

(b) Section 47-4703 is amended by striking the citation "§ 47-4701(b)(4)" and inserting the citation "§ 47-4701(b)(1)(F)" in its place.

**Amend**  
**§ 47-4703**

**SUBTITLE Q. CLARIFICATION OF PERSONAL PROPERTY TAX REVENUE REPORTING**

Sec. 7171. Short title.

This subtitle may be cited as the "Clarification of Personal Property Tax Revenue Reporting Act of 2013".

Sec. 7172. Section 47-501 of the District of Columbia Official Code is amended by adding the following sentence at the end:

**Amend**  
**§ 47-501**

"Beginning September 30, 2011, personal property tax shall be reported in the fiscal year in which it is collected."

**SUBTITLE R. INCOME TAX WITHHOLDING STATEMENTS ELECTRONIC SUBMISSION**

Sec. 7181. Short title.

This subtitle may be cited as the "Income Tax Withholding Statements Electronic Submission Act of 2013".

Sec. 7182. Section 47-1812.08 of the District of Columbia Official Code is amended as follows:

**Amend**  
**§ 47-1812.08**

(a) Subsection (g)(1)(B) is amended by striking the last sentence.

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

"(n)(1) Beginning for statements due after December 31, 2011, each employer or payor required under this section to withhold income tax for an employee or a person who receives a payment subject to withholding ("payee") shall prepare a statement for each employee or payee that shows for the previous calendar year any information that the Chief Financial Officer requires by regulation or guidance.

"(2)(A) An employer or payor required to submit the statements pursuant to paragraph (1) of this subsection shall submit one copy of the statement for each employee or payee to the Chief Financial Officer by January 31 of each year.

"(B) Except as provided by subparagraph (C) of this paragraph, if the number of statements that an employer or payor is required to submit is 25 or more, the employer or payor shall submit the statements in an electronic format, as prescribed by the Chief Financial Officer.

"(C) The Chief Financial Officer may waive the requirement that an employer or payor submit statements in electronic format if the Chief Financial Officer determines that the requirement will result in undue hardship to the employer or payor."

**SUBTITLE S. CLEAN HANDS**

Sec. 7191. Short title.

This subtitle may be cited as the "Clean Hands Act of 2013".

Sec. 7192. Section 47-2862(a) of the District of Columbia Official Code is amended as follows:

**Amend  
§ 47-2862**

(a) Paragraph (6) is amended by striking the word "or".

(b) Paragraph (7) is amended by striking the period and inserting the phrase "; or" in its place.

(c) A new paragraph (8) is added to read as follows:

"(8) Has failed to file required District tax returns."

**SUBTITLE T. [RESERVED]**

**SUBTITLE U. DESTINATION DC CLARIFICATION**

Sec. 7211. Short title.

This subtitle may be cited as the "Destination DC Technical Clarification Amendment Act of 2013".

Sec. 7212. The Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1201.01 *et seq.*), is amended as follows:

(a) Section 205(f) (D.C. Official Code § 10-1202.05(f)) is repealed.

**Amend  
§ 10-1202.05**

(b) Section 208a(h) (D.C. Official Code § 10-1202.08a(h)) is amended by striking the phrase "transfer \$3 million from" and inserting the phrase "transfer \$3 million, as adjusted for inflation beginning in fiscal year 2015, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor, from" in its place.

**Amend  
§ 10-1202.08a**

(c) Section 218(b)(10) (D.C. Official Code § 10-1202.18(b)(10)) is amended by striking the phrase "ANC2C" and inserting the phrase "ANC 6E" in its place.

**Amend  
§ 10-1202.18**

**SUBTITLE V. TIBETAN COMMUNITY REAL PROPERTY TAX EXEMPTION  
AND RELIEF**

Sec. 7221. Short title.

This subtitle may be cited as the "Tibetan Community Real Property Tax Exemption and Relief Act of 2013".

Sec. 7222. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-4661. Tibetan community property; Lot 30, Square 139."

(b) A new section 47-4661 is added to read as follows:

New  
§ 47-4661

"§ 47-4661. Tibetan community property; Lot 30, Square 139.

"The real property described as Lot 30, Square 139 shall be exempt from real property taxation so long as the real property is owned and used by the International Campaign for Tibet, an organization approved under section 501(c)(3) of the Internal Revenue Code, and used solely to further its tax-exempt purposes, including continuing to offer programs that are open and free to the general public, such as lectures, films, art exhibits, a library of Tibetan materials, and meeting space for the Tibetan and Buddhist communities of the District."

#### **SUBTITLE W. CONTINGENCY CASH RESERVE NOTIFICATION**

Sec. 7231. Short title.

This subtitle may be cited as the "Contingency Cash Reserve Notification Act of 2013".

Sec. 7232. Within 3 business days after an allocation from or use of the contingency cash reserve fund established by section 450A of the District of Columbia Home Rule Act, approved November 22, 2000 (114 Stat. 2440; D.C. Official Code § 1-204.50a), the Chief Financial Officer shall transmit to the Budget Director of the Council a report of the:

New  
§ 1-301.152

(1) Amount of the allocation or use; and

(2) Purpose of the allocation or use.

#### **SUBTITLE X. DEDICATED FUNDING FOR THE COMMISSION ON ARTS AND HUMANITIES COMMISSION**

Sec. 7241. Short title.

This subtitle may be cited as the "Dedicated Funding for the Commission on Arts and Humanities Amendment Act of 2013".

Sec. 7242. Section 6a of the Commission on the Arts and Humanities Act, effective January 29, 1998 (D.C. Law 12-42; D.C. Official Code § 39-205.01), is amended as follows:

Amend  
§ 39-205.01

(a) Subsection (a-1) is amended to read as follows:

"(a-1) There shall be deposited into the Fund:

"(1) Dedicated taxes as provided by subsection (a-2) of this section;

"(2) Interest earned on money deposited into the Fund.

"(3) Private donations, gifts, and grants; and

"(4) Proceeds of the sale or loan of works of arts, prints, and promotional items."

(b) A new subsection (a-2) is added to read as follows:

"(a-2)(1)(A) Notwithstanding § 47-392.02, from fiscal year 2014 through fiscal year 2017, of the amount of revenue by which taxes imposed by § 47-2002 ("sales-tax revenue") reported in the fiscal year's Comprehensive Annual Financial Report ("CAFR") exceed the annual sales-tax revenue estimate from February 22, 2013, quarterly revenue estimate provided

by the Chief Financial Officer ("February 2013 revenue estimate"), up to \$22 million of the sales-tax revenue shall be deposited into the Fund for use in the following fiscal year.

"(B) The amount to be deposited in the Fund under this paragraph shall be adjusted for inflation, as measured by the percentage increase, if any, from fiscal year 2014 in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

"(C) The amount to be deposited in the Fund under this paragraph shall not exceed the difference between the total amount of revenue reported in the fiscal year's CAFR above the February 2013 revenue estimate.

"(2) Notwithstanding § 47-392.02, beginning in fiscal year 2018 and for each fiscal year thereafter, except as provided by paragraph (4) of this subsection, 1/23rd of the sales-tax revenue reported in the prior fiscal year Comprehensive Annual Financial Report shall be deposited in the Fund.

"(3) Any revenue deposited in the Fund pursuant to paragraph (2) of this subsection shall, dollar-for-dollar, be used to offset other local funds available to the Commission.

"(4) For each fiscal year, any unexpended funds in the Fund attributable to dedicated taxes from the previous fiscal year shall be deducted from the amount to be deposited in that fiscal year."

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

"(f) Beginning in fiscal year 2018, the Commission shall be funded entirely from moneys deposited into the Fund."

Sec. 7243. Section 47-2002 of the District of Columbia Official Code is amended by adding a new subsection (c) to read as follows:

**Amend**  
**§ 47-2002**

"(c) Of the revenue received pursuant to this section, a portion shall be allocated to the Arts and Humanities Enterprise Fund in accordance with section 6a(a-2) of the Commission on the Arts and Humanities Act, effective January 29, 1998 (D.C. Law 12-42; D.C. Official Code § 39-205.01(a-2))."

## **SUBTITLE Y. BRYANT MEWS HOMEOWNER'S ASSOCIATION EQUITABLE REAL PROPERTY TAX RELIEF**

Sec. 7251. Short title.

This subtitle may be cited as the "Bryant Mews Homeowner's Association Equitable Real Property Tax Relief Act of 2013".

Sec. 7252. The Council orders that all real property taxes, interest, penalties fees, and other related charges assessed against Lots 0858 and 0859 in Square 4112, currently owned by the Bryant Mews Homeowners Association, for tax years 1989 through 2007, inclusive, shall be forgiven. The Council further orders that all tax sales of Lots 0858 and 0859 in Square 4112



conducted under Chapter 13A of Title 47 of the District of Columbia Official Code shall be cancelled pursuant to D.C. Official Code § 47-1366.

**SUBTITLE Z. BASILICA OF THE NATIONAL SHRINE OF THE  
IMMACULATE CONCEPTION REAL PROPERTY TAX EXEMPTION**

Sec. 7261. Short title.

This subtitle may be cited as the "Basilica of the National Shrine of the Immaculate Conception Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2013".

Sec. 7262. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-1091. Basilica of the National Shrine of the Immaculate Conception Property; Lot 6, Square 3663."

(b) A new section 47-1091 is added to read as follows:

"§ 47-1091. Basilica of the National Shrine of the Immaculate Conception Property; Lot 6, Square 3663.

New  
§ 47-1091

"(a) The Basilica of the National Shrine of the Immaculate Conception Property, Lot 6, Square 3663, located in the northeast quadrant of the District of Columbia and comprising approximately 5 acres of land, generally bounded by the Basilica's parking lot, Harewood Road, and the Catholic University of America, together with the improvements thereon and owned by the Basilica of the National Shrine of the Immaculate Conception ("Property") shall be exempt from all taxation so long as it is owned and planned for use by, or actually used by, the Basilica of the National Shrine of the Immaculate Conception for its purposes and activities and is not used for commercial purposes, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009.

"(b) If the owner applies for and is granted a real property tax exemption under § 47-1002, the exemption provided under subsection (a) of this section shall terminate on the day before the effective date of the exemption granted under § 47-1002.

"(c) Real property taxes, interest, penalties, fees, and other related charges assessed against the Property for the period of July 1, 2012, through the end of the month following the effective date of this subtitle, as well as transfer and recordation taxes, interest, and penalties incurred as a result of the conveyance of Lot 6 in Square 3663 to the Basilica of the National Shrine of the Immaculate Conception Property, shall be forgiven, and any payments made for the period or on account of the conveyance shall be refunded."

**SUBTITLE AA. JUBILEE HOUSING RESIDENTIAL RENTAL PROJECT  
PROPERTY TAX EXEMPTION**

Sec. 7271. Short title.

This subtitle may be cited as the "Jubilee Housing Residential Rental Project Property Tax Exemption and Equitable Real Property Tax Relief Act of 2013".

Sec. 7272. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-1089. Jubilee Housing Limited Partnership Residential Rental Project; Lots 62, 63, and 809, Square 2576, and Lot 818, Square 2566.".

New  
§ 47-1089

(b) A new section 47-1089 is added to read as follows:

"§47-1089. Jubilee Housing Limited Partnership Residential Rental Project; Lots 62, 63, and 809, Square 2576, and Lot 818, Square 2566.

"Beginning October 1, 2013, the real properties described as Lots 62, 63, and 809, Square 2576, and Lot 818, Square 2566, owned by Jubilee Housing, Inc., or by Jubilee Housing Limited Partnership, shall be exempt from real property taxation so long as the real properties continue to be owned by Jubilee Housing, Inc., or Jubilee Housing Limited Partnership, and continue to be under applicable use restrictions during a federal low-income housing tax credit compliance period, and not used for commercial purposes, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009.".

Sec. 7273. Applicability.

This subtitle shall apply as of October 1, 2012.

Note,  
§ 47-1089

#### **SUBTITLE BB. MARRIAGE EQUALITY ESTATE TAX CLARIFICATION**

Sec. 7281. Short title.

This subtitle may be cited as the "Marriage Equality Estate Tax Clarification Act of 2013".

Sec. 7282. The Chief Financial Officer is directed to make the clarifying changes to all estate tax forms, filing instructions, and regulations necessary to make it clear that all married couples are eligible for estate tax deductions and exclusions, including the spousal exclusion of bequests, whether direct or through trusts, to a surviving spouse, regardless of whether such marriage is recognized under federal law.

New  
§ 1-301.153

#### **SUBTITLE CC. MOTOR VEHICLE FUEL TAX**

Sec. 7291. Short title.

This subtitle may be cited as the "Motor Vehicle Fuel Tax Act of 2013".

Sec. 7292. Section 47-2301(a) of the District of Columbia Official Code is amended to read as follows:

Amend  
§ 47-2301

"(a)(1) The District shall levy and collect a tax on motor vehicle fuels equal to 8.0% of the average wholesale price of a gallon of regular unleaded gasoline for the applicable base period, excluding federal and state taxes, sold or otherwise disposed of by an importer or by a

user, or used for commercial purposes. In no case shall the average wholesale price computed for purposes of this section be less than \$2.94.

"(2) The average wholesale price shall be calculated for adjustment of the motor vehicle fuel tax effective April 1 and October 1 of each year. When computing the average wholesale price of a gallon of motor vehicle fuel, the District shall use the monthly Central Atlantic (PADD 1B) Regular Gasoline Wholesale/Resale Price by Refiners data compiled by the US Energy Information Administration, or equivalent wholesale price data. Monthly price data for the period from July 1 through December 31, rounded to the nearest one half-cent, shall be used to determine the tax for the immediately following period beginning April 1. Monthly price data for the period from January 1 through June 30, rounded to the nearest one half-cent, shall be used to determine the tax for the immediately following period beginning October 1.

"(3) In no case shall an average wholesale price computed for purposes of this section vary by more than 10% from the average wholesale price for the prior period."

**SUBTITLE DD. TITLE-HOLDING ENTITY REAL PROPERTY TAX  
EXEMPTION**

Sec. 7301. Short title.

This subtitle may be cited as the "Title-Holding Entity Real Property Tax Exemption Act of 2013".

Sec. 7302. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1002 is amended as follows:

Amend  
§ 47-1002

(1) Paragraph (29) is amended by striking the word "and" at the end.

(2) Paragraph (30) is amended by striking the period and inserting the phrase "; and" in its place.

(3) A new paragraph (31) is added to read as follows:

"(31)(A) Property owned by a title-holding entity that is not organized or operated for private gain, as to which all of the ownership, membership, or beneficial interest is vested in one or more organizations, each of which is entitled to an exemption under paragraphs (6) through (20) of this section, and that is used by one or more organizations, each of which is entitled to an exemption under paragraphs (6) through (20) of this section, for the activities and purposes entitling each such organization to the exemption.

"(B) A title-holding entity shall notify the Office of Tax and Revenue within 30 days of any change in any of its owners, members, or beneficial interest holders.

"(C) For the purposes of this paragraph, the term "title-holding entity" means an entity whose activities are limited to holding record title to a property, providing the property (with or without consideration) for the use of the one or more organizations, each of which is entitled to an exemption under paragraphs (6) through (20) of this section, for the activities and purposes entitling each such organization to the exemption, encumbering the property with indebtedness, and repaying indebtedness secured by the property."

(b) Section 47-1005.01(a) is amended by striking the phrase "through (20)" and inserting the phrase "through (20) and § 47-1002(31)" in its place.

**Amend**  
**§ 47-1005.01**

Sec. 7303. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

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

“47-1090. Washington Latin Public Charter School property; Lot 0800, Square 3327.”.

(b) A new section 47-1090 is added to read as follows:

**New**  
**§ 47-1090**

“§ 47-1090. Washington Latin Public Charter School property; Lot 0800, Square 3327.

“(a) The real property located at 5210 2<sup>nd</sup> Street, N.W., and described as Lot 0800, Square 3327, shall be exempt from real property taxation and possessory interest taxation so long as the real property continues to be owned or occupied under a ground lease by Washington Latin Public Charter School or Latin Rudolph QALICB, LLC.

“(b) Any transfer, assignment, or other disposition of all or any portion of the real property described in subsection (a) of this section, including as assignment of leasehold interest in the real property or a sublease of the real property between Washington Latin Public Charter School and Latin Rudolph QALICB, LLC, or a deed of trust with respect to the real property granted by Washington Public Charter School or Latin Rudolph QALICB, LLC, to a third party lender, shall be exempt from the tax imposed under § 42-1103 and § 47-903.

“(c) The exemptions set forth in this section shall apply:

“(1) To successor corporations or entities organized or incorporated by Washington Latin Public Charter School for the purposes of receiving New Market Tax Credits administered by the U.S. Treasury Department; and

“(2) As of April 12, 2013.”.

**SUBTITLE EE. INTERNET SALES TAX, HOMELESSNESS PREVENTION,  
AND WMATA MOMENTUM FUND ESTABLISHMENT**

Sec. 7311. Short title.

This subtitle may be cited as the "Internet Sales Tax, Homelessness Prevention, and WMATA Momentum Fund Establishment Act of 2013".

Sec. 7312. Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new chapter designation

"39A. Internet Tax." after the chapter designation "39. Toll Telecommunication Service Tax."

(b) A new Chapter 39A is added to read as follows:

**(Delayed**  
**Applicability)**

"Chapter 39A. Internet Tax

"Sec.

"47-3931. Definitions.

"47-3932. Imposition of tax.

"47-3933. Scope.

"47-3934. Deposit into General Fund of the District of Columbia.

"§ 47-3931. Definitions.

New  
§ 47-3931

"For the purposes of this chapter, the term:

"(1) "Exempted vendor" means a remote-vendor that in accordance with local law has a specified level of cumulative gross receipts from Internet sales to purchasers in the District that exempt it from the requirement to collect remote sales taxes pursuant to this chapter.

"(2) "Person" means an individual, trust, estate, fiduciary, partnership, corporation, limited liability company, or any other legal entity.

"(3) "Remote-vendor" means a seller, whether or not it has a physical presence or other nexus within the District of Columbia selling, via the Internet, property or rendering a service to a purchaser in the District.

"(4) "Remote sales taxes" means District sales and use taxes when applied to a property or service sold by a vendor via the Internet to a purchaser in the District.

"(5) "Vendor" means a person or retailer, including a remote-vendor, selling property or rendering a service to a purchaser in the District of Columbia, the receipts from which a sales and use tax may be imposed pursuant to District law or this chapter.

"§ 47-3932. Imposition of tax.

New  
§ 47-3932

"(a)(1) Within 120 days of the effective date of this chapter, the District government shall require every remote-vendor not qualifying as an exempted vendor to collect and remit to the District remote sales taxes on sales made via the Internet to a purchaser in the District of Columbia; provided, that the District government has established pursuant to local law:

"(A) A registry, with privacy and confidentiality controls so that it cannot be used for any purpose other than the administration of remote sales taxes, where each remote-vendor, not qualifying as an exempted vendor, shall be required to register;

"(B) Appropriate protections for consumer privacy;

"(C) A means for a remote-vendor to determine the current District sales and use tax rate and taxability;

"(D) A formula and procedure that permits a remote-vendor to deduct reasonable compensation for expenses incurred in the administration, collection, and remittance of remote sales taxes, other than remote sales taxes paid by the remote-vendor for goods or services purchased for its own consumption;

"(E) The date that the collection of remote sales taxes shall commence;

"(F) A small-vendor exemption, including a process for an exempted vendor to apply for a certificate of exemption;

"(G) Subject to § 47-3933, the products and types of products that shall be exempt from the remote sales taxes;

"(H) Rules:

"(i) For accounting for bad debts and rounding;

"(ii) That address refunds and credits for remote sales taxes

relating to:

"(I) Customer returns;

"(II) Restocking fees;

"(III) Discounts; and

"(IV) Coupons;

"(iii) For allocating shipping and handling and discounts that apply to multiple items;

"(iv) Regarding notice and procedural requirements for registry enrollment by remote-vendors; and

"(v) That the Mayor determines are necessary or appropriate to further the purposes of this chapter; and

"(I) A plan to substantially reduce the administrative burdens associated with sales and use taxes, including remote sales taxes.

"(2) The compensation authorized by paragraph (1)(D) of this subsection may be claimed by a third-party service provider that the remote-vendor has contracted with to perform the responsibilities related to the administration, collection, and remittance of remote sales taxes.

"(b) Every remote-vendor that does not qualify as an exempted vendor shall register with the District pursuant to subsection (a)(1)(A) of this section, in accordance with local law or rules issued pursuant to this chapter or other local law.

"§ 47-3933. Scope.

New  
§ 47-3933

"(a) Nothing in this chapter shall require the District to exempt or to impose a tax on any product or to adopt any particular type of tax, or to impose the same rate of tax as any other taxing jurisdiction that collects remote sales taxes.

"(b) Nothing in this chapter permits or prohibits the District from:

"(1) Licensing or regulating a person;

"(2) Requiring a person to qualify to transact remote selling;

"(3) Subjecting a person to District taxes not related to the sale of goods or services; or

"(4) Exercising authority over matters of interstate commerce.

"§ 47-3934. Deposit into General Fund of the District of Columbia.

New  
§ 47-3934

"The proceeds of the taxes imposed under this chapter, and any money collected from fees or fines charged pursuant to this chapter, if any, shall be deposited in the General Fund of the District of Columbia established under § 47-131 and shall, dollar-for-dollar, be used to offset revenue collected from the automated traffic enforcement program."

Sec. 7313. Funding for homelessness prevention.

Note,  
§ 4-753.01a

Fifty percent of the revenue from the automated traffic enforcement program, to the extent that the revenue is offset by revenue from a tax imposed by Chapter 39A of Title 47 of the District of Columbia Official Code on sales made via the Internet, and the interest earned on that revenue, but not to exceed \$50 million in a fiscal year, shall be dedicated to the End Homelessness Fund established in section 5192 of the Fiscal Year 2014 Budget Support Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199).

**Sec. 7314. WMATA Momentum Fund.**

**New**  
**§ 1-325.241**

(a) There is established as a special fund the WMATA Momentum Fund ("Fund"), which shall be administered by the Chief Financial Officer in accordance with subsection (c) of this section.

(b) The Fund shall consist of 50% of the revenue from the automated traffic enforcement program to the extent that the revenue is offset by revenue from a tax imposed by Chapter 39A of Title 47 of the District of Columbia Official Code on sales made via the Internet and the interest earned on that revenue, and to the extent that the revenue exceeds \$100 million in a fiscal year, 100% of the revenue in excess of \$100 million shall be deposited in the Fund.

(c) Upon execution of an inter-jurisdiction funding agreement for implementation of the Washington Metropolitan Area Transit Authority Momentum Strategic Plan, any monies in the Fund shall be made available to finance the District's share of the implementation costs.

(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(2) Subject to authorization by Congress, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

**Sec. 7315. Applicability.**

**Note,**  
**§§ 47-3931,**  
**4-753.01a,**  
**1-325.241**

This subtitle shall apply as of the effective date of the Marketplace Fairness Act of 2013, passed by the Senate on May 6, 2013 (S. 743).

**SUBTITLE FF. AGE-IN-PLACE AND EQUITABLE SENIOR-CITIZEN REAL PROPERTY AND RELIEF PAYMENT PLAN**

**Sec. 7321. Short title.**

This subtitle may be cited as the "Age-in-Place and Equitable Senior-Citizen Real Property and Relief Payment Plan Amendment Act of 2013".

**Sec. 7322. Section 3 of the Age-in-Place and Equitable Senior Citizen Real Property Act of 2012, effective July 13, 2012 (D.C. Law 19-165; 59 DCR 6188), is repealed.**

**Amend**  
**§ 47-863**

**Sec. 7323. Section 47-863 of the District of Columbia Official Code is amended as follows:**

**Amend**  
**§ 47-863**

(a) Subsection (a)(1A)(A) is amended by striking the figure "\$125,000" wherever it appears and inserting the phrase "\$125,000; adjusted for inflation beginning on January 1, 2015, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, Washington-Baltimore Area, published by the Bureau of Labor Statistics of the Department of Labor" in its place.

(b) Subsection (g)(3) is amended by striking the phrase "late payment of real property tax" and inserting the phrase "late payment of real property tax; provided, that the Chief Financial Officer may establish a payment plan to collect the delinquent taxes" in its place.

**SUBTITLE GG. SMOKING CESSATION DEDICATED FUNDING ACT**

Sec. 7331. Short title.

This subtitle may be cited as the "Smoking Cessation Dedicated Funding Act of 2013".

Sec. 7332. Section 47-2402 of the District of Columbia Official Code is amended by adding a new subsection (1) to read as follows:

**Amend**  
**§ 47-2402**

"(1)(1) There is established as a special fund the Smoking Cessation Fund ("Fund"), which shall be administered by the Department of Behavioral Health in accordance with paragraph (3) of this subsection.

"(2) There shall be deposited into the Fund:

"(A) Dedicated taxes as provided by paragraph (4) of this subsection; and

"(B) Interest earned on money deposited into the Fund.

"(3) The Fund shall be used for smoking-cessation efforts.

"(4)(A) Notwithstanding § 47-392.02, from fiscal year 2014 through fiscal year 2017, the amount of revenue by which taxes imposed by § 47-2402 ("cigarette-tax revenue") reported in the fiscal year's Comprehensive Annual Financial Report exceed the annual cigarette-tax revenue estimate from February 22, 2013, quarterly revenue estimate provided by the Chief Financial Officer ("estimated revenue"), the excess of cigarette-tax revenue shall be deposited into the Fund for use in the following fiscal year; provided, that no more than 10% of the estimated revenue shall be deposited into the Fund.

"(B) Beginning with fiscal year 2018, 10% of the cigarette-tax revenue shall be deposited into the Fund.

"(5)(A) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

"(B) Subject to authorization by Congress, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation."

**SUBTITLE HH. MULTISTATE TAX COMPACT ENACTMENT AND CLARIFICATION**

Sec. 7341. Short title.

This subtitle may be cited as the "Multistate Tax Compact Enactment and Clarification Act of 2013".

Sec. 7342. Chapter 4 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-441 is repealed.

**Repeal**  
**§ 47-411**



(b) Section 47-441 is re-enacted and reads as follows:

“The Multistate Tax Compact is adopted and entered into with all jurisdictions legally joining therein, in the form substantially set forth as follows:

“Article I. Purposes.

“The purposes of this compact are to:

“1. Facilitate proper determination of state and local tax liability of multistate taxpayers, including equitable apportionment of tax bases and settlement of apportionment disputes.

“2. Promote uniformity or compatibility in significant components of tax systems.

“3. Facilitate taxpayer convenience and compliance in the filing of tax returns and in other phases of tax administration.

“4. Avoid duplicative taxation.

“Article II. Definitions.

“1. “State” means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

“2. “Subdivision” means any governmental unit or special district of a state.

“3. “Taxpayer” means any corporation, partnership, firm, association, governmental unit or agency or person acting as a business entity in more than one state.

“4. “Income tax” means a tax imposed on or measured by net income including any tax imposed on or measured by an amount arrived at by deducting expenses from gross income, one or more forms of which expenses are not specifically and directly related to particular transactions.

“5. “Capital stock tax” means a tax measured in any way by the capital of a corporation considered in its entirety.

“6. “Gross receipts tax” means a tax, other than a sales tax, which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which no deduction is allowed which would constitute the tax an income tax.

“7. “Sales tax” means a tax imposed with respect to the transfer for a consideration of ownership, possession, or custody of tangible personal property or the rendering of services measured by the price of the tangible personal property transferred or services rendered and which is required by state or local law to be separately stated from the sales price, by the seller, or which is customarily separately stated from the sales price, but does not include a tax imposed exclusively on the sale of a specifically identified commodity or article or class of commodities or articles.

“8. “Use tax” means a nonrecurring tax, other than a sales tax, which (a) is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership, possession, or custody of that property or the leasing of that property from another including any consumption, keeping, retention, or other use of tangible personal property and (b) is complementary to a sales tax.

“9. “Tax” means an income tax, capital stock tax, gross receipts tax, sales tax, use tax, and any other tax which has a multistate impact, except that the provisions of Articles III, IV, and V of this compact shall apply only to the taxes specifically designated therein and the

provisions of Article IX of this compact shall apply only in respect to determinations pursuant to Article IV.

“Article III. Elements of Income Tax Laws.

“Repealed.

“Article IV. Division of Income.

“Repealed.

“Article V. Elements of Sales and Use Tax Laws.  
Tax Credit.

“1. Each purchaser liable for a use tax on tangible personal property shall be entitled to full credit for the combined amount or amounts of legally imposed sales or use taxes paid by him with respect to the same property to another state and any subdivision thereof. The credit shall be applied first against the amount of any use tax due the state, and any unused portion of the credit shall then be applied against the amount of any use tax due a subdivision.

“Exemption Certificates.

“Vendors May Rely.

“2. Whenever a vendor receives and accepts in good faith from a purchaser a resale or other exemption certificate or other written evidence of exemption authorized by the appropriate state or subdivision taxing authority, the vendor shall be relieved of liability for a sales or use tax with respect to the transaction.

“Article VI. The Commission.

“Organization and Management.

“1. (a) The Multistate Tax Commission is hereby established. It shall be composed of one “member” from each party state who shall be the head of the state agency charged with the administration of the types of taxes to which this compact applies. If there is more than one such agency, the state shall provide by law for the selection of the Commission member from the heads of the relevant agencies. State law may provide that a member of the Commission be represented by an alternate but only if there is on file with the Commission written notification of the designation and identity of the alternate. The Attorney General of each party state or his designee, or other counsel if the laws of the party state specifically provide, shall be entitled to attend the meetings of the Commission, but shall not vote. Such Attorneys General, designees, or other counsel shall receive all notices of meetings required under paragraph 1(e) of this article.

“(b) Each party state shall provide by law for the selection of representatives from its subdivisions affected by this compact to consult with the Commission member from that state.

“(c) Each member shall be entitled to one vote. The Commission shall not act unless a majority of the members are present, and no action shall be binding unless approved by a majority of the total number of members.

“(d) The Commission shall adopt an official seal to be used as it may provide.

“(e) The Commission shall hold an annual meeting and such other regular meetings as its bylaws may provide and such special meetings as its Executive Committee may determine. The Commission bylaws shall specify the dates of the annual and any other regular meetings, and

shall provide for the giving of notice of annual, regular, and special meetings. Notices of special meetings shall include the reasons therefor and an agenda of the items to be considered.

“(f) The Commission shall elect annually, from among its members, a Chairman, a Vice Chairman and a Treasurer. The Commission shall appoint an Executive Director who shall serve at its pleasure, and it shall fix his duties and compensation. The Executive Director shall be Secretary of the Commission. The Commission shall make provisions for the bonding of such of its officers and employees as it may deem appropriate.

“(g) Irrespective of the civil service, personnel, or other merit system laws of any party state, the Executive Director shall appoint or discharge such personnel as may be necessary for the performance of the functions of the Commission, and shall fix their duties and compensation. The Commission bylaws shall provide for personnel policies and programs.

“(h) The Commission may borrow, accept, or contract for the services of personnel from any state, the United States, or any other governmental entity.

“(i) The Commission may accept for any of its purposes and functions, any and all donations and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any governmental entity and may utilize and dispose of the same.

“(j) The Commission may establish one or more offices for the transacting of its business.

“(k) The Commission shall adopt bylaws for the conduct of its business. The Commission shall publish its bylaws in convenient form, and shall file a copy of the bylaws and any amendments thereto with the appropriate agency or officer in each of the party states.

“(l) The Commission annually shall make to the Governor and legislature of each party state a report covering its activities for the preceding year. Any donation or grant accepted by the Commission or services borrowed shall be reported in the annual report of the Commission, and shall include the nature, amount, and conditions, if any, of the donation, gift, grant, or services borrowed and the identity of the donor or lender. The Commission may make additional reports as it may deem desirable.

**“Committees.**

“2. (a) To assist in the conduct of its business when the full Commission is not meeting, the Commission shall have an Executive Committee of seven members, including the Chairman, Vice Chairman, Treasurer, and four other members elected annually by the Commission. The Executive Committee, subject to the provisions of this compact and consistent with the policies of the Commission, shall function as provided in the bylaws of the Commission.

“(b) The Commission may establish advisory and technical committees, membership on which may include private persons and public officials, in furthering any of its activities. Such committees may consider any matter of concern to the Commission, including problems of special interest to any party state and problems dealing with particular types of taxes.

“(c) The Commission may establish such additional committees as its bylaws may provide.

**“Powers.**

“3. In addition to powers conferred elsewhere in this compact, the Commission shall have power to:

“(a) Study state and local tax systems and particular types of state and local taxes.

“(b) Develop and recommend proposals for an increase in uniformity or compatibility of state and local tax laws with a view toward encouraging the simplification and improvement of state and local tax law and administration.

“(c) Compile and publish information as in its judgment would assist the party states in implementation of the compact and taxpayers in complying with state and local tax laws.

“(d) Do all things necessary and incidental to the administration of its functions pursuant to this compact.

“Finance.

“4. (a) The Commission shall submit to the Governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that state for presentation to the legislature thereof.

“(b) Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amounts to be appropriated by each of the party states. The total amount of appropriations requested under any such budget shall be apportioned among the party states as follows: one-tenth in equal shares; and the remainder in proportion to the amount of revenue collected by each party state and its subdivisions from income taxes, capital stock taxes, gross receipts taxes, sales and use taxes. In determining such amounts, the Commission shall employ such available public sources of information as, in its judgment, present the most equitable and accurate comparisons among the party states. Each of the Commission's budgets of estimated expenditures and requests for appropriations shall indicate the sources used in obtaining information employed in applying the formula contained in this paragraph.

“(c) The Commission shall not pledge the credit of any party state. The Commission may meet any of its obligations in whole or in part with funds available to it under paragraph 1(i) of this article; provided that the Commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it under paragraph 1(i), the Commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

“(d) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Commission.

“(e) The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the Commission.

“(f) Nothing contained in this article shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

“Article VII. Uniform Regulations and Forms.

“1. Whenever any two or more party states, or subdivisions of party states, have uniform or similar provisions of law relating to an income tax, capital stock tax, gross receipts tax, sales

or use tax, the Commission may adopt uniform regulations for any phase of the administration of such law, including assertion of jurisdiction to tax, or prescribing uniform tax forms. The Commission may also act with respect to the provisions of Article IV of this compact.

“2. Prior to the adoption of any regulation, the Commission shall:

“(a) As provided in its bylaws, hold at least one public hearing on due notice to all affected party states and subdivisions thereof and to all taxpayers and other persons who have made timely request of the Commission for advance notice of its regulation-making proceedings.

“(b) Afford all affected party states and subdivisions and interested persons an opportunity to submit relevant written data and views, which shall be considered fully by the Commission.

“3. The Commission shall submit any regulations adopted by it to the appropriate officials of all party states and subdivisions to which they might apply. Each such state and subdivision shall consider any such regulation for adoption in accordance with its own laws and procedures.

“Article VIII. Interstate Audits.

“1. This article shall be in force only in those party states that specifically provide therefor by statute.

“2. Any party state or subdivision thereof desiring to make or participate in an audit of any accounts, books, papers, records, or other documents, may request the Commission to perform the audit on its behalf. In responding to the request, the Commission shall have access to and may examine, at any reasonable time, such accounts, books, papers, records, and other documents and any relevant property or stock of merchandise. The Commission may enter into agreements with party states or their subdivisions for assistance in performance of the audit. The Commission shall make charges, to be paid by the state or local government or governments for which it performs the service, for any audits performed by it in order to reimburse itself for the actual costs incurred in making the audit.

“3. The Commission may require the attendance of any person within the state where it is conducting an audit or part thereof at a time and place fixed by it within such state for the purpose of giving testimony with respect to any account, book, paper, documents, other record, property or stock of merchandise being examined in connection with the audit. If the person is not within the jurisdiction, he may be required to attend for such purpose at any time and place fixed by the Commission within the state of which he is a resident; provided, that such state has adopted this article.

“4. The Commission may apply through the Mayor of the District of Columbia, to any court in the District of Columbia having power to issue compulsory process for orders in aid of its powers and responsibilities pursuant to this article, if the party or subject matter on account of which the Commission seeks an order is within the jurisdiction of the courts of the District of Columbia. The Commission may apply for such order to the courts of the state or subdivision thereof, other than the District of Columbia, on behalf of which the audit is being made, or in which the party or subject matter being sought is situated, to the extent that the Commission is

authorized to do so by the laws of such other state. Failure of any person to obey any such order shall be punishable as contempt of the issuing court.

“5. The Commission may decline to perform any audit requested if it finds that its available personnel or other resources are insufficient for the purpose or that, in the terms requested, the audit is impracticable of satisfactory performance. If the Commission, on the basis of its experience, has reason to believe that an audit of a particular taxpayer, either at a particular time or on a particular schedule, would be of interest to a number of party states or their subdivisions, it may offer to make the audit or audits, the offer to be contingent on sufficient participation therein as determined by the Commission.

“6. Information obtained by an audit pursuant to this article shall be confidential and available only for tax purposes to party states, their subdivisions, or the United States. Availability of information shall be in accordance with the laws of the states or subdivisions on whose account the Commission performs the audit, and only through the appropriate agencies or officers of such states or subdivisions. Nothing in this article shall be construed to require any taxpayer to keep records for any period not otherwise required by law.

“7. Other arrangements made or authorized pursuant to law for cooperative audit by or on behalf of the party states or any of their subdivisions are not superseded or invalidated by this article.

“8. In no event shall the Commission make any charge against a taxpayer for an audit.

“9. As used in this article, “tax”, in addition to the meaning ascribed to it in Article II, means any tax or license fee imposed in whole or in part for revenue purposes.

“Article IX. Entry into Force and Withdrawal.

“1. This compact shall enter into force when enacted by any seven states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof. The Commission shall arrange for notification of all party states whenever there is a new enactment of the compact.

“2. Any party state may withdraw from this compact by enacting a statute repealing the same. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

“Article X. Effect on Other Laws and Jurisdiction.

“Nothing in this compact shall be construed to:

“(a) Affect the power of any state or subdivision thereof to fix rates of taxation.

“(b) Apply to any tax or fixed fee imposed for the registration of a motor vehicle or any tax on motor fuel, other than a sales tax; provided that the definition of “tax” in Article VIII 9. may apply for the purposes of that article and the Commission's powers of study and recommendation pursuant to Article VI 3. may apply.

“(c) Withdraw or limit the jurisdiction of any state or local court or administrative officer or body with respect to any person, corporation, or other entity or subject matter, except to the extent that such jurisdiction is expressly conferred by or pursuant to this compact upon another agency or body.

“(d) Supersede or limit the jurisdiction of any court of the United States.

**“Article XI. Construction and Severability.**

“This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby if this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.”.

(c) Section 47-443 is amended by striking the phrase “for which there are no corresponding provisions in the Uniform Division of Income provisions contained in Article IV of the Multistate Compact in § 47-441.”.

**Amend  
§ 47-443**

(d) Section 47-445 is amended by striking the word “Mayor” and inserting the phrase “Chief Financial Officer” in its place.

**Amend  
§ 47-445**

**Sec. 7343. Applicability.**

This subtitle shall apply for tax years beginning after December 31, 2012

**Note,  
§§ 47-441,  
47-443,  
47-445**

**SUBTITLE II. PROCESSING SALES TAX CLARIFICATION**

**Sec. 7361. Short title.**

This subtitle may be cited as the “Sales Tax on Restaurant Utilities Clarification Act of 2013”.

Sec. 7362. Section 47-2005(11A) of the District of Columbia Official Code is amended to read as follows:

**Amend  
§ 47-2005**

“(11A)(A) Sales of natural or artificial gas, oil, electricity, solid fuel, or steam, directly used in a restaurant.

“(B) For the purposes of this paragraph, the term “restaurant” means a retail establishment that is licensed by the District of Columbia, a separately metered or sub-metered facility, and in the principal business of preparing and serving food to the public. The term “restaurant” shall include a pizzeria, delicatessen, ice cream parlor, cafeteria, take-out counter, and caterer, and banquet and food-processing areas in hotels. The term “restaurant” does not include beverage counters, including coffee shops and juice bars.”.

**Sec. 7363. Applicability.**

This subtitle shall apply as of August 1, 2013.

**Note,  
§ 47-2005**

**TITLE VIII. CAPITAL BUDGET**

**SUBTITLE A. WATERFRONT PARK BOND**

Sec. 8001. Short title.

This subtitle may be cited as the "Waterfront Park Bond Amendment Act of 2013".

Sec. 8002. Section 2(1)(A) of the DOT PILOT Revision Emergency Approval Resolution of 2010, effective February 2, 2010 (Res. 18-389; 57 DCR 1534), is amended as follows:

**Amend**  
**§ 1-308.01**

(a) Sub-subparagraph (viii) is amended by striking the word "and".

(b) Sub-subparagraph (ix) is amended by striking the period and inserting the phrase "; and" in its place.

(c) A new sub-subparagraph (x) is added to read as follows:

"(x) Waterfront Park."

**SUBTITLE B. CAPITAL CAPACITY EXPANSION**

Sec. 8011. Short title.

This subtitle may be cited as the "Capital Capacity Expansion Act of 2013".

Sec. 8012. Section 47-2763 of the District of Columbia Official Code is amended to read as follows:

**Amend**  
**§ 47-2763**

"§ 47-2763. Enforcement.

"Any feepayer who fails to file a return or pay the ballpark fee due, as required by § 47-2762, shall be subject to all collection, enforcement, and administrative provisions applicable to unpaid taxes or fees, as provided in Chapter 18, Chapter 41, Chapter 42 (except §§ 47-4211(b)(1)(B), 47-4214, and 47-4215), Chapter 43, and Chapter 44 of this title."

**SUBTITLE C. PAY-AS-YOU-GO CAPITAL ACCOUNT AND STREETCAR FUNDING DEDICATION**

Sec. 8021. Short title.

This subtitle may be cited as the "Pay-as-you-go Capital Account and Streetcar Funding Dedication Act of 2013".

Sec. 8022. Section 47-392.02(f) of the District of Columbia Official Code is amended as follows:

**Amend**  
**§ 47-392.02**

(a) Paragraph (5)(A) is amended by striking the phrase "All funds" and inserting the phrase "Beginning in the fiscal year following the completion of the capital construction of the Streetcar Project, all funds" in its place.

(b) A new paragraph (6) is added to read as follows:



"(6) All funds in the Pay-as-you-go Capital Account shall be budgeted for the Streetcar Project until the construction of the streetcar system is complete."

**SUBTITLE D. GREAT STREETS NEIGHBORHOOD RETAIL PRIORITY AREA**

Sec. 8031. Short title.

This subtitle may be cited as the "Great Streets Neighborhood Retail Priority Area Amendment Act of 2013".

Sec. 8032. The Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.71 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 2-1217.72) is amended by adding a new subsection (c) to read as follows:

**Amend  
§ 2-1217.72**

"(c) The maximum principal amount of bonds that may be issued with respect to the Downtown Retail Priority Area is limited to the amount of bonds issued before March 1, 2013."

(b) Section 4 (D.C. Official Code § 2-1217.73) is amended by adding new subsections (f), (g), (h), (i), and (j) to read as follows:

**Amend  
§ 2-1217.73**

"(f) There is established the Rhode Island Avenue, N.E., Retail Priority Area, which shall consist of the parcels, squares, and lots within the following area: Beginning at the intersection of Fourth Street, N.E., and Franklin Street, N.E.; thence east on Franklin Street NE to 15th Street, N.E.; thence north on 15th Street, N.E., to Girard Street, N.E.; thence east on Girard Street, N.E., to 17th Street, N.E.; thence north on 17th Street, N.E., to Brentwood Road, N.E.; thence northeast on Brentwood Road N.E., to 18th Street, N.E.; thence north on 18th Street, N.E., to Irving Street, N.E.; thence east on Irving Street, N.E., to Rhode Island Avenue, N.E.; thence north along the western boundary of the property at the northeast corner of 20th Street, N.E., and Rhode Island Avenue, N.E., to its northwest corner; thence northeast along the rear boundaries of all properties with frontage along the north side of Rhode Island Avenue, N.E., to the northeast corner of the property at the northwest corner of Rhode Island Avenue, N.E., and Eastern Avenue, N.E.; thence southeast along the eastern boundary of property at the corner of Rhode Island Avenue, N.E., and Eastern Avenue, N.E., to its southeast corner; thence continuing southeast to the southeast corner of the property at the southwest corner of Rhode Island Avenue, N.E., and Eastern Avenue, N.E.; thence southwest along the rear boundaries of all properties with frontage along the south side of Rhode Island Avenue, N.E., to Montana Avenue, N.E.; thence southeast along Montana Avenue, N.E., to Downing Street, N.E.; thence southwest along Downing Street, N.E., to Bryant Street, N.E.; thence west along Bryant Street, N.E., to 13th Street, N.E.; thence southeast along 13th Street, N.E., to its end at W Street, N.E.; thence west along a line extending W Street, N.E., west to the continuation of W Street, N.E., and continuing west along W Street, N.E., to Brentwood Road, N.E.; thence southwest along Brentwood Road, N.E., to its end at T Street, N.E.; thence southwest to the intersection of a line extending Fourth Street, N.E., south and a line extending R Street, N.E., east; thence north along line extending

Fourth Street, N.E., to Fourth Street, N.E., and continuing north along Fourth Street, N.E., to the point of beginning.

"(g) There is established the Bladensburg Road, N.E., Retail Priority Area, which shall consist of the parcels, squares, and lots within the following area: Beginning at the intersection of Holbrook Street, N.E., and Mount Olivet Road, N.E.; thence east on Mount Olivet Road, N.E., to Bladensburg Road, N.E.; thence south on Bladensburg Road, N.E., to 17th Street, N.E.; thence south on 17th Street, N.E., to H Street, N.E.; thence east on H Street, N.E., to 19th Street, N.E.; thence south on 19th Street, N.E., to Benning Road, N.E.; thence west on Benning Road N.E., to H Street, N.E.; thence west on H Street, N.E., to Florida Avenue, N.E.; thence west on Florida Avenue, N.E., to Holbrook Street, N.E.; thence north on Holbrook Street, N.E., to the point of beginning.

"(h) There is established the North Capitol Street Retail Priority Area, which shall consist of the parcels, squares, and lots within the following area: Beginning at the intersection of New York Avenue, N.W., and First Street, N.W.; thence north along First Street, N.W., to Florida Avenue, N.W.; thence northwest along Florida Avenue, N.W., to Second Street, N.W.; thence north along Second Street, N.W., to Rhode Island Avenue, N.W.; thence northeast along Rhode Island Avenue, N.W., to First Street, N.W.; thence north along First Street, N.W., to Michigan Avenue, N.W.; thence in a westerly direction along Michigan Avenue, N.W., to Park Place, N.W.; thence north along Park Place, N.W., to Irving Street, N.W.; thence northeast along Irving Street, N.W., to Kenyon Street, N.W.; thence west along Kenyon Street, N.W., to Park Place, N.W.; thence north along Park Place, N.W., to Rock Creek Church Road, N.W.; thence northeast along Rock Creek Church Road, N.W., to Harewood Road, N.W.; thence southeast along Harewood Road, N.W., to North Capitol Street; thence south along North Capitol Street to Irving Street, N.E.; thence east along Irving Street, N.E., to Michigan Avenue, N.E.; thence southwest along Michigan Avenue N.E., to North Capitol Street; thence south along North Capitol Street to Rhode Island Avenue, N.E.; thence northeast along Rhode Island Avenue, N.E., to Lincoln Road, N.E.; thence south along Lincoln Road, N.E., to R Street, N.E.; thence east along R Street, N.E., and continuing east along a line extending R Street, N.E., to the east to its intersection with the WMATA railroad tracks; thence southwest along the WMATA railroad tracks to New York Avenue, N.E.; thence southwest along New York Avenue, N.E., to New York Avenue, N.W., and continuing southwest along New York Avenue, N.W., to the point of beginning.

"(i) There is established the Connecticut Avenue Retail Priority Area, which shall consist of the parcels, squares, and lots within the following area: Beginning at the intersection of Connecticut Avenue, N.W., and Macomb Street, N.W., thence north on Connecticut Avenue, N.W., to its intersection with Albemarle Street, N.W., including both the east and west sides of Connecticut Avenue N.W.", to the point of beginning.

"(j) There is established the Nannie Helen Burroughs Avenue Priority Area, which shall consist of the parcels, squares, and lots within the following area: Beginning at the intersection of the center line of Nannie Helen Burroughs Avenue, N.E., and Minnesota Avenue, N.E.; thence northeast along Minnesota Avenue, N.E., to Sheriff Road, N.E.; thence east along Sheriff

Road, N.E., to 44th Street, N.E.; thence south along 44th Street, N.E., to Jay Street, N.E.; thence east along Jay Street, N.E., to 46th Street, N.E.; thence south along 46th Street, N.E., to Hayes Street, N.E.; thence east along Hayes Street, N.E., to 54th Place, N.E.; thence northeast along 54<sup>th</sup> Place, N.E., to 55th Street, N.E.; thence northeast along 55th Street, N.E., to Jay Street, N.E.; thence southeast along Jay Street, N.E., to Nannie Helen Burroughs Avenue, N.E.; thence east along Nannie Helen Burroughs Avenue, N.E., to Eastern Avenue, N.E.; thence southeast along Eastern Avenue, N.E., to Foote Street, N.E.; thence west along Foote Street, N.E., to 55th Street, N.E.; thence south along 55th Street, N.E., to Eads Street, N.E.; thence west along Eads Street, N.E., to the Marvin Gaye Park Trail, and continuing east along the Marvin Gaye Park Trail, to the point of the beginning.”.

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

New  
§ 2-1217.73b

“Sec. 4b. Retail Priority Area corridor revitalization programs.

“(a) Notwithstanding any tax increment financing that may be available, all funds allocated for Great Streets within the budgets of the Deputy Mayor for Planning and Economic Development and the District Department of Transportation shall be used to support the following corridor revitalization programs in designated Retail Priority Areas:

“(1) Small business retention and attraction programs;

“(2) Neighborhood branding and marketing;

“(3) Blighted and vacant property mitigation;

“(4) Redevelopment of private property through financial incentives, technical assistance, temporary urbanism initiatives, and property acquisition and disposition, among other mechanisms identified by the Mayor;

“(5) Streetscape and roadway infrastructure improvements to enhance walkability, pedestrian safety, lighting, and transportation; and

“(6) Beautification and greening of the public realm, including public art, landscaping, storm water retention, and litter control.

“(b)(1) With respect to the small business retention and attraction program referenced in subsection (a)(1) of this section, the Mayor shall publish, no later than 30 days after October 1, 2013, and no less than annually after that date, a notice of funding availability to make grants or loans in certain Retail Priority Areas selected by the Mayor. All awards issued with Great Streets funds shall be made on a competitive basis, and the Mayor shall publish online the application criteria and evaluation rubric for Great Streets grants and loans.

“(2) Eligible retailers and service providers shall include:

“(A) Retail businesses engaged in the sale of home furnishings, apparel, books, art, groceries, and general merchandise goods to specialized customers;

“(B) Businesses providing goods or services geared toward the enrichment of children, families, and adults; and

“(C) Sit-down restaurants, bakeries, coffee shops, and other specialty food retailers.

“(3) To be eligible for small business retention and attraction grants or loans referenced in subsection (a)(1) of this section, a project shall:

"(A) Be within a designated Retail Priority Area;

"(B) Maintain site control of the property either through fee simple ownership of the site or through an executed contract or lease with the property owner;

"(C) Execute a First Source Agreement with the Department of Employment Services; and

"(D) Adhere to all design, construction, and rehabilitation requirements defined by the Mayor, or his or her designee."

Sec. 8033. The Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007, effective July 10, 2007 (Res. 17-257; 54 DCR 7194), is amended as follows:

**Amend**  
**§ 2-1217.73**

(a) Section 2(4) is amended to read as follows:

"(4) Georgia Avenue Priority Area, consisting of the parcels, squares, and lots within the area bounded by a line beginning at the intersection of the center line of Kenyon Street, N.W., and Sherman Avenue, N.W.; continuing north along the center line of Sherman Avenue, N.W., to the center line of New Hampshire Avenue, N.W.; continuing northeast along the center line of New Hampshire Avenue, N.W., to the center line of Rock Creek Church Road, N.W.; continuing north along the center line of Rock Creek Church Road, N.W., to the center line of Spring Road, N.W.; continuing northwest along the center line of Spring Road, N.W., to the center line of Kansas Avenue, N.W.; continuing northeast along the center line of Kansas Avenue, N.W., to the western line of Georgia Avenue; continuing north along the western line of Georgia Avenue, N.W., to the center line of Eastern Avenue, N.W.; continuing south along the eastern line of Georgia Avenue, N.W., to the northern line of Kennedy Street, N.W.; continuing east along the northern line of Kennedy Street, N.W. to the center line of Kansas Avenue, N.W.; continuing southwest along the center line of Kansas Avenue, N.W., to the center line of Varnum Street, N.W.; continuing east along the center line of Varnum Street, N.W., to the center line of 7th Street, N.W.; continuing south along the center line of 7th Street, N.W., until the point where 7th Street, N.W., becomes Warder Street, N.W.; continuing further south along the center line of Warder Street, N.W., to the center line of Kenyon Street, N.W.; and continuing west along the center line of Kenyon Street, N.W., to Georgia Avenue, N.W.; continuing south along Georgia Avenue, N.W., to Barry Place, N.W.; continuing west along Barry Place, N.W., to Sherman Avenue N.W.; and continuing north along the center line of Sherman Avenue, N.W., to the beginning point;"

(b) Section 3 is amended by adding a new subsection (d) to read as follows:

"(d) The maximum principal amount of bonds that may be issued is limited to the amount of bonds issued before March 1, 2013."

**SUBTITLE E .WATERFRONT PARK AT THE YARDS**

Sec. 8041. Short title.

This subtitle may be cited as the "Waterfront Park at the Yards Amendment Act of 2013".

Sec. 8042. The Waterfront Park at the Yards Act of 2009, effective March 3, 2010 (D.C. Law 18-105; D.C. Official Code 10-1801 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 10-1801) is amended by adding a new paragraph (2A) to read as follows:

Amend  
§ 10-1801

"(2A)(A) "Cost-of-living adjustment" means an amount, for any calendar year, equal to the maximum dollar amount set forth in section 5(a)(1) multiplied by the difference between the CPI for the preceding calendar year and the CPI for the calendar year beginning January 1, 2011, divided by the CPI for the calendar year beginning January 1, 2011.

"(B) For the purposes of this paragraph, the CPI for any calendar year is the average of the CPI for the Washington-Baltimore Metropolitan Statistical Area for all-urban consumers published by the Department of Labor, or any successor index, as of the close of the 12-month period ending on July 31 of such calendar year."

(b) Section 4(a) (D.C. Official Code § 10-1803(a)) is amended to read as follows:

Amend  
§ 10-1803

"(a) There is established as a special fund the Waterfront Park Maintenance Fund ("Fund"), which shall be used solely to pay the expenses of maintaining, operating, and improving the Waterfront Park and the expenses of events held in the Waterfront Park. The Chief Financial Officer shall deposit into the Fund the sales tax revenues attributable to the Waterfront Park Retail Area and revenue from the Waterfront Park Special Assessment. All monies in the Fund shall be paid by the Chief Financial Officer to the Capital Riverfront Business Improvement District pursuant to the terms set forth in the Maintenance Agreement. The payments from the Fund shall be an authorized expenditure by the District."

(c) Section 5 (D.C. Official Code § 10-1804) is amended as follows:

Amend  
§ 10-1804

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

(2) The newly designated subsection (a) is amended as follows:

(A) Paragraph (1) is amended by striking the figure "\$380,000" and inserting the phrase "\$380,000--or the amount of sales and use tax revenue attributable to the Waterfront Park Retail Area--if less than \$380,000" in its place.

(B) Paragraph (2) is amended by striking the phrase "by the increase in the CPI during the period from July 1, 2012, to the beginning of that 12-month period" and inserting the phrase "annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50)--or the amount of sales and use tax revenue attributable to the Waterfront Park Retail Area--if less" in its place.

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

"(b) All sales and use tax revenue and revenue from the Waterfront Park Special Assessment received by the Chief Financial Officer by the 20th day of a month shall be deposited into the Fund by the Chief Financial Officer by the last business day of the following month."

(d) Section 6(b)(3) (D.C. Official Code § 10-1805(b)(3)) is amended to read as follows:

**Amend**  
**§ 10-1805**

"(3) The District is authorized to transfer the income transferred to the District pursuant to paragraph (2) of this subsection to the Capitol Riverfront Business Improvement District, performing services under the Maintenance Agreement.".

Sec. 8043. Section 47-895.23 of the District of Columbia Official Code is amended as follows:

**Amend**  
**§ 47-895.23**

(a) A new subsection (a-1) is added to read as follows:

"(a-1) The Deputy Mayor for Planning and Economic Development shall timely notify the Chief Financial Officer of every property that is subject to the levy of the special assessment; which notice shall include:

"(1) The applicable square and lot;

"(2) The date the property became subject to the special assessment;

"(3) Any days of proration;

"(4) The gross square foot area of the property; and

"(5) The corresponding amount of the special assessment.".

(b) Subsection (h) is amended by striking the phrase "year of the contribution period" and inserting the phrase "tax year before such notice" in its place.

(c) Subsection (i) is amended to read as follows:

"(i) Special assessments shall accrue based on the tax year and shall be billed in arrears semi-annually in the same manner, under the same conditions and with the same due dates, and subject to the same interest and penalty provisions for the non-payment thereof as provided in § 47-811 for the billing of real property tax.".

(d) Subsection (k) is amended by striking the phrase "this title" and inserting the phrase "this title, nor shall a lien be required to be filed therefore for sale in subsequent tax sales" in its place.

Sec. 8044. Applicability.

This subtitle shall apply as of March 3, 2010.

**Note,**  
**§ 47-895.23**

## **SUBTITLE F. CAPITAL PROJECT RESCISSION.**

Sec. 8051. Short title.

This subtitle may be cited as the "Capital Project Rescission Act of 2013".

Sec. 8052. (a) The Chief Financial Officer shall rescind \$750,000 of PAYGO allotment and budget authority from capital project PL110C "MPD Building Renovations/Construction" under the Metropolitan Police Department, in fiscal year 2013.

(b) The Chief Financial Officer shall recognize the rescinded amount identified in subsection (a) of this section as fiscal year 2014 local funds revenue.

Sec. 8053. The Chief Financial Officer shall rescind \$386,108.02 of fiscal year 2013 0300 (GO/IT Bond) allotment and budget authority from capital project AW707C "Boathouse Row"

and allocate \$386,108.02 in fiscal year 2013 0300 (GO/IT Bond) allotment and budget authority to capital project EB008C "New Communities".

## **TITLE IX. COUNCIL REPORTING REQUIREMENTS**

Sec. 9011. Short title.

This title may be cited as the "Council Reporting Requirements Act of 2013".

Sec. 9012. For the purposes of this title, unless otherwise provided, reports made to the Council shall be made to the Secretary to the Council.

### **PUBLIC EDUCATION**

Sec. 9013. District of Columbia Public Schools reporting requirements.

(a) By October 1, 2013, the District of Columbia Public Schools ("DCPS") shall submit to the Council:

(1) A report on:

(A) Recommendations for improving transparency of the DCPS budget, including an implementation plan for establishing a single budgeting system for the agency; and

(B) Its work with the Department of General Services to analyze DCPS energy usage and develop a mechanism that allows the agency to re-invest its savings from consolidations and fixed costs into its operational needs;

(2) In collaboration with the Office of the State Superintendent of Education, a strategic plan to increase access to, participation in, and the funding of an intramural and interscholastic athletics program in the District of Columbia Public Schools by the 2014-2015 school year, which shall include, at a minimum:

(A) A list of all intramural, junior varsity, and varsity sports currently offered by DCPS along with the number of students that participate in each sport;

(B) A spending plan for the school year 2013-2014 for all DCPS intramural, junior varsity, and varsity sports; and

(C) An implementation plan, including a spending plan and timeline, for the expansion of intramural, junior varsity, and varsity sports within DCPS;

(3) A strategic plan to improve parental engagement efforts for the 2013-2014 school year, including:

(A) A plan for regular communication with parents regarding DCPS programs, services, initiatives, and student performance; and

(B) A plan for use of the established parent resource centers to help in engaging parents; and

(4) A plan, based upon consultation and collaboration with the Office of Planning and the Department of General Services, for the construction of regulation-size athletic fields at Stuart-Hobson Middle School, which shall include, at a minimum:

(A) Alternative approaches on how to address the parking needs for the school, including identifying available parking at other locations, such as Logan Annex or other appropriate sites; and

(B) A spending plan that does not exceed the current capital allocation for Stuart-Hobson, as set forth in the Capital Improvement Program.

(b) By October 1, 2013, DCPS shall make publically available on its website, the final budgets for each school, along with a list of actual staff positions filled for the 2013-2014 school year.

**Sec. 9014. District of Columbia Public Library requirements.**

By October 1, 2013, the District of Columbia Public Library shall report on the planning for the renovation of the Martin Luther King Jr. Central Library. The report shall include, at a minimum:

- (1) A detailed update on design plans;
- (2) A description of the project's financing, including all public-private partnerships and the use of financing other than District capital funds;
- (3) A detailed timeline on the steps that will be taken leading up to the start of construction in fiscal year 2017 and through completion in fiscal year 2018; and
- (4) A description of the project's community and stakeholder engagement plan with an explanation of how the project will reflect the needs and perspectives of District residents.

**Sec. 9015. Office of the State Superintendent of Education reporting requirements.**

(a) By October 1, 2013, the Office of the State Superintendent of Education ("OSSE") shall submit to the Council a report on:

- (1) Efforts to implement state-level standards addressing special education transportation services, and OSSE's efforts to ensure alignment of services with student needs and reduce unnecessary and duplicative costs, which shall include, at a minimum:
  - (A) A schedule and plan for training all District local education agencies ("LEAs") and relevant individualized education program ("IEP") team participants on the new standards;
  - (B) An update on OSSE's work to determine fidelity to the established standards, including criteria for eligibility; and
  - (C) Recommendations on how the District could enhance transportation services and reduce costs, including on contracting with outside vendors to provide transportation at a reduced cost for students attending non-public schools outside of the District, shared routes, and staggered school start times;
- (2) The status of implementing the Partnership for Assessment of Readiness of College and Careers ("PARCC") assessment in public schools, which shall include, at a minimum:
  - (A) The barriers to implementation;



(B) Program and technological enhancements needed to administer the new assessment; and

(C) Changes in test security protocols to accommodate the PARCC assessment;

(3) The development of a uniform school report card for all public schools in the District, which shall include, at a minimum:

(A) A recommended system of uniform quality measurement that can be used to compare schools across public school sectors;

(B) A timetable for implementation; and

(C) A plan to educate and promote the universal report card to parents and students;

(4) Program enhancements that will increase the frequency of residency fraud detection, which shall include, at a minimum:

(A) The rationale for the recommendation, including the data and information used to support the decision; and

(B) If advisable, a comprehensive plan, with a timetable, to implement residency fraud prevention program enhancements;

(5) The development of the Student Information System (“SIS”), which shall include, at a minimum:

(A) A detailed description of the SIS;

(B) A timetable for development and the estimated launch date;

(C) Feedback on the SIS from public LEAs and the Public Charter School

Board;

(D) A recommendation for a data governance policy; and

(E) A detailed explanation on how the SIS will interact with existing student information systems; and

(6) Recommendations to implement a single statewide enrollment methodology for purposes of determining student enrollment and budget projections for DCPS and public charter schools.

(b) In addition to the reporting requirements listed in subsection (a) of this section, OSSE shall provide to the Council:

(1) A biannual report issued no later than January 15, 2014, and July 1, 2014, on special education transportation expenditures during fiscal year 2014, along with a projected spending plan for the remainder of the fiscal year;

(2) A biannual report, which shall be issued no later than January 15, 2014, and July 1, 2014, on non-public tuition expenditures during fiscal year 2014, including the name of each vendor receiving a payment, along with a projected spending plan for the remainder of the fiscal year;

(3) A biannual report issued no later than January 15, 2014, and July 1, 2014, on all students in non-public placements, which shall include on an aggregate level, at a minimum, the number of students delineated by the:

- (A) Level of need;
- (B) Reason for the initial referral and the placement determination;
- (C) Duration of time in the placement; and
- (D) LEA that was unable to meet the student's individual level of need;

and

(4) A biannual report issued no later than January 15, 2014, and July 1, 2014, on all non-public students who have returned to an LEA, which shall include on an aggregate level, at a minimum, the number of students returning delineated by the:

- (A) Student's level of need;
- (B) Duration of time in the non-public facility; and
- (C) Name and profile of the receiving LEA.

Sec. 9016. State Board of Education reporting requirements.

By December 1, 2013, the State Board of Education shall submit to the Council an implementation plan for the re-establishment of the Office of the Ombudsman, which shall detail how and ensure that the Office of the Ombudsman will be fully operational by January 1, 2014.

Sec. 9017. Office of the Deputy Mayor for Education reporting requirements.

(a) By October 1, 2013, the Office of the Deputy Mayor for Education shall submit to the Council a report on:

- (1) Efforts to re-engage disconnected youth, including on the development, funding, and staffing needed during fiscal year 2014 for the planned Re-Engagement Center;
- (2) The distribution and utilization of transit subsidies, including a fiscal year 2014 spending plan;
- (3) The continued implementation of the South Capitol Street Memorial Act of 2012, effective June 7, 2012 (D.C. Law 9-211; 59 DCR 3083), including a fiscal year 2014 spending plan;
- (4) The fiscal year 2014 implementation of the Attendance Accountability Amendment Act of 2013, signed by the Mayor on June 24, 2013 (D.C. Act 20-0094; 60 DCR 9839); and
- (5) The implementation of the capital grant of \$6 million for construction of a language immersion public charter school serving students of middle-school age and high-school age, which shall include, at a minimum:
  - (A) The name of the grantee and a detailed description of the capital project to be supported by the grant;
  - (B) The timeline for completion of the capital project; (C) An analysis of the need of capital funding for charter schools with recommendations on expanding such capital grant funding for charter schools; and
  - (D) The supplemental services and funding provided to DCPS outside of the uniform per student funding formula, including:
    - (i) The amount of funds for each service and expenditure; and

(ii) The criteria by which these services and related resources are allocated and a specific plan for how the District intends to allocate these resources to all public schools to achieve equity and equal access to resources pursuant to section 115 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 38-2913).

(b) By January 1, 2014, the Office of the Deputy Mayor for Education shall submit to the Council a recommendation on expanding compulsory attendance requirements to students attending Pre-K 3 and Pre-K.

### **ECONOMIC DEVELOPMENT AND REGULATION**

Sec. 9018. New Communities Initiative reporting.

**Amend**  
**§ 42-2812.03**

Section 203 of the Housing Production Trust Fund Act of 1988, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 42-2812.03), is amended by adding a new subsection (e) to read as follows:

"(e) On an annual basis, the Office of the Deputy Mayor for Planning and Economic Development and the District of Columbia Housing Authority shall submit a written report to the Chairperson of the Council's Committee on Economic Development, which shall address the following:

"(1) An overall summary of the progress of the New Communities Initiative, including:

- "(A) Overall spending to date;
- "(B) Projected future costs;
- "(C) Completion status;
- "(D) Total number of units built and income mix by Area Median Income;

and

"(E) Estimated completion date.

"(2) A report on each New Communities Initiative site building, including:

- "(A) Spending on the site to date;
- "(B) Projected future costs;
- "(C) Financing sources;
- "(D) Updates on plans for new buildings, if any;
- "(E) Income mix by Area Median Income;
- "(F) Number of units in each building;
- "(G) Completion status of each building; and
- "(H) Estimated completion date of construction.

"(3) A report on each existing New Communities Initiative site, including:

- "(A) Plans;
- "(B) Completion status;
- "(C) Spending on building to date;
- "(D) Projected future costs;
- "(E) Financing sources;

- "(F) Estimated date of construction completion;
  - "(G) Number of residents that have been relocated;
  - "(H) Number of residents that have returned to site;
  - "(I) Number of units on original site; and
  - "(J) Income mix by Area Median Income.
- "(4) A report on amenities, including:
- "(A) Plans for amenities;
  - "(B) Spending on amenities to date;
  - "(C) Projected future costs; and
  - "(D) Financing sources.
- "(5) A report on human capital, including:
- "(A) Number of residents served;
  - "(B) Services offered;
  - "(C) Spending on human capital to date; and
  - "(D) Projected future costs."

Sec. 9019. District of Columbia Water and Sewer Authority report.

(a) With respect to the proposed relocation and development of the District-owned property at 125 O Street, S.E., Washington, D.C. 20003 ("DC WASA Site"), the Mayor shall, by December 31, 2013, submit to the Council a report to include progress related to the following activities:

- (1) Identification of a relocation site;
- (2) Outreach to communities adjacent to a proposed relocation site;
- (3) Environmental remediation of the DC WASA Site and the relocation site;
- (4) Estimated costs for environmental remediation;
- (5) Entitlements, permits, and approvals necessary to prepare the DC WASA Site and the relocation site; and
- (6) Surplus designation and land disposition agreements;

(b) The report required by subsection (a) of this section shall also include a narrative description of the need for additional funding, if any, during fiscal year 2014.

## **HEALTH AND HUMAN SERVICES**

Sec. 9020. Report on financing options for United Medical Center.

By October 1, 2013, the Mayor shall prepare a report for public review, in consultation with the Office of the Chief Financial Officer and Huron Healthcare, that analyzes public and private financing options that will generate a minimum of an additional \$60 million for the construction of a new hospital on the grounds of United Medical Center. All financing packages shall be in addition to the \$20 million of existing, proposed District capital funds for planning and site development for the new hospital.

Sec. 9021. Department of Behavioral Health reporting requirements.

By October 1, 2013, the Department of Behavioral Health ("DBH") shall submit to the Council:

- (1) A report on:
  - (A) The efforts made to ensure that children receive behavioral health screenings from pediatricians at well-child and other pediatric visits;
  - (B) The percentage of children receiving such screens;
  - (C) The screening tools currently being utilized; and
  - (D) How pediatricians are reimbursed for these screens; and
- (2) If screening rates are not satisfactory, a plan for how to increase them during the remainder of fiscal year 2014.

Sec. 9022. Department of Health Care Finance reporting requirements.

(a) By October 1, 2013, the Department of Health Care Finance ("DHCF") shall submit to the Council a report on:

- (1) Strategies for auditing the DC HealthCare Alliance ("Alliance") recertification process with the Department of Human Services ("DHS"), and updated projected enrollment for fiscal year 2014;
- (2) Potential solutions to the long delays in the Alliance eligibility process that discourage eligible beneficiaries from recertifying and enrolling;
- (3) The status of the new Day Health program, including all of the following:
  - (i) Status of the State Plan Amendment approval;
  - (ii) The number of and name of providers that have been certified to receive reimbursement under the new Day Health program;
  - (iii) The number and name of providers or beneficiaries transitioned to or offering services under another provider type and no longer participating in the Day Health program; and
  - (iv) Explanation of the DHCF's reimbursement methodology;
- (4) The feasibility of a Medicaid Buy-In program for people with disabilities;
- (5) The feasibility of reimbursing nursing home providers for mental health services;
- (6) The feasibility of increasing reimbursement rates for home health aides;
- (7) The distribution of cost settlements in fiscal year 2013 and the status of transitioning hospitals from cost-based reporting to prospective reporting;
- (8) An accounting of the Nursing Home Quality of Care Fund, to date, and any plans for future expenditures in fiscal year 2014;
- (9) The status of the Elderly and Persons with Disabilities ("EPD") Waiver waitlist, including all of the following:
  - (i) The number of people currently enrolled in the EPD waiver;
  - (ii) The number of people currently on the waitlist;
  - (iii) The number of people who were offered a slot in fiscal year 2013;

(iv) The number of people who lost the benefit because they did not timely recertify; and

(v) A strategy to address the loss of benefits for institutionalized persons; and

(10) The details of how the \$20 million of existing, proposed District capital funds for planning and site development for the Not-For-Profit Hospital Corporation will be spent before the release of those funds.

(b) Starting on October 1, 2013, and ending on September 31, 2014, DHCF shall submit to the Council a quarterly report:

(1) Assessing the performance of the Long Term Care Contractor, including data on its reduction of fraud and abuse of the Personal Care Aid ("PCA") benefit;

(2) Reflecting PCA benefit utilization and enrollment; and

(3) Assessing the performance of each Managed Care Organization ("MCO"), which shall include, at a minimum, the following information:

(A) A listing of the provider network for each MCO identifying each provider by name;

(B) The stratification of MCO membership, to date, that shall reflect the number of members initially auto-assigned to each MCO by July 1, 2013, and the number of newly eligible beneficiaries auto-assigned to each MCO that quarter, along with the total number of members enrolled in each MCO;

(C) An assessment of each MCO's compliance with each contractual network adequacy requirement and performance objective, including a description of any threatened or assessed corrective action plans or penalties; and

(D) Early and Periodic Screening, Diagnostic, and Treatment ("EPSDT") data for each MCO, including the following:

(i) Number of EPSDT providers in each MCO network;

(ii) Number of screens and percentage of children screened per quarter;

(iii) Number of mental health screens and percentage of children receiving mental health screens per quarter; and

(iv) Plans to address unsatisfactory screening rates in the next quarter.

Sec. 9023. Department of Health reporting requirements.

By October 1, 2013, the Department of Health shall submit to the Council:

(1) A report, providing an update on the Medical Marijuana Program, including:

(A) The number of people enrolled and the wards in which they live;

(B) A breakdown of the enrollees illnesses;

(C) The adequacy of the number of cultivation centers and dispensaries;

(D) Whether the number of cultivation centers or the ceiling of plants allowed to be grown is adequate or needs to be lifted;

- (E) Whether the number of dispensaries needs to be increased;
- (F) Whether clients of the program have encountered problems with law enforcement officers;
- (G) Whether any adverse impacts or problems have arisen in neighborhoods where the cultivation centers or dispensaries are located; and
- (H) Whether any adjustment in the budget is required for the program;
- (2) A report on the Housing Opportunities for People with AIDS ("HOPWA") program, including:
  - (A) The number of people enrolled and the wards in which they live;
  - (B) The length of time each individual has lived in HOPWA housing;
  - (C) The number of residents who are employed and their salaries;
  - (D) The number of residents who are viral suppressed; and
  - (E) A detailed explanation and description of the recertification process;
- (3) A report on the Senior HIV/AIDS Program, including:
  - (A) The total number of peer educators trained;
  - (B) The number of presentations that have occurred since the program's inception;
  - (C) The locations of presentations identified, by ward;
  - (D) The number of attendees at each training;
  - (E) A review of presentation evaluations;
  - (F) The number of the corps of trainers;
  - (G) Whether any trainers have been replaced and reasons, if any, for replacement;
  - (H) The amount of stipends, if any, provided to trainers;
  - (I) The number of people currently being trained to be peer educators; and
  - (J) An itinerary of upcoming trainings;
- (4) A report on the HIV/AIDS education requirement for physician or nurse licensure recertification, including:
  - (A) A detailed plan of the commencement of the program; and
  - (B) Whether physicians, nurses, physician assistants, and nurse assistants are required to attend trainings in person or via the Internet; and
- (5) A report on the hiring of new food inspectors, including:
  - (A) The foreign-language speaking proficiency of each new inspector;
  - (B) Copies of the position announcements;
  - (C) A list of the languages spoken by each new hire; and
  - (D) Whether the Health Professionals Loan Repayment Program will pay for current or new staff to learn foreign languages.

Sec. 9024. Not-For-Profit Hospital Corporation reporting requirements.

By October 1, 2013, the Not-For-Profit Hospital Corporation ("NFPHC") shall submit to the Council a bi-monthly report on the progress made by Huron Healthcare at the NFPHC, including:

- (1) Milestones completed;
- (2) A progress report on scheduled work and the expected completion date of such work;
- (3) Unexpected issues that have arose and plans to address those issues;
- (4) An update on issues that were scheduled to be completed before the due date of the next report, but were not, and the plan to complete them; and
- (5) Answers to any documented questions sent over by the Council to the NFPHC Board of Directors.

Sec. 9025. Deputy Mayor for Health and Human Services reporting requirements.

By October 1, 2013, the Office of the Deputy Mayor for Health and Human Services ("DMHHS") shall submit to the Council a report providing a detailed plan on the expenditure of the \$1 million of truancy prevention funds, including:

- (1) The agencies or organizations ("provider") identified to provide the services;
- (2) The criteria used to select the provider;
- (3) The specific services to be provided by the provider;
- (4) The benchmarks to be achieved for services;
- (5) The timelines for completion of these services;
- (6) The evaluation plans to be employed for each provider to measure the effectiveness of their work;
- (7) The corrective action plans, should the work not meet satisfactory standards;
- (8) The geographic location of each provider by ward;
- (9) The demographic served by the respective provider; and
- (10) The submission of quarterly reports thereafter on the Truancy Prevention program.

Sec. 9026. Cost per DYRS-involved youth.

(a) The Department of Youth Rehabilitation Services ("DYRS") shall conduct an analysis of the per-youth cost for DYRS-involved youth during the 2012 calendar year.

(b) DYRS shall identify 20 random DYRS-involved youth to analyze, as follows:

- (1) Eight youth shall have Structure for Decision Making ("SDM") scores of High to Medium High.
- (2) Seven youth shall have SDM scores of Medium.
- (3) Five youth shall have SDM scores of Low.

(c) For each of the youth identified in subsection (b) of this section, DYRS shall analyze the costs of serving the youth in calendar year 2012, including the following:



- (1) Number of days in secure placement during the year and cost per day of secure placement;
  - (2) Number of days in non-secure placement during the year and cost per day of non-secure placement;
  - (3) Number of days linked to D.C. YouthLink service providers and the cost per service;
  - (4) Services received through other District agencies or contracts with other District agencies and the cost per service;
  - (5) Number of days in abscondence and cost per day related to abscondence; and
  - (6) Number of days in custody in adult facilities in the District or another jurisdiction and cost per day related to adult custody.
- (d) The analysis shall include an individual narrative report of services provided to each identified youth during the 2012 calendar year, identifying each youth by a unique identifier, SDM score, month and year of commitment, month and year of expected end of commitment, and annualized costs for the youth.
- (e) DYRS shall submit the analysis to the Council's Committee on Human Services no later than December 1, 2013.

**TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT**

Sec. 9027. DC Circulator expansion planning reporting.

On or before January 31, 2014, the District Department of Transportation and DC Surface Transit, Inc. shall transmit a report to the Secretary to the Council on expanding the DC Circulator. The report shall include:

- (1) A route and plan to begin operating a new DC Circulator line along the National Mall in fiscal year 2015;
- (2) A set of routes and plans to extend the following existing DC Circulator routes in fiscal year 2015:
  - (A) Rosslyn / Georgetown / Dupont line to Adams Morgan, U Street, and Shaw;
  - (B) Union Station / Georgetown line to the National Cathedral; and
  - (C) Union Station / Navy Yard line to the Southwest Waterfront;
- (3) A set of routes and plans to extend the Skyland route to Camp Simms and other extensions in Wards 4, 5, 7, and 8;
- (4) An analysis of other ways to fund DC Circulator extension;
- (5) If fares are to be increased, the appropriate effective date for doing so;
- (6) Recommendations for improving DC Circulator operations, including improving route efficiency, passenger satisfaction, and the speed of fare collection; and
- (7) A plan for marketing the Circulator expansion and any fare changes.

Sec. 9028. Waste and recycling reporting.

(a) On or before December 31, 2013, the Department of Public Works ("DPW") and the Department of General Services shall transmit a report to the Secretary to the Council on recycling by District government agencies. The report shall include:

(1) A list of each District agency, including independent agencies and instrumentalities, an indication of whether the agency complies with section 8 of the District of Columbia Solid Waste Management and Multi-Material Recycling Act of 1988, effective March 16, 1989 (D.C. Law 7-226; D.C. Official Code § 8-1007) ("Act"), by separating and recycling each item required by the Act at its offices and facilities; and

(2) For agencies that are not recycling the items required by the Act, a detailed plan and timeline for complying with the Act and recycling each required item at their sites.

(b) On or before September 30, 2014, DPW shall transmit a report to the Secretary to the Council regarding the District residences from which it collects waste and recycling twice weekly. The report shall include:

(1) A list of neighborhoods currently receiving twice weekly collections;

(2) The annual cost of providing twice weekly collections to an average residence;

(3) The annual cost of providing once weekly collections to an average residence;

(4) An analysis of whether the size of streets, alleys, yards, and containers, and other relevant factors, could allow some residences currently receiving twice weekly collections to receive once weekly collections; and

(5) The potential cost savings that would result if residences identified in paragraph (4) of this subsection currently receiving twice weekly collections were to receive collection once a week.

Sec. 9029. Speed camera safety nexus reporting.

(a) By February 1, 2014, the District Department of Transportation ("DDOT") and the Metropolitan Police Department ("MPD") shall transmit a joint report to the Secretary to the Council on speed cameras located in the District or proposed to be located in the District. The report shall include:

(1) A list of each speed camera in the District;

(2) An analysis of the speed camera's nexus with safety; and

(3) If no nexus with safety can be identified, a justification by MPD regarding the speed camera's location.

(b) By February 1, 2014, DDOT shall publish all justifications contained in the joint report pursuant to subsection (a)(3) of this section on its website.

**TITLE X. REVISED REVENUE ESTIMATE ADJUSTMENT ALLOCATION**

Sec.10001. Short title.

This subtitle may be cited as the "Revised Revenue Estimate Adjustment Allocation Act of 2013".

Sec. 10002. Pursuant to the Fiscal Year 2014 Budget Request Act of 2013, passed on final reading on May 22, 2013 (Enrolled version of Bill 20-198), and notwithstanding any other provision of law, local revenues certified in the June 2013 revenue estimate that exceed the annual revenue estimate incorporated in the approved budget and financial plan for fiscal year 2014 shall be allocated as follows:

(1) Office of the State Superintendent of Education - \$11,000,000 to increase early childhood program infant and toddler slots by 200 and to increase the quality of existing infant and toddler slots by increasing the child care subsidy rate by 10%;

(2) Office on Aging - \$2,000,000 to increase subsidies and transfers for Senior Service Network grantees;

(3) Department of Behavioral Health - \$1,985,000 to expand the school-based mental health program;

(4) District Department of Transportation - \$3,107,000 to increase from 50% to 100% the Metrobus subsidy for students;

(5) District Department of Transportation - \$797,000 to expand the Metrobus and Metrorail subsidy for students to include 18- to 21-year-olds still attending high school;

(6) Office of the State Superintendent of Education - \$4,000,000 to be deposited in the Schools Technology Fund, established pursuant to section 10005 of the Fiscal Year 2014 Budget Support Act of 2013, passed on 2nd reading on June 26, 2013 (Enrolled version of Bill 20-199), for District of Columbia Public Schools and District of Columbia Public Charter Schools, to be distributed to the local education agencies on a per-pupil basis based on the Fall 2012 audited enrollment;

(7) Pay-As-You-Go Capital funds - \$2,800,000 to fund the upgrade of the DCStars system at District of Columbia Public Schools;

(8) Commission on Arts and Humanities - \$4,500,000 to increase grants for the arts;

(9) Office of the State Superintended for Education - \$4,000,000 to expand adult literacy and career and technology education programs;

(10) Non-departmental - \$1,000,000 to provide matching funds for University of District of Columbia accreditation activities;

(11) Office of Motion Pictures and Television Development - \$4,000,000 to be deposited in the Film DC Economic Incentive Fund established pursuant to section 2 of the Film

DC Economic Incentive Act of 2006, effective March 14, 2007 (D.C. Law 16-290; D.C. Official Code § 39-501);

(12) Pay-As-You-Go Capital funds - \$1,560,532 to fund a new field and fence at Dwight Mosley/Taft Recreation Center;

(13) Pay-As-You-Go Capital funds - \$1,000,000 to improve the Shaed Elementary School field;

(14) District of Columbia Housing Authority - \$3,000,000 to enhance the Local Rent Supplement Program; provided, that of this amount, 50% shall be used for tenant-based assistance, and 50% shall be used for project- or sponsor-based assistance;

(15) District Department of Transportation - \$421,000 for agency operations that would otherwise have been funded by a fare increase for the DC Circulator;

(16) Pay-As-You-Go Capital funds - \$4,300,000 for the renovation of the University of the District of Columbia's Bertie Backus facility;

(17) District Department of Transportation - \$480,000 to fund the automated traffic enforcement safety nexus requirements set forth in section 9029.

**Sec. 10003. Student transit amendments.**

**Amend  
§ 35-233**

Section 2 of the School Transit Subsidy Act of 1978, effective March 6, 1979 (D.C. Law 2-152; D.C. Official Code § 35-233), is amended as follows:

(a) Subsection (a) is amended to read as follows:

"(a)(1) On regular school days for regular route transportation during peak and off-peak hours on the Metrobus Transit System within the District, no student shall be charged a bus fare.

"(2) The fare to be paid by students on regular school days for regular route transportation during peak and off-peak hours on the Metrorail Transit System within the District shall be 1/2 of the base boarding peak rail fare charged to passengers other than students and senior citizens for Metrorail travel within the District.

"(3) In a case where the reduced student fare as determined in paragraph (2) of this subsection results in an amount that is not a multiple of \$.05, the fare shall be rounded downward to the nearest amount that is a multiple of \$.05.

"(4) Transfers for students between rail and bus shall be made in the same manner as are transfers of other passengers, but without any additional charge for the transfer."

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

"(c) Reduced fares for students under this section on the Metrobus and Metrorail Transit Systems shall be available only to persons who are under 22 years of age and are:

"(1)(A) Residents of the District; and

"(B) Currently enrolled in a regular course of instruction at an elementary or secondary public, parochial, or private school located in the District; or

"(2) Youth in the District's foster care system until they reach 21 years of age."

**Sec. 10004. DC Circulator fares.**

**Amend  
§ 50-921.34**

Section 11d of the District Department of Transportation Establishment Act of 2002,

effective March 6, 2007 (D.C. Law 16-225; D.C. Official Code § 50-921.34), is amended by adding a new subsection (c) to read as follows:

"(c) Beginning August 26, 2013, the Department shall not charge a DC Circulator fare to students on regular school days."

**Sec. 10005. Schools Technology Fund.**

**New  
§ 1-325.251**

(a) There is established as a special fund the Schools Technology Fund ("Fund"), which shall be administered by the Office of the State Superintendent of Education in accordance with subsection (c) of this section.

(b) The Fund shall consist of appropriated amounts.

(c)(1) The Fund shall be used to improve technology at District of Columbia Public Schools and District of Columbia Public Charter Schools.

(2) For fiscal year 2014, the Office of the State Superintendent of Education shall distribute the amounts in the fund to local education agencies ("LEAs") on a per-pupil basis, based on the Fall 2012 audited enrollment.

(3) In fiscal year 2015 and each fiscal year thereafter, the Office of the State Superintendent of Education shall distribute any amounts in the fund to LEAs on a per-pupil basis, based on the audited enrollment for the preceding school year.

**Sec. 10006. Sales tax relief.**

**Amend  
§ 47-2002**

Section 47-2002(a) of the District of Columbia Official Code is amended by striking the phrase "The rate of such tax shall be 6%" and inserting the phrase "Beginning on October 1, 2013, the rate of such tax shall be 5.75%" in its place.

**Sec. 10007. Reservation of local fund revenues.**

Of the fiscal year 2014 local funds revenues certified by the Chief Financial Officer in the June 2013 revenue estimate, \$18 million shall be reserved within the General Fund of the District of Columbia for the purpose of offsetting potential tax expenditures or revenue reductions pursuant to legislation that may be recommended by the Tax Revision Commission.

**TITLE XI. APPLICABILITY, FISCAL IMPACT, AND EFFECTIVE DATE**

**Sec. 11001. Applicability.**

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

**Sec. 11002. 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. 11003. 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 60-day period of Congressional review as provided in 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.